Legislative Assembly

Tuesday, 14 *February,* 1978

Petitions—Bomb Explosion (Ministerial Statement)–Criticism of Leader of the Opposition (Ministerial Statement)—Questions without Notice—Police Regulation (Amendment) Bill (second reading)—Cognate Bills (Ints)—Travel Agents (Amendment) Bill (second reading)—S.D.A. Credit Union (Personal Explanation) –-Cognate Bills (second readings)—Government Guarantees (Amendment) Bill (second reading)—Cognate Bills (second readings)—Adjournment (Minister for Lands—Gaol Visits by Hon. Member for Gordon)—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:

Expressways

The Petition of certain concerned citizens of New South Wales, respectfully sheweth:

(1) The future economic well-being of our State requires an adequate road system that will minimize the transportation cost of goods, services and people.

(2) Within the metropolitan area of Sydney it is essential that there be roads of a high standard of safety engineering with limited access points that will link the various centres of manufacture and commerce with rail, sea, and air transport terminals. These roads should have an additional characteristic and that is the syphoning-off of such traffic from roads which service retail and residential areas.

(3) Transportation corridors for the provision of such limited access roads, frequently referred to as expressways, freeways or motorways, have been reserved for up to thirty years and much of the property needed has been acquired by the Crown.

(4) The Government's decision to abandon certain expressway proposals and rezone the land involved was taken prior to any study of what alternative highway network might be substituted to meet the future needs of our State.

Your Petitioners therefore humbly pray that your honourable House calls upon the Government not to rezone land reserved for—

(a) the uncompleted section of the Warringah Expressway;

(b) the Southern Distributor between Ultimo and Huntley Street, Alexandria;

(c) the Western Distributor between Ultimo and the vicinity of Concord Road;

at least until such time as other satisfactory alternatives have been investigated and placed before the people for community comment and assessment.

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

Petition, lodged by Mr Viney, received.

Freeways

The Petition of the undersigned citizens of New South Wales respectfully sheweth:

That there is very widespread dismay in Ku-ring-gai municipality, and most other parts of Sydney, at the personally signed statement dated 22nd June, 1977, by the Minister for Transport which said, "The Traffic Authority is in the process of advising all (metropolitan councils and chambers of commerce that the application of clearways embracing substantial periods of the day, and including weekends, to sections of the main and secondary road system is expected to be effected within the next three years."

That the Government's decision to transform all of Sydney's main roads into what will virtually be 24-hour freeways, will have disastrous consequences on local shopping centres and virtually bring an end to commercial activity thereby creating lifeless traffic corridors.

That the decision will be disastrous for business houses whose capital investments of millions of dollars will be eliminated.

That the decision will be disastrous for local residents whose shopping facilities in Lindfield, Gordon and elsewhere will be eliminated.

That the decision crucifies small business because it, in effect, advantages the city of Sydney and large regional shopping complexes at the expense of the little shops.

That the decision takes no account of the additional traffic congestion in "side streets" which will result, thus reducing the residential amenity of hundreds of suburbs and localities.

That the decision has been made with no offer whatever of campensation, retraining or relocation to those thousands of disadvantaged Sydney-siders and especially the people of Ku-ring-gai municipality.

That the decision has been made with no indication by the Government of the increased traffic flow which is supposed to result and no indication of a new freeway programme.

Your Petitioners humbly pray that your honourable House will take steps to immediately reverse the decision made by the Minister for Transport, the Honourable Peter Cox, M.L.A., and move for the resignation of the Minister.

Petition, lodged by Mr Moore, received.

Pensioners' Electricity Accounts

The Petition of certain citzens of New South Wales respectfully sheweth:

That economic hardship is being suffered by those citizens of this State whose incomes consist solely or mainly of age or invalid pensions and who are:

(a) subject to increasing charges for electricity;

(b) required to pay maximum rates applicable to smaller consumers; and

(c) are not able to obtain any rebates under the existing provisions of the Electricity Act.

Your Petitioners therefore humbly pray that your honourable House take early steps to so amend the Electricity Act as to empower each electricity distributing authority in this State to allow rebates on the electricity accounts of the abovementioned pensioners.

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

Petitions, lodged by Mr Coleman, Mr O'Connell and Mr Wotton, received.

BOMB EXPLOSION

Ministerial Statement

Mr WRAN: Mr Speaker, I wish to make a ministerial statement. The bomb explosion outside the Hilton Hotel in the early hours of yesterday morning, just before the opening of the Commonwealth Heads of Government Regional Meeting, has filled our hearts with horror. What happened is un-Australian, anti-Australian, and against Australian tradition and our traditional way of life. Our sympathy goes to the widows, children and relatives of the men whose lives were so needlessly and wickedly taken. Our concern is expressed for the wounded and the shocked, whose lives, mercifully and miraculously, were spared. Our assurance is given that so far as money can compensate for their losses and their injuries, the community will be generous towards all those who have suffered as a result of this heinous outrage against our society.

Australia will probably never be the same again, but it is now the task of the Government, the Parliament and the community to do everything possible to ensure that yesterday's scar does not permanently damage the fabric of our society. This will need vigilance, co-operation, unity, goodwill and, above all, a realization that our young but great country is now part of a world in which international and internal violence and terrorism has become almost commonplace. On behalf of the people of New South Wales I wish to thank personally the Prime Minister, the Rt Hon J. M. Fraser, for the concern and understanding he has demonstrated towards not only those who have suffered but also those who have been involved in this great tragedy which has occurred in our city and our State.

The Government has asked church leaders to arrange for special prayers at services on Sunday for the victims of the bomb outrage and their families, for greater understanding and tolerance among peoples of the world and that Australia may be kept free of the terrorist activities which unfortunately beset some regions of the world. Mr Speaker, may I respectfully propose that the members of this House rise in their places as a mark of sympathy and concern for all involved.

Mr COLEMAN: I have no hesitation in supporting the sentiments and the proposal contained in the statement just made by the Premier. Fundamentally, we are

dealing with a horrible human tragedy. It might raise other questions to be debated on another day, but for the moment our minds are occupied by the human fact that some people have been accidentally killed and injured. I say accidentally in the sense that it must be assumed that the vicious bomber or bombers had no knowledge of the people whom he or they killed or injured.

Eyewitnesses have reported this horrible occurrence very well. Mr Speaker, with your indulgence I should like to quote a couple of paragraphs from what has been written by an eyewitness, Mr Peter Logue, of Australian Associated Press, in this morning's newspaper. He wrote:

> I arrived outside the Hilton only about two minutes after the explosion.
>
> Already the air was thick with the noise of sirens and cries from the injured, and the peculiar, pungent odour of human blood.
>
> About 15 metres from the rear of a mangled garbage truck where the bomb had exploded, I saw what appeared to be the torso of a man covered in a few bloody rags.
>
> Another man was getting up from beside a taxi, clutching his face which had been cut by flying glass from one of the many wrecked shop windows.
>
> A young girl was lying behind a car, sobbing, as the first ambulance screamed to a halt . . .
>
> Ambulancemen and police threw black plastic covers over the human debris.
>
> A team of paramedics began working frantically on one of the police officers who has been caught in the blast.
>
> It was hard to recognise him as a policeman. The only distinguishing form was the blue "NSW Police" insignia on his shoulder.

That eyewitness report conveys something of the horror of this affair. Reporters called on the wife of Mr Carter, who had been killed, to be told that Mrs Carter was under sedation, that she had had to wake her two children this morning and tell them that their father had been blown to bits, and she could take no more. Mrs Favell, the wife of the other dead person, could not speak to reporters. This is the human side of this vicious and inhuman act.

Terrorism is not entirely new to this country. Australia has had it in minor ways for over a century including, in recent times, the explosion outside the Adriatic Travel Agency in 1972 and the letter-bombs of 1975. However, it is fair to say that the philosophy of the bomb is not a part of Australian history.

We know little about the people who did this vicious deed or the people who have done this sort of thing in other countries. We know about these deeds in Japan, the United States of America, West Germany, Yugoslavia, Northern Ireland, England and Africa, and generally speaking throughout the world. We know that the people engaged in them range from the very poor to the middle class and the privileged. We know that in the ten years from 1966 to 1976 they assassinated or killed up to 8 000 persons throughout the world although, thankfully, in the past four or five years the tide has ebbed. It is all the more tragic that it should have emerged on this scale in Sydney yesterday.

Whatever methods may be necessary to combat this evil, one essential element will be entirely agreed on: it is that the public stand fast against the practice and the theory of violence. I welcome the Premier's move, for it is essential that this Parliament

express its abhorrence of the deed while extending its deepest sympathy to Mrs Carter and Mrs Favell, and their families, and to the wives and children of the policemen who have been admitted to hospital as well as to the civilians who have been injured in one way or another but allowed to go home. We fully support the Premier's remarks.

Mr PUNCH: On behalf of my colleagues in the Country Party and, indeed, on behalf of the country people of this State, I express support for the comments made by the Premier and the Leader of the Opposition. I share their sorrow about everything that has happened in this most tragic incident. Like the Premier and the Leader of the Opposition, members of the Country Party greatly deplore the bombing attack that took place yesterday. Unfortunately it has brought home to us the reality of political terrorism. Although Australians have previously been spared such violence, they will **all** be shocked and outraged that it should have occurred on this occasion. I join with previous speakers in expressing sincere sympathy to the families of those who were needlessly killed or in any way injured. My hope is that the injured will soon recover and that the policemen and staff of the Hilton Hotel concerned will soon be able to take up their duties once again. Obviously they will never entirely forget what has happened, but let us hope that this terrible occurrence fades in their memory.

Whether we like it or not, Australia must now be better prepared through improved police security and surveillance for such acts of terrorism. We must make sure that crimes of this nature do not occur again. The outrage has clearly demonstrated the urgent need for police officers to go overseas to study prevention techniques. I join with the Premier and the Leader of the Opposition in expressing on behalf of all my Country Party colleagues deepest sympathy to the families and relatives of those who have been killed or injured.

Members and officers of the House stood in their places.

CRITICISM OF LEADER OF THE OPPOSITION

Ministerial Statement

Mr WRAN: Last week allegations were raised in this House concerning the propriety of the conduct of the Leader of the Opposition in relation to his possession and use of files alleged to have been obtained from ASIO and whether, in statements he made to this House in relation to his conduct, he had misled the House. Last Thursday I told the House that I would give details of a judicial inquiry into certain matters concerning the Leader of the Opposition. Since then statements made by the Leader of the Opposition, in interview after interview on television particularly, have resulted in the Leader of the Opposition acknowledging the essential truth of the statements made by Mr Mayne on oath before the Hope Royal commission. He has admitted that he did meet with Mr Mayne and an ASIO officer, Mr Ernest Redford, and a Mr Peter Warren, and that it was proposed to publish a newsletter called ***The Analysis.*** It is an established fact that ***The Analysis*** had been registered under the name of Peter Coleman Publications Pty Limited.

The Leader of the Opposition has admitted that he had in his possession ASIO files. He admitted, for example, in an interview on "A Current Affair" on Channel 9, that he handed those files or folders to Mayne, as Mayne claimed. He has admitted that in so doing he did not follow a proper course. For instance, he was asked on "This Day Tonight" on Thursday, "Do you agree that that was a proper course of action?" He replied, "No, I probably don't." Further, on the programme, "A Current Affair", the Leader of the Opposition agreed that he should have answered the allegations made by Mayae on oath before the Royal commission at the time they were made. In that programme the Leader of the Opposition said, "It was a mistake not to have done so, yes."

He was then asked, "You were in contact with ASIO agents?" He replied, "Yes, of course . . . that's correct . . . there's no difficulty about that . . . I knew these people and I have no apology for having this material." In other words, it does appear pretty clear that the honourable member has convicted himself out of his own mouth. Members of the public may judge whether they regard what occurred as normal and ethical conduct on the part of a member of Parliament.

Despite these admissions remains the question whether the Leader of the Opposition made a misleading statement to Parliament. That, of course, is not a question appropriate for a judicial inquiry, and the way in which the matter has been transformed by the admissions of the Leader of the Opposition means there shall not be a judicial inquiry, although a judge was made available for that purpose. I might finally add that, after much squirming and wriggling, the only matter that the Leader of the Opposition was prepared to make an issue in his various interviews was whether the material handed to him by ASIO was of a secret or personal nature. It is really too late for him to make that an issue because it has already been resolved by Mr Justice Hope, who conducted the Royal Commission on Intelligence and Security. On page 127 of his report Mr Justice Hope found:

> Evidence is available to me that satisfies me that ASIO has in the past provided selected people with security intelligence material for publication.

It is noted that on page 128 he found that:

> Allegations to this effect were made in public hearings of the Commission. (See evidence of Robert Mayne (Hearings of 17 July, 1975, pp 388–396)). ASIO has acknowledged that these papers were produced, compiled or otherwise prepared by it.

[Interruption]

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

Mr WRAN: Do not get too excited yet. However, as the former Leader of the Opposition said last week, Parliament is its own master, and in a somewhat calmer and objective atmosphere than that which prevails today—because of current events to which reference was made earlier today—the Government proposes to give this House the opportunity to examine the veracity of the honourable gentleman when he branded what Mr Mayne said as false, despite the fact that Mr Mayne had sworn his evidence on oath and so has been branded a perjurer by the Leader of the Opposition. In all the circumstances and in the light of the process of admission to news media interviewers since last Thursday, I repeat that it is no longer necessary that there be a judicial inquiry.

Mr Fischer: The second defeat in a row.

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

Mr WRAN: The necessary motion will be moved in due course and adequate time will be allowed for all points of view to be considered and for the House to pass its judgment on what, in the first instance, I described—and still describe--as this unsavoury affair.

Mr COLEMAN: I do not know how to express fully my disgust for the conduct of the Premier in his unsavoury handling of this matter. Of course he will not have a judicial inquiry into this matter. He is aware of the unfounded nature of the allegations. I have made that statement repeatedly. The plain facts are that I never saw or sought to see anything of a personal or dossierlike nature.

Mr Ryan: Who is going to decide that?

Mr SPEAKER: Order!

Mr COLEMAN: I stated that I had been contacted in my position as editor of the ***Bulletin*** by ASIO officers and shown the sort of material about which Brian White has written a column on how he had seen this material, which a number of journalists had seen. That material was of a publicly available nature, about publicly known facts.

[Interruption]

Mr SPEAKER: Order! The Premier was heard in reasonable silence. I ask honourable members on the Government benches to listen to the Leader of the Opposition.

Mr COLEMAN: They are the facts, as I have already said. The fact of the matter is that these publicly available records, which so many people have seen and have been published in large numbers, and were distributed by Mr Whitlam publicly at press conference and other places, dealt with a range of totalitarian ideas and the ideas of a number of apostles of violence. Though one of the most significant records was an analysis of the Nazi Party in Australia, most of them dealt with one variety or another of communism in Australia. My offence is that I have been concerned — with whatever effect I have had in my modest way — to combat the influence of the communist parties and the pro-communist left in Australia — and that is the offence in respect of which this Labor Government wants to exact retribution. The Premier said that he would appoint a judicial inquiry — however ridiculous and unnecessary it would be. Now, once again, he has backed down. His action is understandable.

Honourable members on this side of the House have all sorts of statutory declarations about members of this Government. If every time we had a statutory declaration saying something false about a member of this Government and when we are in government in the next few months we considered it justified a judicial inquiry, Parliament would be reduced to a pretty sick state. The Premier has admitted his mistake. He cannot continue with this farce; it is beneath contempt to go on repeating it. I have nothing to add other than to express my contempt for his handling of this matter from beginning to end.

QUESTIONS WITHOUT NOTICE

SALE OF GOVERNMENT LAND

Mr COLEMAN: My question without notice is directed to the Premier. Has the Premier caught the Dutch disease? Is he selling up the State's assets for short-term political advantage while paying no regard to the future of the State? How is the $230 million worth of reserves drawn from the Electricity Commission and other authorities last year being spent, and what is he planning to do with the $113 million being raised by his selling-up of government land?

Mr WRAN: I must confess that, for once, the Leader of the Opposition has the advantage of me. This Dutch disease must be some foreign strain which he has picked up from handling some folder or another. I think that what the Leader of the Opposition is referring to is the announcement the Government made on Sunday that it had compiled a register of surplus land——

[Interruption]

Mr WRAN: ——not a dossier as the honourable member for Raleigh just mentioned. If the honourable member for Raleigh wants to know something about dossiers, he should hold back his trip overseas and be in the House when the matter is debated.

[Interruption]

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

Mr WRAN: I should like to make this point clear about the Government's announcement about more than $100 million worth of surplus land, some of which has been in government possession for more than fifty years, with no definite plans for the property acquired. The property in the surplus register is not included in any capital works planning scheme of the owner department or instrumentality and is regarded as surplus to needs. As to the price at which the properties will be offered, for commercial property the Government will charge the market price in any lease or sale. Industrial property may be made available at concessional prices to encourage more industry to New South Wales. Residential property will be made available at reasonable prices under the existing policies of the Housing Commission of New South Wales and the Land Commission. I should like to make one thing clear not only to the House and the public but also to the second leader editorial writer of the ***Sydney Morning Herald.*** It is expected that any return in the coming year will have only a marginal impact on the State Budget for 1978–79. In future years there will be a considerable saving because of reduced purchases of property by the Government. Before any department buys land it will be required to see whether suitable land is already owned by the Government and recorded in the surplus property register. Generally in relation to the announcement I should like to say that the Government wants to market the property in an orderly way. It wishes to avoid flooding the market and will release the land at a rate consistent with market stability.

I am grateful to the Leader of the Opposition for giving me the opportunity to make it clear that what the Government is about is making sure that the taxes people pay are properly spent and that a lot of surplus property that has accumulated over the years and is not used is put to proper use and, most of all, ensuring economy and efficiency in government administration—unlike the flabby, unworkmanlike approach that dominated the administration of the State for eleven years before the present Government came to office.

ROAD FUNDS

Mr DURICK: I address a question without notioe to the Minister for Transport and Minister for Highways. Is the Minister aware of statements by the Leader of the Opposition undertaking that a Liberal-Country party government, if elected, would abolish road maintenance tax? Is the Minister further aware of statements by the honourable member for Kirribilli attacking the present Government over the level of revenue collected by way of stamp duty on vehicle registrations and implying that a Liberal–Country party government would reverse this trend? In the light of these undertakings, will the Minister inform the House what effect such measures would have on overall road funding in New South Wales and whether the private motorist would be threatened in any way by these proposals?

Mr COX: I am grateful to the honourable member for Lakemba for raising this matter. It is true that in the past day or so the Leader of the Opposition made an announcement that a Liberal–Country party coalition government would abolish road maintenance charges, which return $20 million towards road purposes in New South Wales. It is true also that in the eleven years that the Opposition occupied the Treasury benches of the State it made no attempt to abolish road maintenance charges. It is further true that the Leader of the Opposition has not indicated any means of replacing

that $20 million. The Opposition intends to abolish road maintenance charges and then ask the private motorists to bear the additional burden of the $20 million which the State will not be able to fund.

[Interruption]

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

Mr COX: The Leader of the Opposition said that the reason road maintenance tax in New South Wales could be abolished was that the federal Government had provided New South Wales with additional finances for road funding. The fact is that the New South Wales Labor Government will provide this financial year $210 million for road works. The federal Government is giving to the State $153.8 million. It is true also that in a period of ten years there has been a reduction from 60 per cent to 39 per cent in the amount of fuel tax coming back to New South Wales. Further, this financial year the allocations for urban arterial roads were cut back from $36.6 million to $28.7 million. Both the Leader of the Opposition and the honourable member for Kirribilli have shown a most irresponsible attitude in relation to road finance. I advise the honourable member for Kirribilli that on 3rd December, 1975, the former Government increased stamp duty payable on the registration and transfer of motor vehicles from 50 cents to $2 for each $100, representing a 300 per cent increase. As a result, in the next financial year the revenue from this stamp duty skyrocketed from a total of $8.3 million in 1974–75 to no less than $24.6 million. The honourable member for Kirribilli asserts that a Liberal-Country party government would do something about stamp duty. What he and the Leader of the Opposition are saying to the motorists of New South Wales is that a Liberal–Country party government would get rid of $60 million revenue. What they have not said is that it would do this by slugging the private motorist.

The Department of Main Roads has constantly brought to my attention the need for additional finance. The Opposition has no magical formula by which it will provide finance for the Department of Main Roads to carry out roadworks in New South Wales. It is a deplorable attitude for the Opposition to raise this question and try to hoodwink the public of New South Wales by asserting that if elected to government it will abolish road maintenance tax. It should indicate to the public how it will finance the road programme. I issue a challenge to the Leader of the Opposition to indicate clearly how his party will go about abolishing road maintenance charges, which returns to the State $20 million. Further, the Opposition spokesman on these matters, the honourable member for Kirribilli, is saying, "Let us get rid of stamp duty," which last financial year amounted to $41.6 million.

The inference in the press statement by the honourable member for Kirribilli was that he would recommend to his party the abolition of stamp duty. We have the sorry spectacle of the Opposition's statement, not backed up by financial expertise, that a Liberal–Country party government would abolish road maintenance charges and have a look at stamp duty charges. I am sure that the motorists of New South Wales will not be hoodwinked, particularly if they bear in mind that the former Government introduced a fuel tax which, because of the efforts of Labor Party members, it was forced to abandon.

The Opposition is not facing up to reality when it says that the federal Government is turning money back to the State for road works. As I mentioned earlier, the Government will provide $210 million for this State's road needs. The federal Government's allocation is $153.8 million. New South Wales is contributing a bigger quota than does any other State in the Commonwealth. The Government has already made a decision to cut back on urban arterial roads, which form the road pattern in the Cumberland area, from $36 million to $28 million. The Opposition has said

hypocritically that it will reduce taxes, but it has not told the public how that will be achieved. I am sure that private motorists in New South Wales would not condone this policy of the Liberal-Country party coalition. They know that they would have to foot the bill.

SECURITY ARRANGEMENTS

Mr PUNCH: I direct my question without notice to the Premier in his capacity as Minister responsible for the police. In view of the widespread comment in the local and international news media about the need for tighter security and more extensive political surveillance in Australia as a result of the Hilton Hotel bomb outrage, will he agree that this State's responsibility in this regard is vested in the special branch of the New South Wales police? Has it been the role of the special branch to provide the main protection within New South Wales for visiting political leaders and dignitaries, and also for persons in local public life? In fact, is the special branch being looked to at the moment for information from its files for clues to assist in tracking down the person or persons responsible for the Hilton Hotel bombing? As a report is due to be presented this week on an inquiry into the special branch ordered by the Premier as a result of action taken by the South Australian Premier, the Hon. D. A. Dunstan, will he give the House an unequivocal undertaking that he will not downgrade the role of the special branch or destroy any relevant files, as is happening in South Australia?

Mr WRAN: I regret that today the Leader of the Country Party has stooped to endeavour to make some capital out of yesterday's tragic occurrence. There has been close consultation between Mr Fraser and me during the past thirty-six hours in relation to the terrorist bombing at the Hilton Hotel. I do not propose to canvass the question of security at this time. I do not think that would be in the interests of the security of international heads of State and visitors attending the Commonwealth Heads of Government Regional Meeting or in the public interest at this time. I was assured by the Prime Minister that the security measures taken were the most comprehensive that had ever been mounted in this country. It was a joint effort by the Commonwealth and State police forces, security and otherwise.

It is not this Government's role to comment at this stage on the adequacy or otherwise of these measures. However, it is proposed that there will be further consultations with the Commonwealth Government in relation to continued co-operation on security work at a federal and State level. Prior to the appalling incidents of the bombing, communications had already been opened up between the Commonwealth and State governments in relation to proposed inter-government discussions towards working out co-operative arrangements. I do not think it is appropriate to take the matter any further at this stage, other than to make it perfectly clear that this Government has never said, directly or indirectly, that there is not a most important role for the special branch to play. If there has been any concern—and after all, over the years concern has been expressed by people from all walks of life—it has been that from time to time, because of lack of guidelines or criteria set by governments for the special branch, information or records have been kept of personal details of individuals unrelated to subversive or terrorist organizations. I make it clear that the New South Wales police force, including the special branch, has the confidence and support of the Government, as it is entitled to expect, and whether in this House or out of it I will not have its role traduced for political purposes by the Leader of the Country Party or anyone else.

RENT CONTROL

Mr JOHNSON: My question is directed to the Minister for Consumer Affairs and Minister for Co-operative Societies. Is the Minister aware that uneasiness has been expressed in some quarters that the Government is about to institute a system of rent control in New South Wales? Is there any truth in reports that the Government plans such a system?

Mr EINFELD: I am grateful to the honourable member for Mount Druitt for having raised this matter, which has been the subject of some vicious, untrue and lying reports. As a matter of fact, only this morning a report was attributed to the honourable member for Kirribilli. In view of his rather notorious interest in real estate, he ought to know better. I have made it clear publicly on a number of occasions through the news media and in this Parliament that the Government is firmly opposed to rent control.

A public seminar on the Landlord and Tenant Act was held at the Seymour Centre on Sunday and Monday of last week. Everyone was invited to attend. Many landlords and tenants and representatives of organizations were present. If the honourable member for Kirribilli had stayed throughout he would have heard me say that the Government is firmly opposed to rent control. However, once again he just happened to be passing by. The seminar was organized to hear the attitudes towards the Landlord and Tenant Act, which everyone agrees is outdated, complex and sometimes contradictory. It was originally drawn up in 1899. It was revised in 1948 and honourable members will know that since then at least fourteen amending bills have passed through this Parliament. The seminar has been a great help to the Government, which aims at achieving a situation where tenants have greater security of tenure but landlords are not dissuaded from supplying rental accommodation—indeed, they are encouraged to do so.

The Government supports the findings of countless experts, here and overseas, that rent control helps neither of these objectives. In fact, it works against the interests of both parties. The situation is clear; it is a matter of supply and demand. The demand for rental accommodation is greater than the supply. We are anxious to do what we can to make it possible for landlords to let their premises with reasonable certainty of a return on their investment and at the same time give tenants greater satisfaction and security in tenure. The Government will continue to work towards that end, as it is doing now. It will not proceed with any programme of rent control and it does not have any policy regarding the introduction of rent control.

FARM WATER STORAGES

Mr WEST: I direct a question without notice to the Minister for Conservation and Minister for Water Resources. Will he confirm reports that the farm water supplies branch, which provides subsidies for farm water storages and bores, has exhausted the finances granted to it in the 1977–78 Budget? Is the Minister aware that applicants who have received approvals to install farm storages and bores have been waiting three months for subsidy payments and may experience further delays before they receive them? Will the Minister indicate whether he has applied to the Treasurer for funds to complete the branch's commitments for this financial year? If the Minister is to give greater publicity to the existence of these subsidies, as he indicated last week he would, will he ensure that sufficient money——

Mr Wran: On a point of order. Rarely do I rise on a point of order in relation to a question, but the honourable member's question is so prolix and so disjointed that, if he really wishes to have the information he seeks, the appropriate course is to put it on the *Questions and Answers* paper. I am sure that the Minister for Conservation and Minister for Water Resources, with his usual alacrity, will answer it quickly.

Mr West: On the point of order. My question is certainly no longer than many other questions that are asked——

Mr SPEAKER: Order! The Chair will decide whether the question is lengthy. Is the honourable member speaking to the point of order?

Mr West: Yes, Mr Speaker. The Premier referred to the content of the question as disjointed. I am endeavouring to raise a series of points in my question related to the lack of finance available to a branch of the Water Resources Commission. I wish to seek an assurance from the Minister that such finance will be available in the future.

Mr F. J. Walker: On the point of order. The authority on the subject of prolixity of questions is none other than the honourable member for Northcott. His predecessor, the late Sir Kevin Ellis, pointed out that a question asked without notice should not exceed 100 words. This question is far from finished and the honourable member is still only about halfway down in reading from a closely-written foolscap page. I imagine that the question is already somewhere in the vicinity of 300 words long and it is likely to reach 600. I submit that it is an appropriate question for inclusion on the ***Questions and Answers*** paper.

Mr SPEAKER: Order! The honourable member will continue his question.

Mr WEST: If the Minister is to give greater publicity to the existence of these subsidies, as he indicated last week he would do, will he ensure that in future sufficient money is made available from the Treasury to meet the demand for these subsidies?

Mr GORDON: I am not aware, nor have I had any complaints, that the funds set aside for farm water subsidies this year have been exhausted. One of the first problems the Government faced on coming to office was that some large commitments for farm water subsidies had been made to friends of the Country Party. Sweetheart agreements had been entered into with groups of doctors having Macquarie Street or Australia House addresses. Nine or ten of them who had bought properties along the Lachlan River, subdivided them into ten or twelve smaller properties and then obtained a bore licence for each area. Then they aggregated the properties.

Mr Viney: On a point of order. I refer to Standing Order 78, which lays down that a Minister's reply to a question shall be relevant and he shall not indulge in debate. Over and over again Ministers are introducing extraneous matter into their replies, trailing their coats for debate, knowing full well that any attempt by the Opposition to respond will result in its members being called to order. I appeal to you, Mr Speaker, promptly to administer Standing Order 78 regarding debate by Ministers when replying to questions.

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

Mr GORDON: Apparently the Opposition is very touchy about this matter. Sweetheart agreements were entered into between the Country Party and its grazier friends. That is why there may have been a shortage of funds. So far as I know every application has been met this year. No doubt delays occur when anyone approaches the Treasury for government funds. Would anyone expect that individual advances of the order of $200,000 at an advantageous interest rate, should be handed out without any checking or investigation? As I have said, not one complaint has been made to me about delays in the handling of farm water subsidies. Bore subsidies, which was raised last week by the honourable member for Murray, are a different matter. The honourable member is talking about farm water supplies. Probably he does not recognize the difference. So far as I know there have been no delays in handling applications. Nor do I know of any honest requests not being met. But if there is a shortage of funds I shall most certainly make an approach to the Treasurer.

INTEREST RATES

Mr FLAHERTY: I ask the Premier a question without notice. What action has the New South Wales Government taken to reduce interest rates, particularly the rates on housing loans? What does the Government intend to do to ensure further interest rate reductions?

Mr WRAN: The New South Wales Government has continually fought for lower interest rates. We have constantly pressed the Commonwealth to reduce interest rates. The high cost of capital has been a major reason—it seems that no member of the Country Party in this House is interested in this question.

Mr Viney: Come on, answer the question.

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

Mr WRAN: As I was saying, the high cost of capital has been a major reason for holding back investment, retarding consumer spending, and prolonging unemployment. High interest rates have also been a major cause for the depressed state of the housing industry and the imposition of serious burdens on rural producers. Under the Reserve Bank Act and the Banking Act, the Commonwealth is primarily responsible for fixing interest rates. Nonetheless, the New South Wales Government has made every effort to bring about reductions in the interest rates that come under its responsibility. Specifically, last November I announced that credit unions in New South Wales had agreed to reduce their interest rates by one-half of 1 per cent, and last Friday I announced that the credit unions had agreed to a further reduction of one-half of 1 per cent, making a total reduction of 1 per cent. The 361 credit unions in New South Wales have more than 600 000 members and have distributed over $450 million in personal loans.

I also announced last November that the State Superannuation Board of New South Wales had agreed to reduce the interest rate on money it makes available for loans by terminating building societies by one-half of 1 per cent. Currently the Superannuation Board lends more than $100 million to terminating building societies. In November last I announced, too, that the New South Wales Government guarantee on funds lent by banks and other institutions to terminating building societies would be reduced by one-half of 1 per cent; that is, from 9.75 per cent to 9.25 per cent. At the same time, on behalf of our Government, I informed the Prime Minister that New South Wales permanent building societies stood ready to reduce their interest rates as soon as the Commonwealth Government took initiatives to reduce the bank interest rates. Honourable members will be aware that the Commonwealth Government has now initiated reductions in bank interest rates. The permanent building societies of this State have followed suit.

The New South Wales Government welcomes the move towards lower interest structure, and will continue its efforts to ensure that the trend to further reductions in interest rates will continue. I am grateful for the question asked by the honourable member for Granville because it has enabled me to tell the House that today I have been informed that, in addition to the general reduction of one-half of 1 per cent in permanent building interest rates, which was announced recently, starting from 1st March this year the N.S.W. Permanent Building Society will implement two further initiatives. First, it will reduce the interest charge by an extra 0.1 per cent, bringing its total reduction to 0.6 per cent. This will mean that average homebuyers will repay about $10 a month less in respect of the interest charge. Second, and more important, the N.S.W. Permanent Building Society will, in the first two years of a housing loan, grant first-home buyers a special concession of a further reduction of one-half of 1 per cent in the interest rate. This means that first-home buyers,

borrowing up to $25,000, will pay 1.1 per cent less in interest in their first two years of repayments than previously. The first-home buyer will now repay loans subject to an interest rate of 9.9 per cent interest, and this could mean repayments of almost $20 a month less for the first two years of the payment period.

The N.S.W. Permanent Building Society is to be congratulated on its initiative, in which it was supported and stimulated by the New South Wales Government. This initiative will greatly assist homebuyers in New South Wales and will stimulate the homebuilding industry. I sincerely hope that this will act as an incentive to other lending institutions, and will lead to further reductions in interest rates across the board. Although the New South Wales Government, is satisfied with the start that has been made, it will continue to work for further cuts in interest rates.

S.D.A. CREDIT UNION

Mr HEALEY: I ask the Minister for Consumer Affairs and Minister for Co-operative Societies a question without notice. Is the Minister aware that the honourable member for Heffron, as a director of the S.D.A. Credit Union—a shop assistants organization—was party to improper lending of money by this credit union? Is the Minister able to confirm that the honourable member for Heffron was aware that loans were made to persons not eligible to receive them under the rules of the credit union, and had no community interests with shop assistants? Can the Minister say whether loans were made improperly to members of the Australian Labor Party and the Labor Council of New South Wales, namely, to Mr and Mrs Peter Westerway, Mr and Mrs Geoff Cahill, Mr and Mrs Graham Richardson and others? Did the honourable member for Heffron improperly attend three meetings of the S.D.A. Credit Union in June, July, and August, 1974, when his position as a director had been automatically cancelled because of his absence from board meetings on three consecutive occasions in February, March and April, 1974? Was he subsequently re-elected in September?

Mr F. J. Walker: On a point of order. The honourable member for Davidson is making allegations of improper actions against another honourable member. I submit that the standing orders do not permit those sorts of allegations to be made in the form of a question, but require that they be made by way of a substantive motion.

Mr Healey: On the point of order. I am merely asking the Minister whether he is aware that the honourable member for Heffron was a party to improper lending of money by a credit union in that the loans were made contrary to the rules of that credit union, whether the loans were made to persons of the sort I have suggested, and whether the honourable member improperly attended meetings of the board of that credit union after being automatically removed from membership of the board because he had been absent from three consecutive board meetings. I am not making any allegation. I am merely asking the Minister whether improper things occurred, whether he is aware of them, and what action he proposes to take.

Mr SPEAKER: Order! The honourable member for Davidson possibly is in order in seeking information about the position held by the honourable member for Heffron in a particular credit union. However, the prolixity of the question is such that it should be placed on the ***Questions*** and ***Answers*** paper. The honourable member for Davidson should be careful not to reflect on the honourable member for Heffron.

Mr Healey: On a point of order. May I suggest that my question is no longer than the question asked by the honourable member for Orange, which you allowed.

Mr SPEAKER: Order! I did not hear clearly all of the question asked by the honourable member for Orange, but it was certainly nowhere near as long as the question just asked by the honourable member for Davidson.

Mr Barraclough: On a point of order. In this House last week the honourable member for Heffron asked a question of the Premier that reflected on the character of the Leader of the Opposition. You allowed that question to be answered. I submit that in that respect there is no difference between the question asked by the honourable member for Davidson and the question asked by the honourable member for Heffron.

Mr SPEAKER: Order! I make it clear to the honourable member for Bligh and the honourable member for Davidson that I have disallowed the question not because of the matters with which it deals but because of its length and because I do not believe the Minister could answer it within a reasonable time.

EXPLOSIONS IN GRAIN SILOS

Mr RAMSAY: I direct a question without notice to the Minister for Decentralisation and Development and Minister for Primary Industries. Is the Minister aware of the serious explosions that have occurred in grain silos in the United States of America recently? Could similar explosions occur in grain silos in New South Wales? What precautions should be taken to prevent such happenings here?

Mr DAY: Quite a number of serious explosions have occurred in grain silos in other countries, particularly the United States of America. There were two of them late last year. It should be appreciated that grain dust improperly handled is highly exposive. I assure the honourable member for Wollongong, who has always displayed a deep interest in industrial safety, that a number of precautions taken in the handling of grain dust by the Grain Elevators Board of New South Wales are not taken overseas. After hearing of the oversea explosions I contacted the Grain Elevators Board and obtained a full report on the way in which grain dust is handled in this State. The methods adopted to avoid explosions include plant hygiene, namely the cleaning of dust from the atmosphere. The process involves not only the extraction of dust from the system but also its return to the grain stream. They include precautions in grain drying.

It is believed that the high temperatures needed overseas to dry grain contributed to explosions in silos. In New South Wales there is much more drying of the grain in the field before it is taken to the silos. Accordingly, such high temperatures are not needed in the silos themselves. In addition, strict requirements are imposed when welding or cutting of metal is carried out. The object is to reduce to a minimum any danger that might occur as a result of these operations. Precautions are taken also in regard to static electricity, which is one of the sources of what are sometimes tragic explosions. I assure the honourable member for Wollongong and the House that the risk, though always present, is minimal in New South Wales, which has indeed a proud record for industrial safety in the handling of grain.

S.D.A. CREDIT UNION

Mr HEALEY: Mr Speaker, having in mind your ruling about the prolixity of the question I asked earlier, I have reduced it at your suggestion. My question, which is directed to the Minister for Consumer Affairs and Minister for Co-operative Societies, is whether he is aware that a member of this House, the honourable member for Heffron, as a director of the S.D.A. Credit Union—a shop assistants organization—

was a party to the improper lending of money by that credit union. Can he say whether loans were made improperly to the staff of the Australian Labor Party and the Labor Council of New South Wales? Did the honourable member for Heffron improperly attend three board meetings of the S.D.A. Credit Union in June, July and August, 1974, after his absence from board meetings on three consecutive occasions in February, March and April, 1974, which automatically cancelled his position as a director? Was he subsequently re-elected in September, 1974?

Mr SPEAKER: Order! Is the Minister for Consumer Affairs and Minister for Co-operative Societies able to answer the question within a reasonable time?

Mr EINFELD: I can answer it, in this sense: I have no knowledge whatever of the matters raised by the honourable member for Davidson that are said to have taken place when he was a member of the Government and one of his colleagues was the Minister responsible for co-operative societies, if they took place at all. In view of the way the honourable member for Davidson usually conducts himself, I very much doubt whether there is any foundation for or truth in his suggestions. I shall investigate the matter.

FIRE BRIGADES

Mr CLEARY: I ask the Minister for Services and Minister Assisting the Premier a question without notice. Did the Minister set up a committee to investigate the New South Wales Fire Brigades? Has the committee found a need for more equipment to be provided? If so, what action is the Minister contemplating to improve the situation?

Mr HAIGH: I did appoint a committee of three persons to carry out some investigations into the activities and management of the New South Wales Fire Brigades. The committee was appointed in May, 1977, and the chairman is Mr Parkinson. The terms of reference cover the role of the fire brigades, with particular regard to rescue work, administration, staffing, vehicles and equipment, and finance. The committee has concluded its inquiries but has not yet prepared a report for submission to me. I understand that the report is nearing completion.

At this stage I have no specific details about the adequacy of equipment being used by the New South Wales Fire Brigades. The Board of Fire Commissioners have appreciated the need to review their motor programme—which is the term used to refer to the programme for the purchase of equipment—with a view to having the equipment necessary for proper fire control throughout this State. It is interesting to note that in the 1975 financial year, which was the last year of office of the former Government, $375,000 was expended on the motor programme and that the total expenditure in that year by the New South Wales Fire Brigades was $29,771,080. It is striking to note also that the allocation for the 1978 motor programme is $1,992,000, and that the total estimated expenditure by the Fire Brigades in 1978 is $41,685,856. I am sure that the honourable member for Coogee will appreciate that this indicates a much more progressive attitude by the Board of Fire Commissioners under the Wran Labor Government than was displayed during the eleven years of Liberal–Country party government.

The new motor programme includes the purchase of some quite sophisticated equipment in the continuing effort of this Government to assist the Board of Fire Commissioners to have available to the service adequate equipment for the effective control of fires. I have been quite impressed with the work of the committee and the detailed inquiry undertaken by its members. When available, the committee's report

will be looked at closely. In particular it will be referred to the Board of Fire Commissioners for comment. The board has already been asked to supply information to the committee and make general submissions in regard to the services rendered by firemen. I am sure members of the board will be as interested as I will be to study the report. The committee has visited a number of States and has seen at firsthand the varying ways in which different fire authorities operate including their administrative and management programmes.

There has been marked interest in fire fighting facilities and equipment and also the management and planning procedures adopted in Western Australia. It might be common knowledge to members of this House that when authoritative people speak on the subject of fire fighting they acknowledge that Western Australia leads the way in regard to fire protection on the basis of its equipment, manning, planning and system of management. I shall be most interested to study the detailed analysis of the comparison of the various administrative and management systems in vogue in the other States. I thank the honourable member for Coogee for his question. He has always displayed a keen interest in the safety and welfare of the citizen and the protection of property. The question he has asked today gives a further indication of his interest in ensuring that property is protected and that the welfare and well-being of the people of New South Wales are properly regarded by the Government.

POLICE REGULATION (AMENDMENT) BILL

Second Reading

Mr WRAN (Bass Hill), Premier [3.24]: I move:

That this bill be now read a second time.

Honourable members will recall that at the introductory stage I advised that one of the purposes of this bill is to amend the Police Regulation Act, 1899, by inserting a new section 7A to impose upon members of the police force a duty to protect life and property even though the acts endangering life or property are not criminal. This new section is designed to set out clearly the powers of members of the police force and remove any doubt that may exist at the present time. The duty imposed by this proposed section is in addition to and does not derogate from any other power or duty conferred or imposed on a member of the force by the Police Regulation Act or any other Act or by-law. Provision is being made also in this bill to remove any suggestion of discrimination on religious grounds from the Police Regulation Act, by inserting a new subsection 9 (2), enabling a person who objects to the taking of an oath, on assuming office as a member of the police force, to make instead a solemn affirmation. Such affirmation, when made, will operate in the same way as the taking of an oath.

The bill provides also for evidence to be given by means of a certificate of the Commissioner of Police in prosecutions against persons for illegally wearing police uniform. This provision has been included to remove any difficulties of proof in establishing exactly what the uniform is in such prosecutions. A new section 26A is being inserted in the Police Regulation Act to exculpate a member of the police force from liability for any injury or damage caused in the execution of duty, in good faith. This immunity is conferred upon members of the police force while carrying out their duties, whether such duty is imposed by the Police Regulation Act or any other Act or by-law. I hasten to inform honourable members that such immunity does not extend, of course, to acts done by members of the force which are not in the bona fide execution of their lawful duty. At present, legislation does not provide a defence to causes of action taken against police acting in the lawful performance of their duties.

A minor amendment to section 35 (1) included in this bill will provide for all proceeds from the sale of goods in police possession to be paid into the Consolidated Revenue Fund in lieu of the present practice of paying it into the police superannuation fund. This matter was raised recently by the Auditor-General and the amendment will update the existing legislation. I commend the bill to the House.

Mr N. D. WALKER (Miranda) [3.27]: Members on this side of the House support the bill. Any measure that will assist the police in the execution of their duty will be beneficial to the people of New South Wales. The Premier referred to an amendment relating to the taking of an oath. I do not know whether he has in mind when a person joins the police force or when he gives evidence in court. Police officers are required to swear allegiance to the State and they swear an oath each time they give evidence in court.

Mr Wran: The honourable member will have to read the bill some time.

Mr N. D. WALKER: I have read the bill and I am asking the Premier to explain what the proposed amendment will do. It is most gratifying that the Government supports the police, especially in these difficult times. Anything that can be done to assist the police in the execution of their duty should be implemented. The Premier has told us that a new section is being inserted into the Act to exculpate a member of the police force from liability for any injury or damage caused in the execution of duty in good faith. That will be most beneficial. Police have a difficult job to do and their problems have never been illustrated so dramatically as they have in the past eighteen months or so. The New South Wales police were loyal to the coalition Government and, understandably, are loyal to the present Labor Government. That is most important. The Opposition supports the bill. I hope that when other bills relating to the police force are brought forward they, too, will receive the same sort of favourable consideration that this measure has been given.

Mr RYAN (Hurstville) [3.29]: This is an important measure in respect of the duties of the police and the exemption of police officers from liability arising out of the bona fide exercise of their duties. Paragraph (a) of the explanatory note attached to the bill refers to the imposition upon members of the police force of a duty to protect life and property. The preamble to the proposed legislation amending the Police Regulation Act, 1899, refers to clarification of certain aspects of the duties and liabilities of police. I prefer to regard this bill as clarifying the duties and responsibilities of police. I am sure that the large majority of police would in any event, and without the promulgation of this measure, do their utmost to protect persons from injury or death, and their property from damage, whether or not the endangering act is criminal.

I have nothing but respect for the large majority of police who every day in some way or other risk their lives or their health to protect the community. However, some police may have been deterred or inhibited from acting on occasions because of doubt as to whether their courageous or altruistic acts might create some liability at law for any damage arising from their meritorious actions. It is necessary that the Premier clarify the duties and responsibilities of police, assuring them of legal protection in the exercise of those duties and responsibilities. The Police Regulation Act of 1899 has contributed to the present uncertainty that may well deter some police from the exercise of what they otherwise already accept as their duty and responsibility. For example, section *26* gives legal protection to police only when their action is done in obedience to the warrant of any justice. Section *27* starkly reminds police that the Police Regulation Act does not diminish their liability at common law. It is timely that the bill should clarify their duties and give them protection when acting bona fide in the exercise of those powers.

I wish here to draw an analogy to this bill by a reference to the common law and the tort of negligence, where the duty of care owed by a negligent person has been extended to include persons injured in rescue operations—in other words, giving to people injured in rescue operations necessitated by some person's negligence a cause of action for compensation for injury and loss by way of damage. In a similar way the Premier is now giving legal protection or immunity to police who might otherwise incur legal liability while rescuing persons from injury and death or saving their property from damage. The extension of the common law gave protection against loss to persons injured in situations similar to what is now spelt out for the police for their protection against loss or injury when discharging their duties and responsibilities.

It is apt and noteworthy to recall that one of the leading cases in rescue situations is ***Haynes*** v. *Harwood,* a case involving a policeman who was injured while rescuing a lady from the path of a runaway horsedrawn vehicle. The incident occurred in England in 1932. The police officer concerned was in a police station fronting a street and he was in no position of danger. However, apprehending serious injury to persons in the path of the bolting horses, he ran out of the station, crossed the street and pushed out of the way a woman who was in grave danger. He succeeded in pulling up the horses but in doing so was badly injured. In that case the common law was extended to protect him from the economic and other loss resulting from his injury, by giving him damages in the tort of negligence. In an analogous way, this bill will protect police who, while in the bona fide exercise of their duties, might expose themselves to some liability at law. For example, on the facts of ***Haynes*** v. ***Harwood,*** if the woman who was pushed aside or some other person were injured by the police, it is now clear that as the result of this legislation that person would not have a cause of action against the policeman, although the person may have a cause of action in negligence against the person responsible for the bolting of the horses. The bill is designed to allow police to show the integrity, courage and sometimes altruism, of which the large majority of them are capable. Perhaps the spirit and intent of the bill can best be illustrated by quoting the famous passage of the eminent American jurist, Mr Justice Cardozo, in another rescue case, *Wagner* v. ***International Railways.*** Mr Justice Cardozo said:

> Danger invites rescue. The cry of distress is the summons to relief. The law does not ignore these reactions of the mind in tracing conduct to its consequences. It recognizes them as normal. It places their effects within the range of the natural and probable. The wrong that imperils life is a wrong to the imperilled victim; it is a wrong also to his rescuer. The State that leaves an opening in a bridge is liable to the child that falls into the stream, but liable also to the parent who plunges to its aid. The railroad company whose train approaches without signal is a wrongdoer toward the traveller surprised between the rails, but a wrongdoer also to the bystander who drags him from the path. The rule is the same in other jurisdictions. The risk of rescue, if only it be not wanton, is born of the occasion. The emergency begets the man. The wrongdoer may not have foreseen the coming of a deliverer. He is accountable as if he had.

This legislation will clarify the duties and responsibilities of police and will give a new freedom and flexibility to police in assisting people, where formerly they may have been deterred by lack of protection. Perhaps it may encourage police more readily to intercede in domestic situations when some women, under economic subjugation and unable to escape from it, are subjected as well to physical violence—sometimes brutality. Perhaps some police may now be inclined to intercede to protect these victims, though previously they may have been deterred from doing so and tended to wash their hands of what they have categorized as domestic situations. I am not suggesting that police will go as far as the sergeant in Williamson's play ***The Removalists.*** Entertaining as

that play may be, in real life police do not—and cannot—get so involved. The bill is a significant step forward for the protection of both the public and the police while engaged bona fide in the exercise of protecting citizens.

Mr FACE (Charlestown) [3.35]: The effects of this bill will probably be more far-reaching than many people might at first assume. The first object of the measure is to impose upon members of the police force a duty to protect life and property in rescue situations. The Government has taken the initiative to increase the role of the police force. Last year the Government introduced amendments to the Police Regulation Act which increased the role of the police force, particularly in regard to its rescue operations. The police rescue section originally started as the cliff rescue squad, but its operations have now been diversified to large country centres, including Wollongong, Newcastle and Goulburn, and some Sydney suburbs such as Hornsby. This move is particularly welcome by all sections of the community. In this mechanized age the role of the police must be kept up to date so that it is able to cope with calamities of the types we have seen in recent times.

For many years policemen and policewomen have regularly taken part in exercises designed to deal with many types of disaster. The magnificent work performed by the police at the time of the Granville rail disaster was due in no small measure to the training that they had received in these simulated disaster exercises. With the diversification of these services there is a need to ensure that police are fully covered in terms of their liability in rescue operations. For a long time this has been a grey area of the law. The measure is particularly welcome because the operations of the police force will be further diversified in the future, and many of them will involve the use of aircraft. The work of the police force has increased in scope and importance as a result of many rescue operations following national disasters.

The second object of the bill is to enable a person on assuming office as a member of the police force to make an affirmation instead of taking an oath. Though I do not wish to make an affirmation instead of taking an oath, I appreciate that many people in the community prefer to make an affirmation. They should be given the opportunity to do so. The third object of the bill is to enable certain evidence to be given by means of a certificate of the Commissioner of Police. An area of the law that needs tightening involves the wrongful use of police uniforms and the impersonation of members of the force. I have known of many cases where offenders have impersonated policemen and conducted themselves in a manner described commonly by police as playing policemen. I have strong views about the misuse of citizen band radio. It is not uncommon to see young people driving fast cars, wearing blue shirts of the type worn by policemen, using citizen band radios and generally making pests of themselves. That causes the police some consternation.

Though security organizations are legal, over a period of years their intrusion into some areas has not been in the best interests of the public. In the selection of a new uniform for police the uniforms used by other organizations had to be taken into consideration. It seemed that the police uniform was being imitated. To the credit of a former Commissioner of Police, the Scottish checked hat band was adopted. This provided a ready and obvious difference between the police uniform and the uniforms of people who were trying to imitate the police. Such persons prey on the public and may do harm to women in isolated places. The Commissioner of Police needs to have authority to deal with the matter in the best possible way when people try to intrude into these areas.

I agree with the honourable member for Hurstville that over the years policemen exercising their duty in good faith may have sometimes been hesitant about taking action because of the lack of clarity of some sections of the Police Regulation Act. When

police officers try to assist people and something goes wrong, it is always said by some to be the fault of the police. Anything that assists a policeman in his efforts to help the public is worth while. After all, that is what the police force is all about. Its members assist, or try to assist, people. I congratulate the Premier on bringing forward the measure. Security organizations have given some cause for concern for some time. As I came out of Perth airport the other day I noticed that the Commonwealth authorities were using a security organization for what is basically police work. I doubt the legality of what they were doing, especially in relation to their powers of arrest. I intend to take up that matter with my federal member. The control of crowds and the work done by special constables needs considerable study. I give my full support to anything that assists in making the job of the police easier.

Mr CAMERON (Northcott) [3.42]: I welcome new sections 7A, 17(3) and 26A. The various rescue cases, despite the good intentions of the justices who decided them, left areas of uncertainty which it is imperative should be cured. As society becomes more and more complex we hear alarming stories of people, whether they be police officers, private citizens or even doctors, hesitating to assist because of fear of the legal consequences that may flow. I have always tended to be sceptical about some of those stories that have applied to our local scene, but I have no doubt that often in the United States of America cases arise in which a doctor, passing by in his car and seeing an injured person on the sidewalk, is urged to go to his assistance, but he retorts that he cannot afford to do so because the risks for him are too great. New sections 7A and 26A make it clear that that sort of risk is removed from the police officer. That is to be completely welcomed.

I join with other honourable members in saying that I have the deepest respect for the New South Wales police force. I regard the role of the police officer as one of the most responsible and important in our society. It is imperative that the Legislature do everything in its power to protect the interests of the police officer and, as far as we are able, to make his lot a happier one. With respect to the changes proposed to sections 9 and 10 of the Act, I recognize without hesitation that we live in a pluralist society in which many different faiths and creeds are followed. It is the duty of the Legislature to take cognizance of these variations; no person should be required to make an oath that, in conscience, he cannot make. Nevertheless, I am bound to say that it is a matter of regret to me that our society is becoming pluralist to that extent. I yearn for the day when there is more consensus in this area, because any society without basic consensus in these important areas is not really a society at all.

Mr MAHER (Drummoyne) [3.47]: The Police Regulation (Amendment) Bill, 1978, is an important measure being brought forward by the Premier. The police force is perhaps the vocational group most tied by regulations, yet it is the group with the greatest tradition of service to the community and the greatest tradition of altruism and self-sacrifice for one's fellowman of any professional group in the community. On an occasion like this we, as members of the Parliament, have an opportunity to pay tribute to the work done by the New South Wales police force.

We call to mind the various risks that these men expose themselves to in the execution of their duty. The job of a policeman is not only hazardous but also extremely trying on occasions. Police often act as arbiters, peace keepers and settlers of domestic disputes. They have to turn their hand to a wide range of legal, emotional and personal problems. Every honourable member knows how the police are a tremendous back-up for the Government in the social and welfare services of the State. Many people look on the police station as a local centre for the solving of disputes. That applies more and more with new settlers to Australia who turn to the police for advice and direction in disputes and problems that arise.

To date police have been required to take the oath and have not had the choice of making an affirmation. In any democracy it is important that the conscience of a person not be compromised. If a person does not believe in taking the oath and has a moral objection to doing so, that person must not be compelled to take the oath. I think immediately of atheists, and agnostics. Scottish dissenters, and a wide variety of people who hold strong religious beliefs, will not take an oath because of their interpretation of the Bible. Possibly some of these people are members of the police force. Henceforth such persons will be able to make an affirmation and therefore avoid a situation that could result in a clash of conscience. I congratulate the Premier on bringing forward this important legislation. Almost a hundred years have elapsed since the celebrated iconoclast Charles Bradlaugh was elected to the House of Commons. Honourable members will recall that this man was responsible for members of Parliament having the right to enter Parliament without taking the oath. It is not merely of recent occurrence that people of faith have fought for the right to square their actions with their beliefs.

The matter of exculpation from liability has been referred to by the Premier and other honourable members. Also under the bill there will be simplified procedures for actions involving the impersonation of police officers. In recent times there has been a certain amount of trouble in one part of my electorate where some very enthusiastic person has telephoned citizens saying that he is a police officer and that they must move their stock, stop a party, cease making a noise or stop some other particular activity. This has caused considerable trouble for the local police. I ask the Premier's advisers to work on this problem in an endeavour to solve it. I congratulate the Premier upon bringing forward the measure. I hope that his advisers can move also towards resolving the impasse that has developed with the police museum. Police officers should have the right to expand further their public relations activities. A police museum located in Sydney will assist these endeavours.

Mr PETERSEN (Illawarra) [3.52]: I wish to deal only with the proposal to amend the Police Regulation Act to provide that police may now make an affirmation rather than take the oath. Every so often when examining various pieces of legislation one encounters ridiculous anachronisms and relics of a past era which remind one of th reaction of the fishermen fishing off the coast of Africa who caught a coelacanth, which had been thought to be extinct for 100 million years. It was hauled out of the African waters in a state that indicated that only recently it had been very much alive and kicking. One has much the same feeling when one realizes that policemen have been required to take the oath and they have not had the choice of making an affirmation.

I listened with interest to the contribution by the honourable member for Northcott. His speech was exactly the same as the one he made in this House on 6th March, 1973, when he expressed considerable horror that a significant number of members of the federal Parliament had made affirmations instead of taking the oath. This, he said, demonstrated a decline in the Christian standard of morality which should guide our society. I do not know how these people who proclaim themselves Christians can justify this attitude. I refer to the Sermon on the Mount, referred to in the New Testament in the Gospel according to St Matthew, chapter 5, verses 34 to 37. Christ is reported to have said:

> But I say unto you, Swear not at all; neither by heaven; for it is God's throne:
>
> Nor by the earth; for it is his footstool; neither by Jerusalem; for it is the city of the great King.
>
> Neither shalt thou swear by thy head, because thou canst not make one hair white or black.

> But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil.

If Christian principles are consistent with the Sermon on the Mount, Christians should be willing to tell the truth and not call upon God for reward or punishment. It is little wonder that in these circumstances many Jews, Mohammedans and even many Christians criticize the ridiculous practice of calling upon God as a higher witness. In March, 1973, I referred to a publication, ***The Voice of Malta,*** which was the organ of the Malta Labor Party. I remind the House that almost every Maltese is a devout Catholic; I have never met a Maltese who was not one. The September, 1969, edition of ***The Voice of Malta*** had a long article under the heading, "Oath-Taking is Anachronistic." These were the final words of the article:

> The conclusion is clear. In order to protect the law from lying witnesses all that is needed is the threat of punishment for false statements. The oath, which creates more problems than it solves, can cheerfully be dispensed with.
>
> When all is said and done the courtroom is no place for dubious, religiously-tinged exercises.
>
> The oath before a court of law is an anachronism.

It is time that these amendments were abolished, for the sake of not only persons like myself who follow in the tradition of the atheist Charles Bradlaugh, who had the House of Commons pass the Oaths Bill in 1888, but also persons who generally have religious beliefs that they think should not impinge upon their civic responsibilities.

Motion agreed to.

Bill read a second time.

Third Reading

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

PUBLIC HOSPITALS (UNITED DENTAL HOSPITAL OF SYDNEY) AMENDMENT BILL
DENTAL HOSPITALS UNION (REPEAL) BILL
DENTISTS (DENTAL BOARD) AMENDMENT BILL

Suspension of Standing Orders

Motion (by leave, by Mr Stewart) agreed to:

> That so much of the standing orders be suspended as would preclude the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill, the Dental Hospitals Union (Repeal) Bill and the Dentists (Dental Board) Amendment Bill being treated as cognate bills and one question being put for leave to introduce the bills.

Introductions

Mr STEWART (Canterbury), Minister for Health [3.57]: I move:

> That leave be given to bring in a bill for an Act to amend the Public Hospitals Act, 1929, to provide for the addition to the second schedule to that

Act of the name of the United Dental Hospital of Sydney; to vest certain land upon which that hospital is situated in the Health Commission of New South Wales; and for other purposes.

The United Dental Hospital of Sydney is located at Chalmers Street, Sydney, and houses the University of Sydney faculty of dentistry. As a matter of interest, it is the only dentistry teaching hospital in New South Wales and was constituted under the Dental Hospitals Union Act, 1904, which united the University Dental Hospital and the Dental Hospital of Sydney. The principal objects of this bill are to provide the United Dental Hospital of Sydney with a corporate status and to vest the lands presently occupied by the United Dental Hospital of Sydney in the Health Commission of New South Wales. The bill makes special provisions with respect to the constitution of the board of directors of the United Dental Hospital of Sydney and ensures that employees of the hospital are not disadvantaged by virtue of its incorporation. Also, I move:

That leave be given to bring in a bill for an Act to repeal the Dental Hospitals Union Act, 1904, the Dental Hospitals Union (Amendment) Act, 1932, and so much of schedule 1 to the Statute Law Revision Act, 1976, as amends the Dental Hospitals Union (Amendment) Act, 1932.

The bill is cognate with the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill, 1978. As previously indicated, the purpose of this bill is to repeal the Dental Hospitals Union Act, 1904, and the Dental Hospitals Union (Amendment) Act, 1932, and to omit a reference to the Dental Hospitals Union (Amendment) Act, 1932, in schedule 1 to the Statute Law Revision Act, 1976. Further, I move:

That leave be given to bring in a bill for an Act to amend section 4 of the Dentists Act, 1934, in relation to the membership of the Dental Board.

This bill is cognate with the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill, 1978. The purpose of the bill is to provide that the position on the dental board at present occupied by the president of the United Dental Hospital of Sydney will be occupied instead by the chairman of the board of directors of the hospital. I commend the three bills to the House and shall be pleased to give further particulars at the second-reading stage.

Mr HEALEY (Davidson) [3.59]: The bills to be introduced by the Minister are basically to put the United Dental Hospital into schedule 2 of the Public Hospitals Act and to take it out of schedule 3, so that the hospital, which has been for some time unincorporated will become a corporate hospital under the Health Commission of New South Wales. A number of advantages will flow to the hospital, and there are a number of other areas in which this change is useful for administrative purposes. As the Minister has said, consequent amendments to the Dentists Act will be necessary, as well as the repeal of the original Act that set up the United Dental Hospital in 1904. At that time the Dental Hospital of Sydney combined with the University Dental Hospital and became the United Dental Hospital of Sydney. It has done great public work since that time.

Because this is the end of one era and the beginning of another, it is right and proper that we should take a minute or two to pay tribute to the pioneers in the dental field who have done such great work for the community. One should not mention names at this stage; the names of the people who are involved are well known, but many people under more difficult circumstances did equally good work years ago and brought the United Dental Hospital to its present state. It is highly regarded and its work is most important to the community. In a general way we say to the pioneers of the United Dental Hospital who have done much to assist the dental profession, thank you for a job well done. Now we are entering another era, in which the United Dental

Hospital becomes a public hospital. No doubt it will carry on its work in the same tradition as in the past. The provisions of the bills are fairly straightforward. The Opposition will wait to hear what the Minister says in his second-reading speeches. At the moment we have no objection to the proposed legislation.

Motions agreed to.

Bills presented and read a first time together.

TRAVEL AGENTS (AMENDMENT) BILL

Second Reading

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [4.3]: I move:

That this bill be now read a second time.

The Travel Agents Act of 1973 and related regulations, which have been in operation for four years, were introduced to afford protection to the public in its dealings with travel agents by the licensing of travel agents; periodical inspections of travel agencies by qualified inspectors; the supervision of travel agency advertising; and the establishment of a fidelity fund from which claims can be met in the event of defalcation by a travel agent. There are approximately 550 licensed travel agents in New South Wales and the Act and regulations have provided substantial protection for the many people who require the services of a travel agent. Experience to date, accentuated by the recent failures of several travel agencies over the past few months, has revealed certain anomalies and loopholes in the existing travel agents legislation. The purpose of the amending bill is to rectify the situation and to overcome difficulties that have arisen in both legal interpretation and general administration of the existing Act.

Although it is acknowledged that the federal Government is planning to introduce similar national legislation covering all travel agents throughout Australia, no definite date has been determined for its introduction. It is estimated, however, that it will be 1979 at the earliest before such legislation can become operative. I therefore intend to continue with the proposed amendments to the existing New South Wales legislation. In the event of the Commonwealth introducing legislation providing at least the same degree of protection as its New South Wales counterpart, I shall be willing to recommend the withdrawal of the New South Wales legislation.

The major features of the amendments are the issue of continuing licences; the grant of restricted licences; imposing further controls over licencees' trust accounts; the appointment of inspectors with powers of entry, inspection and examination; the disclosure of information at hearings before a court or tribunal; power to restrain dealings on licensees' bank accounts; the revision of procedures for the holding of inquiries under part IV of the Act; the appointment of administrators; changing the name of the fidelity guarantee fund to the compensation fund and revising the procedures for making claims thereon; increasing the powers of accountants appointed under section 60 of the Act; and providing regulatory control over the publication of advertisements by licensees.

Over three-quarters of the licences in force fall due for renewal in the months of May and June each year. The processing of applications for renewal of licences results in a serious bottleneck which is inconvenient for all concerned. It therefore is proposed to introduce a system of continuing licences, whereby licences will remain in force until surrendered by the licensee or suspended or revoked by the Travel Agents Registration Board. Licensees will be required to keep certain prescribed accounting records to enable the preparation of annual financial statements. At the end of each

financial year financial statements and balance sheets are to be prepared. Licensees will need to appoint auditors to audit their financial statements as well as their trust accounts. Each licensee will be required to lodge audited financial statements, a certificate of audit of trust account with supporting documents and the prescribed annual fees with the board by the prescribed day, which in the case of a sole trader or partnership will be 31st August, two months after the end of the prescribed financial year or, in the case of a company, three months after the end of its financial year. Provision is made in the bill for the board to cancel licences in the event of a licensee failing to lodge the mandatory information and fees within the prescribed period or, if an extension of time has been granted, within that extended time.

Under existing legislation the board cannot issue or renew a licence unless it is satisfied, among other requirements, that the applicant has sufficient experience in the board's opinion to carry on the business of a travel agent. There have been several instances, however, where applicants specializing in a particular field of travel have been denied licences because their experience is limited to that particular field of travel. The issue of a restricted licence with special conditions attached will enable licensees to carry on their particular type of business. A licensee will be guilty of improper conduct if he contravenes or fails to comply with a condition or restriction imposed by the board.

The original intention of the legislation was for licensees to operate trust accounts into which all moneys received in their capacity as travel agents were to be paid and held until disbursed in accordance with their clients' instructions. A number of licensees are bypassing these requirements by compelling clients to sign booking sheets which contain clauses directing that moneys paid to the licensees be paid into his operating account. Other licensees have been transferring trust moneys outside New South Wales beyond the jurisdiction of the Travel Agents Registration Board in order that they can use their clients' moneys to operate their businesses. The need for amendment became critical, however, when the validity of the travel agents regulations was challenged in court and it was necessary for information laid against the licensee for breaches of the travel agents regulations to be withdrawn.

To overcome these problems and afford further protection to the public it is proposed to transfer to the Act part of the trust account provisions at present contained in the travel agents regulations. The purposes for which moneys may be withdrawn from a licensee's trust account are to be restricted to those specified in clause 42 (c) of the bill as follows: paying an amount properly payable to the client or properly payable on behalf of the client in respect of the provision of travel on a conveyance, hotel or other accommodation or other services ordinarily provided for travellers; satisfying a debt properly due to the licensee from the client in respect of commission or other charges; reimbursing the licensee for money properly expended by him on behalf of the client in respect of the provision of travel on a conveyance, hotel or other accommodation or other services ordinarily provided for travellers; paying in New South Wales an amount to another licensee in accordance with an authority in writing given by the client; or paying an amount that is otherwise authorized by the regulations to be paid.

Provision is made for the board to have a discretionary power to prescribe an exemption in respect of certain persons or classes of persons from paying moneys into their trust account. A similar discretionary power contained in the existing travel agents regulations has already been exercised by the board and it is considered unwarranted that the exemptions already granted should be revoked. Relief is also provided for bankers from liability if cheques drawn by a licensee on his trust account are not crossed and endorsed not negotiable as required by regulation 31 of the travel agents regulations.

Mr Booth]

Provision is made for the appointment of inspectors and for the conferring on them of the powers of entry, inspection and examination of the records of a licensee or person believed to be carrying on the business of a travel agent without holding the necessary licences to ensure that the requirements of the legislation are being complied with. It will be an offence to obstruct, hinder or delay an inspector in carrying out his duties. It is also proposed to vary the secrecy provisions of the Act by providing for information obtained by a person in connection with the administration and execution of the Act to be disclosed at proceedings before any court or tribunal and not, as at present, only for the purposes of legal proceedings arising out of the Act.

There have been instances where travel agencies have ceased business and the principals have disappeared. Members of the public have been unable to obtain refunds of moneys paid to the agencies for services that were not provided. It is proposed to give the Supreme Court power, in certain instances, to restrain dealings on a licensee's bank account.

Provision is made for a revision of the procedures for holding inquiries under part IV of the Act. The board is required to investigate complaints against licensees made by members of the public. In the majority of cases the grounds of the complaint have taken place outside New South Wales. As the board is at present bound by the laws relating to the admissibility of evidence in order for a hearing to proceed, it may be necessary to bring witnesses from overseas to give evidence before the board. Dispensing with such requirements would allow the board to admit documentary and other written evidence that is at present denied. Provision has also been made to facilitate the services of notices, orders and subpoenas issued by the board. The bill also revises the procedures to be followed in the event of a licensee appealing to the District Court against a determination of the board. In certain circumstances—for example, if the board were to cancel or suspend a licence—considerable hardship could occur to clients who were in the process of finalizing arrangements for travel. Provision is made to empower the Supreme Court, on the application of the board, to appoint an administrator of the affairs and property of the licensee. The proposed duties and powers of the administrator are clearly defined together with the circumstances in which he vacates his appointment.

The Travel Agents Fidelity Guarantee Fund was originally established to reimburse those members of the public who may have suffered pecuniary loss by reason of theft or fraudulent misapplication by a licensee or his employee or any person having the power and control of the licensee's place of business. It was never intended that the fund would be available to principals. However, the Crown Solicitor has expressed an opinion that principals have the right of claim. I am of the opinion that claims on the fund should be restricted to the general public. Principals appoint their own agents and have recourse to the existing law of principal and agent in the event of any default by an agent. Experience has also shown that some principals tend to become negligent if they know that they have a right of claim on the fund. Proper methods of credit control are relaxed. Rather than pursue their debts under the existing law, some principals would rather take the easy way out and lodge claims on the fund. Legal advice has revealed that the terms theft and fraudulent misapplication are not contained in the Crimes Act, 1900, and a person could have problems under existing legislation in trying to prove a claim. Furthermore, some licensees have shown a tendency to disappear outside Australia and rarely ever face trial. In order to facilitate procedures it is proposed to change the name of the fund to the Travel Agents Compensation Fund and allow claims where a person has suffered pecuniary loss as the result of failure by a licensee to account for any money or other valuables entrusted to him or his employee or agent.

For the purpose of safeguarding the fund, section 60 of the Act provides for the appointment of an accountant to examine the trust account records of a licensee and to furnish to the board a confidential report as to any irregularity or suspected irregularity in the accounts of such licensee. No provision is made for the accountant to examine the other records of the licensee and there have been several instances where, although it is suspected that trust moneys have been paid into the licensee's operating account, without having access to the records of that account it has not been possible to obtain evidence of such breach. Under the existing legislation it is possible for a defaulting licensee to surrender his licence to avoid producing his records to the accountant. Without evidence the board cannot take any action against the licensee and there is nothing to prevent his obtaining another licence and recommencing business. It is therefore proposed to make provision for all records of a licensee and a former licensee to be made available to the accountant. Provision is also made for the registrar to issue a certificate requiring the licensee's banker to produce to the accountant records of the bank in respect of the licensee's accounts where he has reason to believe that the licensee or former licensee, as the case may be, has deposited any money in an account kept with a banker or that any other person is in possession of any records kept in connection with the business of a travel agent, carried on by that licensee or formerly carried on by that former licensee.

Licensees are required to show their names and the address of at least one business location in all published advertisements. Over the past few months a number of unlicensed travel agents have been advertising travel services. The board's staff are spending a considerable amount of time advising the public whether a specific travel agent is licensed. It is proposed to regulate the publication of advertisements to provide for the insertion of licence numbers in all advertisements published by licensees and to ensure that the contents of such advertisements are not misleading; for example a 7-day package holiday at a resort where arrival is 10 a.m. on day 1 and departure 6 a.m. on day 7.

In summary, the bill is designed principally to overcome difficulties encountered in legal interpretation and general administration of the Act. It is intended also to increase the powers of the Travel Agents Registration Board to investigate the activities of travel agents and those suspected of carrying on the business of a travel agent without holding the necessary licence, in order to afford further protection to the general public.

I intend to move some amendments in Committee. I should like to extend my thanks and those of my officers to the Parliamentary Counsel for the guidance and assistance he gave in the preparation of the bill, which I commend to the House.

Mr BARRACLOUGH (Bligh) [4.17]: As I lead for the Opposition in the debate on the bill I am obliged to point out that it contains substantial and voluminous provisions upon which little comment can be made at this stage. This certainly does not mean that my colleagues and I have not given thought or attention to these provisions. The provisions are such that no valid objection can be taken to them; their meaning, interpretation and construction can be dealt with at another time if the bill meets with the approval of members of both Houses.

The bill contains a number of provisions to which objection must be taken on behalf of a majority of members of the travel agents profession in New South Wales. The Opposition is of the definite opinion that certain provisions in the bill will provide restrictions upon travel agents that do not apply to accountants, real estate agents and solicitors, certainly in respect of management of their trust accounts. Also, the bill confers on the Travel Agents Registration Board the right to pry or even spy into the conduct of a travel agency by a principal or principals. The Opposition is confident

that the travel agents profession welcomes many objects of the bill designed to improve the status of travel agents and, it is hoped, to force out of the industry those people who have been acting in a dishonest or fraudulent manner towards their clients.

The travel agents profession is big business in Australia. Many hundreds of thousands of Australians travel overseas annually and a similar number travel in their own State or within other States of Australia. Therefore, it is a profession the majority of members of which welcome legislation to improve the status of a travel agent. The Parliamentary Liberal and Country parties recognize that tourism has become one of the fastest-growing industries in Australia and one that will grow in size and stature. The restrictions placed upon it by the present New South Wales Labor Government are too restrictive to allow it to operate freely on behalf of its clients. The Opposition certainly does not want to see restrictions placed upon the industry in New South Wales similar to those that are now operative in New Zealand, where a 10 per cent surcharge is paid by a traveller upon the purchase of an airline ticket or a shipping ticket.

Naturally, the Opposition is looking somewhat suspiciously at the amendments, which will leave far too much to the discretion and integrity of the members of the Travel Agents Registration Board. If passed in its present form, the legislation could create an opportunity for people to engage in acts of persecution. It is the responsibility of any government to set guidelines and to institute restrictions upon people and businesses who are dealing daily with other people's money—that is, trust money. However, the bill goes too far in the protection of clients' money. The Minister knows that the Commonwealth Government might be enacting Australia-wide legislation. Therefore, the bill should be withdrawn until the Commonwealth Government brings forward its legislation to protect travel agents and their clients. I understand that the federal Minister responsible for tourism, the Hon. Phillip Lynch, has given a high priority to the drafting of uniform legislation affecting the travel agents industry throughout Australia. The Minister should withdraw the bill pending introduction of the federal legislation.

I appreciate the courtesy of the Minister when last week he advised me of the amendments he intends to move in Committee. That is a most unusual action; honourable members will find it difficult to recall the last occasion on which a Minister was placed in the embarrassing position of moving amendments to his own bill. The Minister introduced this measure at the end of last year, but did not proceed with the second-reading stage when the House resumed on 24th January. Now the Minister gives his second-reading speech, with an intimation that he intends to move amendments in Committee. We must face facts. It is obvious that many travel agents advised the Minister and his officers on this legislation in its present form. Therefore, he was placed in the position of virtually having to rewrite his own bill. Generally speaking, the Opposition sees no problems with the Minister's amendments, because we had prepared similar amendments. However, I ask the Minister how much of the remainder of the bill needs amendment. It seems to the Opposition that he has got himself into a complete and utter mess. I wonder whether he fully consulted his legal advisers concerning all of his amendments.

The Minister is aware that the Australian Federation of Travel Agents has recently proposed to the federal Government a gold-seal consumer protection plan, which is a plan to protect not only the consumer from any dishonest act by a travel agent, but also any principal such as an airline company, a shipping company, a coach operator, or a wholesaler—in fact, any principal to whom money should have been paid by the agent on behalf of a client. I am confident that the federal Government will include this scheme in its legislation, which is being given a high priority by the Hon. Phillip Lynch.

The Opposition believes that the New South Wales Government should be looking at winding down the legislation, having in mind the federal developments. The Minister has given his word, by an assurance to the New South Wales travel agents industry and also in a statement this afternoon, that the New South Wales legislation would be withdrawn if federal legislation were introduced to provide the degree of protection to the consumer that is provided in New South Wales at present. Pending the introduction of federal licensing the Minister should withhold this measure and his amendments rather than waste time, energy and even money. I ask him, before proceeding further with this debate, to withhold the bill until the federal Government introduces Australia-wide legislation to protect fully the consumer and the travel agent.

I shall now refer to matters to which objection should be taken. Proposed section 9A (2) (b) provides for the examination of employees. This is disastrous from any point of view, because it provides an ideal opportunity for any disgruntled employee to embarrass or damage his employer. Employees, whether they be unionists or not, should object violently to this proposal. Immediately the red light flashes, an employee thought to be unreliable could be sacked. I shall be interested to know how the Hon. J. P. Ducker in another place reacts to this proposal. The section does not speak about examining ex-employees, and the Opposition should like an explanation from the Government concerning it. Not even solicitors and accountants are subject to the supervision of their employees.

Proposed section 13 (2) (c) provides that an application for a licence shall be refused if an individual is unable to satisfy the board that he possesses sufficient experience, education and so on. Drafting such as this leaves too much to the discretion and integrity of the board. The recent Victorian land scandal showed the frailty of human nature, even among senior public servants. Acquiescence in drafting such as this is an invitation to nepotism and other corruption. The requirements must be written into the statute by Parliament, and certainty achieved. An applicant for a licence should know the standards required of him. The existence of proposed sections 13 (7) and 15B does not help the situation created by proposed section 13 (2) (c).

The effect of proposed section 13 (3) (c) is, among other things, to prevent the setting up of a husband and wife partnership for legitimate tax purposes, unless both husband and wife could independently hold a licence in his or her own right. This is about to be placed on the statute book just as the Supreme Court of New South Wales has ruled favourably on such partnerships. I refer the Minister to Commissioner of Taxation v. Everett, as a perfect example of the point I am making. Why should travel agents be less favourably placed than, say, insurance brokers or estate agents? Once again, proposed section 15B is no help whatever.

Proposed section 13 (4) (c) (i) will prohibit a long-standing practice of public benefit that has been of great use to the business community. Although lawyers and accountants sit on company boards as directors for the purpose of contributing their specific knowledge from time to time, the wording of this section is such that Mr John Smith, solicitor, and Mr William Brown, chartered accountant, cannot sit on the board of a travel agency, because they know nothing whatever about ticketing a passenger from, say, Woollahra to Wilcannia. They can still be very useful board members. I have already mentioned the Hon. J. P. Ducker. I know that he serves on boards, such as the board of Channel 9, with distinction. I think he serves also on the board of Old Sydney Town. However, he could not become a director of a travel agency, because he might not be able to write a ticket from Balmain to Gosford. That seems to be a most unreasonable provision.

Mr Barraclough]

Proposed section 15B deals with Travel Agents Registration Board hearings. In proposed section 15B (2) (c) (i) we see once again that greatly misunderstood ogre of the non-lawyer resurrected—fear of the law of evidence. The rules of evidence have been built up over centuries with a view to achieving real justice. Fundamentally such rules are designed to eliminate mere prejudice, mere gossip—that is, hearsay—spite and irrelevancy. They are not designed to ensure the defeat of the plaintiff, the defeat of the accuser, and the protection of the wrongdoer, as many seem to think. Therefore, the Opposition insists that board hearings should be conducted in accordance with the rules of evidence observed in a court of law. Proposed section 39 (2) (c) (i) and proposed section 42 *(2)* again demolish the rules on admissibility of evidence. The remarks I have made about the rules of evidence apply to this subject.

Proposed section 42A (1), coupled with proposed section 42D, introduces an outrageous concept, that the private financial affairs of a travel agent must be available to the prying eyes of members of the board. Where now is the recently vaunted and publicised right to privacy? There can be no quibble with a strict surveillance of trust accounts, but not even solicitors or accountants are obliged to lay their private poverty or prosperity before the sticky beaks of public servants--other than the Taxation Department.

By proposed section 60 **(3)** the board may advise a licensee that an accountant has been appointed to examine his books. This should be mandatory. New section 60D will provide that a copy of the Supreme Court order should be lodged at the office of the Commissioner of Corporate Affairs—and within a given time, say seven clear days. Proposed section 60M **(3)** continues the erosion of individual rights—in this case the right of the individual to refuse to answer questions when that answer might incriminate him. This piece of legislation, unfortunately, is not unique but it is yet another step by this authoritative Government.

New section 74A will allow an inspector to come in and demand to see books on the spot no matter how busy the travel agent or his staff may be. Not even the taxation department has this right and the inspector should be required to make an appointment. Proposed section 78 (2) (k) extends the regulation making power to encompass the form and content of advertisements. What next! Surely the Trade Practices Act and other consumer legislation provides enough regimentation.

I turn now to a few general matters which warrant comment. First, section 12 *(6)* is a good example of prolixity. Why not merely say an objection may be lodged by any person? Proposed new sections 12, 13 and 15 set up a system of grants, refusals and hearings. This has a fine ring of fairness about it but creates a situation in which it is difficult for an adviser to advise an applicant on his chances of success. Of course, such a system would generate expense. New section 42A (3) (d) requires a licensee to keep separate particulars of all transactions with travel agents outside New South Wales. What is the situation if a Victorian wholesaler puts together a package, sells it to a Victorian retailer who organizes a tour of fifty-five Victorian residents and forty-five New South Wales residents all of whom pick up some tickets in New South Wales? What is meant by the phrase show seperately particulars of all transactions? Do details of the whole one hundred tourists have to be shown?

The bill, by new section 51 (2), sets arbitrary periods for instituting actions. Experience under other Acts, for example the Transport Acts, shows that tampering with the law as laid down in the Limitations Act, 1969, leads only to injustice. New section 51 **(3)** means that a wholesaler is not protected against default by a retailer or vice versa. Whether or not that is acceptable is a matter for the travel agents industry. Proposed new section 60E (10) probably relates only to what can loosely be called trust property—and I refer particularly to the import of the words in his capacity as such. If not, then of course the subsection is useless in so far as it purports to oust the

Commonwealth Bankruptcy Act in relation to natural persons, either sole traders or firms. If we add to what I have already said the fact that our major tourist centres are normally operated between 9 a.m. and 5 p.m. on weekdays we have the answer to why Australia is running a tourist deficit of more than $400 million dollars. What to do about it is a more difficult problem. Over the last few years in Australia many tourist seminars have been held to study the many problems facing the industry.

New arrangements covering travel, accommodation and sightseeing, provided they make tourism cheaper, should be encouraged. The future of tourism depends very much upon the initiative of the federal Government especially in terms of promotion and its attitude to charter operators. It was pleasing to hear the Hon. P. Nixon, federal Minister for Transport, say upon his return from London a week ago that the Government is seriously considering granting permission to Freddie Laker to fly his aircraft to Australia. It is obvious that Australia—and therefore New South Wales—is missing out on many millions of dollars of tourist money through high costs and, in some cases, a far too casual approach to the tourist business. The major stumbling blocks are the high costs of travel to and in Australia and accommodation that is generally regarded as expensive by the average tourist.

The obvious means of improving tourism is through greater emphasis on package tours to reduce travel and accommodation costs. This is particularly important in seeking Japanese tourists who are the busiest and best-packaged travellers in the world. Expense is not the only consideration for the Japanese. They prefer to travel in escorted groups. But the scope for packaging extends beyond group travel. There are good reasons for accelerating the trend towards individual package tours. Europeans come to the Far-East but not to Australia. Given the fact that Australia has a high wage structure and that penalty rates for workers in the industry are a curse, there are ways in which the federal and State Governments could quickly improve the economics of tourism. If only in fairness, the tourist industry should be able to depreciate accommodation buildings and be given a 40 per cent investment allowance for approved tourist projects.

The tourist industry, generally, must be greatly alarmed at the Government's decision to support the electricity workers to achieve a 374-hour week. As pointed out recently in a cartoon in the *Sydney Morning Herald,* the electricity worker's extra leisure time will be overtime, so adding to the costs of electricity and power. Principals in the travel industry will be greatly alarmed by this Labor Government's plan to reduce the working week for power workers. We all know that if granted it will eventually flow on to all industries. In fact, the majority of Australian workers are not concerned with a shorter working week but rather with federal Government policy, as solidly approved of by the Australian people at the recent federal election on 10th December. The people want infiation reduced and are not concerned with a shorter working week. I mention this matter as it will have a serious financial burden upon the entire travel and tourist industry.

I remind the Minister that since the acceptance by the Full Bench of the Commonwealth Conciliation and Arbitration Commission in 1947 of the concept of payment of weekend penalty rates to employees in the metal trades industry, the commission and the respective State industrial courts have consistently sanctioned the practice of awarding penalty rates to employees in other industries. The result of these decisions have placed the travel and tourist industry in a position of having to comply with the payment of penalty rates. Though the industry is not liable to carry the burden of these penalty rates the Opposition supports the conclusion that wages and penalty rates applicable in the tourist and travel industry constitute a threat to its capacity to operate profitably and to provide career opportunities for a substantial number of employees.

Mr Barraclough]

Already many employers have been forced to retrench staff and even sell off properties in order to remain in business. They found that they could not increase tariffs. One need look only at the Australian Bureau of Statistics to find that employment in hotel, motels, non-licensed hotels and boarding houses has fallen by **6 247** or **7.6** per cent from **82 095** people to **75 848** in the year ended **1976.** Even services in many hotels and motels have been reduced to keep costs at a profitable level. Unless the Government takes definite action to assist the travel and tourist industry to control its wage structure and to operate profitably we shall witness a greater number of jobs being irretrievably lost.

The Minister paid me the courtesy of handing me a copy of his twenty-seven amendments. That may constitute a record. I have some influence with the people from the ***Guinness Book*** of ***Records.*** I might recommend that the Minister get a mention in that book because of the record number of amendments to his own bill. The Opposition does not object to its presentation, with all its amendments, but there are matters in the bill, which, as the Minister knows, have caused concern to the industry. I know that the Minister has spoken to executives of major travel organizations in New South Wales and that they have expressed——

Mr Booth: They have not expressed anything.

Mr BARRACLOUGH: My understanding was that they were in favour of a bill to tighten up the industry to get rid of people who were not operating their businesses in accordance with the law. Today the Minister has the opportunity to withdraw this bill. He should show that he is big enough to do that. He gave an undertaking to withdraw the legislation when the federal legislation is introduced. At the moment he is treating the industry in a rather cavalier fashion. The Minister presented the bill and held it back. Probably the Minister did not know when the bill was coming on. That may not be altogether his fault, it may be the fault of Cabinet. I regret to say that it brings no credit to the Minister.

The Opposition wants to know why the Minister reached a decision to amend the bill to such an extent. I am sure that the Minister will give a reply to that query. The bill has been literally ripped apart. Obviously the Minister was concerned about something. I wonder whether the Minister has introduced the measure to assist an organization that the Opposition has mentioned and will continue to mention—AUS Travel Services. Our understanding is that that company is about to collapse. The Minister has probably heard what I have been told on good authority, that recently a Cathay Pacific aircraft, a **707** which had been chartered by AUS Travel Services, left Sydney on a charter flight to the East with only forty passengers. I wonder who will pay the difference in the cost—will it be the poor old students again? The matters I have raised concerning AUS Travel Services were also raised last year most forcefully by the present Leader of the Opposition. At all times the Opposition has been of the opinion that for some reason the Minister has allowed favourable treatment to that organization.

In reply to a question I asked last year the Minister said that the agency is the envy of all other travel agencies. It should be. For some reason, AUS Travel Services in New South Wales has been given favourable consideration by the Government. The Minister knows that the travel industry generally does not agree that the company should be given favourable consideration. Obviously the travel service is letting down many thousands of students in universities and colleges of advanced education in New South Wales. When the AUS Travel Services collapses the Minister must accept the criticism and responsibility of not taking firmer action to inquire into its activities. I am sure that the Minister, in his reply, will give the House the latest information he **has,** through his officers, on the financial position and standing of that company.

In this debate I am obliged to return to the problem of penalty rates. In New South Wales penalty rates are having a serious effect on travel, particularly the tourist and accommodation sides of the industry. The Opposition takes the view that penalty rates are great for those who are working but that some thought should be given to the unemployed, particularly in country areas, who cannot get work because of the penalty rate system in New South Wales. The Government expresses concern for the unemployed, but if it had the courage to abolish penalty rates unemployment would be greatly reduced, particularly in country areas. New job opportunities would be created in the travel, tourist and accommodation industries if penalty rates were abolished. I understand that 2 400 more hours of work could be offered to people in the entertainment industry if penalty rates did not exist. It is the gut feeling of the public that penalty rates should be abolished to provide more work for people in New South Wales.

If penalty rates were abolished in the tourist industry, much more encouragement would be given to entrepreneurs to build more motels and hotels. Obviously at the present time people are frightened to invest because of the effect that penalty rates are having on the industry in New South Wales. Penalty rates seriously affect both public and private hospitals. The message is that one ought not to get sick on Saturday or Sunday. Members of the New South Wales Labor Party have shown quite clearly that they are interested only in people who work, not in the unfortunate people who are unemployed. The travel industry could shoot ahead with the determination to employ more people if the Minister would tackle that problem. It is a problem that must be faced by a responsible Government. It is one of the matters which I believe will bring about the downfall of the Government. So much for Whitlam's election war cry of "Let's get Australia working again".

The points I have raised cause concern to the Opposition and to the travel industry. I wish to return now to a matter that I have already raised. I refer to the withdrawal of the bill. It is hard for the Opposition to move amendments because the Minister has moved his own amendments. The Opposition was considering moving many of those amendments. The main thing that the Minister should be doing is to let the bill lie on the table for six months. In that time the federal legislation will be introduced. The Minister gave a clear and straightforward statement this afternoon to the effect that he will withdraw this legislation provided the federal legislation comes up to the standard that has made the Act so good over the years. In his introductory speech the Minister paid tribute to the former Government as founders of the legislation being added to today. Over the years the legislation relating to travel agents has been added to. As I have said, the Minister is in the embarrassing position today of having to move many amendments. I think the Minister will agree that this is a good reason why he should withdraw the legislation. I therefore move:

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

Mr DOWD (Lane Cove) [4.51]: I want briefly to talk to the bill in its amended form or as it stood originally in relation to the machinery that is to be built up by it. Although my own profession will not worry too much about it, it will mean an extension of lawyers' fees because of applications that will go before licensing authorities and the courts dealing with the industry itself. Every time we set up one of these fairly elaborate structures I am concerned that we are putting another fetter on an industry that is not having the easiest of times at the moment. Some legislation was needed, but in setting up this structure we are going too far.

In this industry some of the travel agents are merely bus proprietors who, for instance, take members of the local parents and citizens' association to Canberra. Section 14 prescribes that a licence is subject to such conditions and restrictions

as are prescribed. I take it that the Minister can assure the House that fairly soon the industry will be informed of those prescriptions and classifications. With this sort of legislation it is desirable that regulations be worked out and made public at the time a bill is implemented so that people in the industry will be well aware of what is to happen. Uncertainty will arise about the power to prescribe. I hope the Minister can assure the House that travel agents who want to operate as they did before—and not take on the issuing of tickets for oversea airlines—will soon be made aware of the position. This could be done by a press release announcing the sort of regulations that will be imposed. Then the industry would be assured that there will be no interference with the operations of a low-profile travel agent such as a local bus proprietor. He should be able to do his own booking. He should not have to employ another travel agent to provide the services that his clients want.

I saw the amendments only today. It is disappointing that the bill has been brought before the House in this form. As the honourable member for Bligh has already said, this important industry should receive every encouragement. I hope that when the Minister reads the debate on the private member's motion on Thursday afternoon, concerning the industry and the need to assist it, he will support the motion and the setting up of an inquiry. In the meantime, I ask him to agree to its deferment for six months as proposed so that the bill might be examined to make sure that when it becomes law it will establish a better basis for the industry.

Sir ERIC WILLIS (Earlwood) [4.54]: This bill is typical of many of the bills introduced by this socialist Government. It is a bill of eighty-eight pages designed to amend an Act of only sixty-three pages. It reminds one of the bill that was intended to give a geographical gerrymander to the Legislative Council but has now been the subject of compromise. Since it took office this Government has gone to some trouble to point out to the community, particularly those engaged in business, that although all of its members have signed a socialist pledge—and the Labor Party is often referred to as a socialist party—the furthest thing from its mind is to introduce socialistic legislation. Its actions speak louder than words. By a process of creeping socialism, more and more government controls and influences have been achieved in more and more facets of our daily life. Small businesses have come under government controls. The rental bond system has been introduced. Real estate agents, dairy farmers and owners of private buses, taxis and trucks are under threat, not to mention mining companies, gas companies and oil companies, and also local government. The Minister handling this bill has already brought in legislation affecting the Australian Jockey Club, the New South Wales Trotting Club and other sporting facilities throughout the State.

I have mentioned a few examples at random. They are all illustrative of the fact that this is a socialist Government which intends by this process of creeping socialism to get its clammy, socialist fingers on every facet of life in New South Wales. The objective is clear, though it is constantly denied. That is why I have spoken on the measure. To my way of thinking, this bill is a classic example of the Government's undermining of our traditional way of life. In the Labor Party platform there is a specific reference to the socialization of certain industries such as insurance, mining and banking, and a general reference to all industry. This bill comes under that more general reference.

In the 1973 legislation the previous Government established guidelines and rules because some travel agents—I emphasize some, or should I say very few—had defrauded some people in the community. Some people were defrauded by a few agents. This Government is going much further than the previous Government did. It has decided to bring in a big series of amendments to the original Act and to introduce a much more rigid system of control of travel agents in this State. It will be much more rigid, in fact, than the legislation in any other State. It goes much further

than is necessary. Indeed, a few defalcations have been used as an excuse to impose extreme and unnecessary controls in this legislation. That is the reason why the Government's motives had to be exposed. It is a typical socialist measure. On the surface it is innocuous, but clearly its ultimate purpose is to gain if not complete control, sufficient control to enable it to manipulate the travel agency business throughout the State.

Perhaps it is not intended that all travel agents should finish up in Government hands, but it looks as though that is the objective. This measure was introduced after only eighteen months of office by the present Government. Like most things that socialists and other extremists do, it is mild at the beginning. So far there has been not the slightest suggestion that it intends to impose the type of draconian controls to which I have referred, but on examining the powers contained in the bill one must ask whether all this is necessary. I cannot remember reading in the newspapers recently about fraud on a grand scale by travel agents. If there had been, and if the Minister had been able to tell us of hundreds of travel agents defrauding thousands of citizens of millions of dollars, we could understand the need for a bill to control such terrible travel agents.

Let me examine whether, in the light of the facts, the bill is necessary. Is it necessary when one takes into account the fact that the Minister has admitted that federal legislation will supersede the State legislation within a year or so at the most? The Travel Agents Act was assented to on 19th October, 1973, and it has been in operation for about four years. Surely its purpose was to ensure that travel agents did not defraud unsuspecting members of the public who wanted to travel and who entrusted with the travel agent their hard-earned cash. The most recent report of the Travel Agents Registration Board, for the year ended 30th June, 1977, which was tabled in this House not long ago, discloses that 550 licences were in force on 30th June last. There were thirty-one informations exhibited against seventeen of the licensees, and twenty-three offences were proved. Only one of the licensees had his licence cancelled, and only four licensees received a reprimand. Although the information was proved in twenty-three cases, they could not have been of a very serious nature, because in eighteen cases the person concerned did not receive a reprimand. In only five cases was any further action taken, four receiving a reprimand and one having his licence cancelled.

If one studied the annual report of the Licences Reduction Board I am sure one would find that more hotel licensees than travel agents misbehaved, but one is suggesting a more rigid control over hotel licences. However, this Minister and this Government are so intent upon having control for the sake of control that they have produced an 88- page bill to amend a 63-page Act, because last year one licensee had his licence cancelled. Why all these alterations? Have there been any serious defalcations? How many people have suffered? There must be many of them if this bill is necessary. Yet in the annual report of the board I read the following:

> During the year one claim amounting to $82 was admitted on the fund.
> Total claims admitted since the commencement of licensing are $582.

In the past four years there have been claims for only $582 on the fund into which all travel agents have to pay, and the Minister now uses this to justify bringing in a bill to place the travel agents of this State under more rigid control. In four years $582 has been taken out of the fund. That works out to be about $140 per annum for 5 million people in New South Wales. I do not know what minute fraction of a cent that would represent for each person in the State, but it would be far less than the cost of printing the bill that is now before the House. To justify this measure the Minister

claims that the people of New South Wales have been defrauded to the extent of $582 in almost four years. Is that justification for a stricter Act, the tightening of controls, and the granting of all these extra powers? Let me analyse the case.

The public lost $582. I should be the first to admit that the public might have lost much more; indeed, they probably would have done so if the 1973 Act had not existed. When considering the lost $582, one should consider also the sum of more than $100,000 a year that it cost to run the board. This is a classic example of socialist controls just for the sake of controls. A board that has been established costs more than $100,000 a year to run and administer. So far $582 has been paid from the travel agents fund to people who have been defrauded in some way. The argument is that therefore there has to be this extra control—and no doubt more bureaucrats and additional administrative costs each year. This is necessary to ensure that the payments will be less than $582 in the next three and three-quarter years. In fact, the total administrative cost last year was $129,992—to ensure that the public recovered $582 in almost four years.

To my simple mind that is not a good argument in support of this sort of legislation. If the Minister had said that travel agents had defrauded the public to the extent of $129,000, I might have listened. I find it difficult to see why it is necessary to tighten the system, especially as it costs almost $130,000 per annum to administer the board. What more can this measure achieve? Will it reduce the $582 to $82, or perhaps $581, or something equally as ridiculous? It will certainly mean more controls, and more staff will be required. As appears in the report, last year there was an increase of staff, and the cost caused a deficit in the fund for the first time this year. I am sure that Professor Parkinson would be smiling with complete accord. If there were ever an example of the proof of one of his famous dicta, this is it. This system is growing bigger and bigger into a bureaucratic monster—shades of the Builders' Licensing Board, another board set up for a very good purpose but now completely out of control, with staff of more than 300, I understand, and costing millions of dollars to administer.

The measure proposes to rewrite the existing Act. I know that the Minister intends to move some amendments, but I have not had the privilege of seeing them yet. I hope that they will cover the sort of points that the honourable member for Bligh was talking about earlier in this debate. If they do not, the bill will be a monstrosity, serving no useful purpose and simply applying control for the sake of control. The honourable member for Bligh mentioned that under the proposed legislation an employee of a travel agent can be investigated in a manner that does not apply to any other occupation in the community. If a solicitor or an accountant is being investigated by his appropriate registration board, his employees are not subjected to questioning by investigators. That is provided for in this measure.

So far as I can ascertain, for the first time a new principle is being embodied in a statute and it must encourage tittle-tattling by employees on their employers. For instance, an employee would have a wonderful opening to engage in some sort of tale-telling against his employer if he disliked him for some reason. The honourable member for Bligh mentioned that the bill provides for a system under which husband and wife partnerships of the type that have been in existence for years, and are almost as commonplace as marriage itself, are to be prohibited. If a man is a travel agent and is in partnership with his wife, unless she is qualified to be a travel agent the partnership cannot be registered under the provisions of this bill. That provision will put a stopper on a traditional form of partnership in business that has been practised with honour and success for generations. This socialist-minded Government, so hellbent on control, goes along with this sort of legislation and, without any mention of that feature, decides that it is something that should be included just for the sake of having control over a particular business group.

There is an outrageous proposal in new section 42A. The private financial affairs of a travel agent must be made available to government officials. For eighteen months the Wran Government has been shedding crocodile tears about privacy. We are sick of hearing the word used. Government supporters say that there must be no interference with one's privacy, yet the Wran Government brings in a measure that provides, not that a trust fund, which travel agents would hold on behalf of clients, might be investigated, but that the private business affairs of travel agents may be investigated in detail. A travel agent will be subject to prosecution if he does not reveal the information that these inquisitors from the Travel Agents Registration Board will require. In no other profession or calling is this a requirement. For the first time, it is sneaked into a bill as though it were a routine matter that did not deserve mention in the Minister's introductory speech. That is typical of the procedure of this Government. The Government picks off groups one at a time. It will happen first to travel agents. The Government believes there will not be much fuss. Indeed, I am the only one who has shown any concern about it. No doubt, at the first opportunity this sort of provision will be included in another bill and so on, until gradually the Government will have the right to stick its beak into the private affairs of citizens of this State, no matter what their business may be. At this stage only travel agents are subject to the provision, but in the course of time it could be other professions and callings also.

By schedule 7 the Government wants power to prescribe not only the form of advertising by travel agents but also the content of advertisements. What does the content mean? Surely it means the actual wording or design of the advertisement. The Government wants to bring in regulations to control the content, so that the Government will have power to decide what a private business—in this instance a travel agency—may put into an advertisement. There is no broad statement about what the guidelines should be with regard to the detailed content of an advertisement. This provision is completely unprecedented and unwarranted. Unless the Minister can give good reasons for its inclusion, it should be withdrawn.

Mr Crabtree: He will give good reasons.

Sir ERIC WILLIS: The Minister has not given them so far. If he has good reasons, he has been as silent as the grave about them. If he had good reasons he would have told us of them already. He has brought forward this bill under the pretence of it being a harmless and innocuous measure—something that will affect only travel agents. No doubt he is of the view that as there are only 550 travel agents it does not really matter what happens to them. But should this bill become law, it will not be long before this precedent will be used to introduce similar provisions in other legislation. This is power for the sake of power. What other profession or calling will be required to follow suit should this provision be agreed to? Nobody cares. People do not believe it will affect them. However, once this sort of provision is accepted it will be used as a precedent to apply to other legislation. This socialist Government will grind on with its creeping socialism and gradually get control of more and more sections of the community.

In the limited time available to me I have explained briefly why I baulked when I looked at this big bill with all its various provisions. It is designed to amend quite a small and so far successful piece of legislation. Had the Minister said that millions of dollars had been lost by thousands of people and that that was the reason why this large bill had been introduced, I would accept it. But in the past year only $582 has been lost and only one licensee has had his licence cancelled. One might ask, therefore, where is the justification for these enormously increased controls? Are they not controls for the sake of control and bureaucracy for the sake of bureaucracy? If no case is made out against travel agents, the Government should leave well alone. The Act has worked most effectively, as the annual reports of the Travel Agents Registration Board

indicate. If there is any need for tightening up in one or two minor ways, let us have it, but do not let us have sledgehammer legislation designed to ensure that the travel agents' profession becomes a tool of the Government and unable to operate without government consent and the signature of a bureaucrat.

What an absurdity this bill is. It costs the Government $130,000 a year to administer a board that last year in New South Wales recouped only $82 for the public. That indicates that the board is operating successfully. I do not suppose the community would mind paying out $130,000 a year if it meant that as a result of the existence of the board only $82 was defrauded from the public. But if there is to be a bigger board, with more power, surely there must be some justification for it. So far we have seen no evidence of justification. I do not say that this is a bad bill through and through. There are bad parts in it and I have mentioned some of them.

From one end to the other, the bill is completely insincere. For the life of me, I cannot see why the Government is taking up the time of the Parliament debating it. I do not know why the Government had the bill drafted. I do not know who recommended the measure to the Minister. Certainly it is not the wish of travel agents. I do not think it was prepared at the suggestion of the Travel Agents Registration Board, unless that body has gone bureaucracy mad. I do not know of anybody in the community who would have said he wanted this bill. Not one of my many thousands of constituents who from time to time travel say that they want to see more control over travel agents. I know of nobody who is urging that that should happen. By contrast, I know of many people who say that within a year or so there will be a federal bill which will completely supersede any State legislation in this field.

In all the circumstances, why is the Government spending so much time and going to so much trouble preparing unnecessary legislation to strengthen an Act that will survive for only a few more months? There is no need for anything more than we already have in the 1973 Act. All these extra controls are not needed. The ink will be hardly dry on the Governor's signature of assent before federal legislation will be introduced. I support wholeheartedly the proposal submitted by the honourable member for Bligh that the bill should be left to lie on the table of the House for a few more months. Already it has been there for a couple of months. It should be left there for a while longer. This course will open the door to democracy. The provisions of this bill will cost the taxpayers of New South Wales more to administer than they will get in return. The people of this State will reap no inherent benefit from it. The Minister would display statesmanlike qualities by agreeing that this bad measure ought to be deferred until after the House resumes in August, by which time there will probably be federal legislation to regulate travel agents.

Mr LEWIS (Wollondilly) [5.19]: I must support the remarks made by my colleagues, the honourable member for Bligh and the honourable member for Earlwood. I was Minister for Tourism and in 1973 I introduced the legislation that the bill seeks to amend, so I have some knowledge of the subject. I reiterate the suggestion that the bill represents bureaucracy gone mad.

At a tourist Minister's conference in 1972 the federal Minister for Tourism, the Hon. F. E. Stewart, said that to overcome problems with travel agents the Whitlam Government would introduce legislation and that there was no need for the States to take any action whatsoever. I have had experience with federal governments of various political persuasions. In the succeeding months the Hon. F. E. Stewart lost his job as Minister. The new federal Government has not introduced any legislation yet, but I hope it will do so. The Minister undertakes to introduce this measure on the basis that as soon as the federal Government takes action it will be withdrawn, for then there will be no need for State legislation. He said that the measure has drawbacks. That

position will continue until there is uniform legislation on travel agents by the Commonwealth and the State governments. At that point of time I presume the Minister will pass over to the Commonwealth aspects relating to travel agents. I promised that on behalf of the former Government.

When the former Government introduced the principal Act it did so to protect the public. There are some bad eggs in every community, most organizations and in a number of businesses. A great number of complaints were being made that people were hanging out their shingle over the doorway and setting themselves up as travel agents. They had no experience and often no financial backing. When one travel agent who was reasonably substantial was asked about his practice in relation to trust funds, he said that he invested only about half the trust funds that he received. There was no requirement, as with an accountant, lawyer or other businessmen in respect of trust funds, for moneys received on tickets booked. Travel agents did not invest those funds properly and there was no control over that matter. In the main, the legislation was introduced to protect the public from the sharp practices of a small number of travel agents.

The bureaucracy started to expand when the former Government was still in office. Let me relate to the House a case of bureaucracy gone mad. I happened to be visiting a country airport and the gentleman who ran a third tier commuter airline at that time spoke to me. He said: "I have a girl employee and I have an arrangement with a major airline, Ansett Airlines, to sell tickets so that when people arrive in Sydney they do not have to go to the Ansett agent and buy another ticket. They can book all the way through to Melbourne or Brisbane from this country centre. On my own initiative I wondered whether I should be a travel agent **and** I wrote to the Travel Agents Registration Board. The board said that I should be a travel agent. I made an application so that I could sell airline tickets, but the board got in touch with me to say that I could not be registered as a travel agent because I and my employee had no experience in booking European travel business and did not know European hotels." I replied that I did not know that we had to have that knowledge. I telephoned the chairman of the board, Mr McCusker, whom I myself had appointed. I was amused when he began arguing with me and I said: "Neil, I gave you the job. Let us not get into a hassle about it. This is nuts. Applicants have to do a three months training course to learn about European hotels and be able to sell tickets overseas." When he argued about the bill, I reminded him that I had introduced the legislation.

Mr Booth: The Government is amending it to cover that sort of situation.

Mr LEWIS: The Minister has not advised me of the amendments.

Mr Booth: It is in the bill.

Mr LEWIS: Where? Which clause?

Mr SPEAKER: Order! The honourable member for Wollondilly will address the Chamber. I am sure that the Minister will enlighten the honourable member for Wollondilly in his reply.

Mr LEWIS: And restrain himself, I hope. If the bill corrects that defect, I congratulate the Minister. Why is such a powerful measure needed? In the House in the past few days a lot of fuss seems to have been made about files and dossiers. Within twenty-four hours of the Premier talking about files, special agents and ASIO, the same sort of thing is being done in respect of travel agents by one of his own Ministers. Provision will be made in the bill for power to be given to the board's officers to enter premises and look at files. The honourable member for Earlwood said that a partner in a travel agency may be the wife of the proprietor and she would be precluded from carrying on the business if her husband died. Why is a sledge-hammer

needed to crack a wee little walnut? The bill is an instance of bureaucracy gone mad. A third-tier airline operator who was trying to give service to the public and earn money for himself, as the other airline gave a commission on the tickets he sold, was told by the Travel Agents Registration Board that he had to be registered as a travel agent. That is an example of the problem. I ask the Minister in his reply to point out the clause to which he has referred. Then I will check to make sure that he is right, because on many occasions he has been wrong.

Mr Mallam: Will you apologize?

Mr LEWIS: Unlike the honourable member for Campbelltown, I do not cast aspersions lightly. I do not cast doubts on anybody's character. If I make a mistake, I say I am sorry. I have never heard the honourable member for Campbelltown apologize about anything. Indeed, he ought to apologize for being here. This bill is completely unnecessary. If the Minister waited for the six months as suggested in the amendment he would have some further knowledge of the Commonwealth legislation, which may well have been introduced in the intervening period. He should not push forward now with a huge piece of legislation that is so restrictive. On the one hand, the Minister says that the bill will overcome problems, but on the other he is making it tougher for these people who, as the honourable member for Bligh and the honourable member for Earlwood said——

Mr O'Connell: He looks a bit like Captain Bligh.

Mr LEWIS: Mr Speaker would not like me to say what the honourable member for Peats looks like: it would be unparliamentary. This bill is not necessary. I ask the Minister to accept the Opposition's amendment to leave it on the table of the House for six months, to see what the Commonwealth has to say about overriding legislation, and also to give more travel agents time to protest to the Minister about how unnecessary is this present measure.

Mr MAHER (Drummoyne) [5.28]: I had not intended to speak on the bill but I think I should do so, now that I have listened with interest to the speeches made by previous speakers. Prior to becoming a member of Parliament I worked with a firm of solicitors which acted for the Maltese Guild of Australia. As honourable members will recall, a large number of its members were stranded in Malta when they went on a charter flight arranged through an Australian travel agency that was connected with the British Forsythe group, which went bad. I saw at first hand the distress suffered by those Maltese families. I know the trouble they went through to bring their families back from Malta when the travel agent went bad. Money was missing and no one could get them back to Australia.

I saw the worry, strain and hardship occasioned to the Maltese Guild of Australia, an important spiritual organization in the Maltese community, when the funds of this international travel agency could not be found. Though the honourable member for Earlwood talked about only $582 having been lost, big issues are involved. Large groups of people could be faced with serious hardship and financial loss if a tourist promoter or a group travel scheme were to fail. That is not a minor matter. In the case of the Maltese Guild of Australia, it could have cost $70,000 or $80,000 to bring back all those people from Malta.

The sponsors, be they a football team or a semi-religious group, could have been personally liable for the fares of all these people returning to this country. I felt that it is important that these points should be made and that the House reject the amendment of the honourable member for Bligh. These provisions are not onerous. They are the normal provisions that are placed upon any person who holds money for

another. A person such as a travel agent can almost be in a fiduciary relationship advising people about money and holding money. The provisions are no more onerous than those placed on real estate agents, solicitors or anyone else who holds funds.

I commend the Minister for introducing this legislation. If we wait for the federal Government to legislate, the result could be like that in *Moore* v. ***Doyle*** in the industrial sphere. Complementary legislation has been promised for years and the situation has become complex. In this nation a large percentage of the people were born overseas. It is their aim and desire to travel and to see their family—their parents, brothers and sisters. When they go to a travel agent and place in his hands large sums of money, they are entitled to feel that it is safe and secure and that they can trust him. The travel agents with whom I am in contact are men of the highest principle, but they might employ someone who makes off with funds. Every day one reads in the newspaper of such incidents. It is important that this legislation be adopted by the House. I compliment the Minister upon bringing the bill forward.

Mr WEBSTER (Pittwater) [5.32]: I have a strong feeling that the Minister is not serious about this legislation. If ever there was a half-hearted effort on the part of a Minister, this is a classic example of it. His senior officers are not in the Parliament to assist him. This important piece of legislation has been before Parliament already, and now we are discussing twenty-seven amendments to it. The House will remember the motivations for this legislation. We were involved in a debate on the Australian Union of Students. That was a classic example of malpractice in certain parts of the travel industry. We were aware of the incompetence and mismanagement of the Australian Union of Students and we had infinite compassion for the many people—not only students—who were stranded round the world. About 4 000 people were stranded in airports all over the world. They could not get back to Australia. This was caused by the failure to operate properly the company known as A.U.S. Student Travel.

During that debate the rapid growth of the travel industry was mentioned. It is one of the most rapidly growing industries in New South Wales in post-war times. Obviously it will have growing pains. We have seen a complete revolution in the capacity of that industry to move masses of people all over the world for cheaper and cheaper fares. These problems will arise. This is an important bill, which was motivated by a specific incident. It has been amplified from the limited experience of the member for bus stops, the honourable member for Drumrnoyne. He is the only member of his party who has been willing to defend the Minister and this legislation. He decided to contribute to the debate at this stage. Where was the honourable member for Drummoyne with this piece of information, this vital piece in the jigsaw puzzle, when the Minister was beating his brains out trying to grapple with this question, which he does not understand? The Minister rejected the information that was given to him by his advisers, international and domestic airlines and the whole of the travel industry. He has the temerity to bring before the House a bill containing twenty-seven amendments. They are ill-conceived and ill-prepared. It ill behoves him to ask that serious consideration be given to them. I have no hesitation in strongly supporting the amendment before the House. We are dealing with a big industry that involves not only people's lives but hundreds of millions of dollars. It is worthy of a great deal more consideration than the Minister has given it. Let us go to the industry and ask it what its problems are. Let us then translate those problems into an intelligent form of regulation, if any regulation is required. As the honourable member for Wollondilly said—and this has become the simple pattern of the Government's legislation—let us not pick up a thumping great bureaucratically oriented document and thump the industry with it.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.37]: I rise to deal with the amendment moved by the honourable member for Bligh, who is leading for the Opposition. It is strange that he should ask for a deferment of this legislation for six months. The Opposition has had the legislation since November. In 1973 the previous Government made a decision to go on with this piece of legislation. It was mindful of the fact that federal legislation had already been prepared by a former federal Government. It was a wise decision by the previous State Government to go ahead with this legislation; which is in the interests of consumers in New South Wales. This Government does not trust the federal Government. At this stage there is no guarantee that agreement will be reached between it and all the States. That agreement is necessary. We have indicated, as others have, that unless the federal legislation is as good as our legislation, there will be no point in it. If our standards are to be reduced, there is no point in our agreeing to federal legislation. In the meantime, what will happen?

It is interesting that the Opposition wants a deferment of six months. One would think the board was government-controlled. The Opposition seems to be in complete ignorance of the people on the Travel Agents Registration Board and the people who advise the Government in regard to this legislation. Mr McCusker was the chairman until the end of last year. He was appointed by the previous Government and was on the board since 1973. The previous Government acknowledged his experience in the travel industry by appointing him. The board makes recommendations to the Government in the light of the experience of its members. Another member of the board is Mr O. Pitts, a travel agent who was also appointed by the previous Government. I have not changed that situation. The other person on the board when the present Government came to office was the late Rod Murdoch. Since then, Mr Brennan and Mr Mungoven have been on the board. The agents themselves have a representative on the board, which makes recommendations to me. Not one representation has been made to me by the Australian Federation of Travel Agents. Last Friday I inspected the food school. Graham Tucker was there, and also people in the industry. We talked about the legislation, and not one objection was raised. The honourable member for Bligh has brought in a series of amendments. I had no indication that the people in the industry held that opinion, for they have never communicated with me at all.

Mr Barraclough: You should have communicated with them.

Mr BOOTH: The present Government is consumer-oriented. The Opposition puts the travel agents' point of view, not the consumers'. The proposed six months' deferment is ostensibly for the purpose of looking at the federal legislation. We do not trust the federal Government. In the light of the experience of 1973, we are not sure that it will introduce that legislation.

We have been motivated by a spate of problems in the travel industry—not small ones but big ones, such as Theodore Travel Service Pty Ltd, Olympic Express Pty Ltd, Tourmakers of the South Pacific, Four Seasons Tours Pty Ltd, Trips Pty Limited, Credit Travel, and AUS. That gives an indication of the number of problems, particularly at this stage, in the travel industry. To delay this measure any further would be unwarranted. We want to press on with it because there in no guarantee of Commonwealth legislation and general agreement between the States. Discussions at departmental level have taken place, and the matter was discussed also at a Ministers' conference last year. However, there has been a change of federal Ministers, from Senator Cotton to the Hon. Phillip Lynch, who as the new Minister will have to go over the whole thing again. I believe that any further delay to this legislation could only jeopardize the Travel Agents Registration Board and the manner in which the board is able to conduct itself. On its recommendation the legislation is coming forward.

Travel agents have a representative on the registration board. Now we have Mr Norman, who also was associated with travel, as the chairman of the board. Also, Mr Mungoven from the department is a member of the board. Honourable members know the composition of the board. We are introducing this legislation to try to tighten up the travel industry. Our prime objective is to protect the consumer. Therefore, we cannot agree to the amendment that has been proposed by the honourable member for Bligh.

Amendment negatived.

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

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.52], in reply: Apart from speaking to the amendment, I wish to reply to certain matters that have been raised during the debate. I am glad that Opposition members did not vote on the amendment. By deciding not to vote they have indicated that they want the legislation dealt with now. I want to deal specifically with some of the matters that have been raised by Opposition speakers. Many matters that they objected to were in their own legislation. We find it difficult to understand why they are seeking to amend their own legislation. The principal Act has been criticized by the courts from time to time; that is another reason why we have examined the problem. The bill is brought forward on the recommendation of the experienced people who have been on the board, and also on the advice of a number of travel agents. It has been pointed out that over past years the losses could exceed $1 million.

In regard to the objection raised by the honourable member for Wollondilly, I refer him and the honourable member for Lane Cove, who mentioned bus operators, to proposed section 14 (1) (b), relating to the conditions and restrictions to which a licence is subject. It provides:

> A licence is subject to subsection (3), such conditions and restrictions as the Board imposes in accordance with the powers conferred on it by the regulations when granting the application for a licence or at any time during the currency of the licence.

I believe that the objections raised by both honourable members are covered by that provision in the bill. I refer, also, to the matters raised by the honourable member for Earlwood. It is only natural for him, in his usual manner, to tell honourable members that supporters of the Government are communistic and socialistic. He tries to accentuate and exaggerate our socialist ideals. I point out to him that the House is dealing with legislation that was put on the statute book by a Government of which he was a member. We are trying to tighten it and to make it more efficient, for the protection of the consumer. It is idle for him to say that the bill is simply providing more governmental control. The board is not government controlled, for it is an independent and autonomous authority, over which I have very little say. I tried to make that clear when this House debated the private members' motion in relation to AUS Travel. On that occasion the honourable member for Fuller made allegations, but I pointed out the true position. I have little control over the Travel Agents Registration Board because it is an independent and autonomous authority.

It ill becomes the honourable member for Earlwood to say that we are communist-inspired and have socialist objectives. The House is dealing here with legislation that was brought forward by his own Government. The board still has the same structure as the one provided by his supporters. When we came to office, two out of the three members of the board were nominees of the parties now in opposition. Was that socialism and communism? We see this measure as a necessity in the interests of

the consumer. To support its introduction I need only quote the difficulties that have arisen in regard to Theodore Travel Service, Olympic Express Travel, Tourmakers of the South Pacific, Four Seasons Tours, Credit Travel and AUS Travel.

The board has expressed concern that it does not have power to deal with a difficult industry. It must be remembered that the honest travel agent has nothing to fear from this measure. Only the travel agents who draw a fine line will have problems with the board. The bill represents an attempt to give some protection, in the light of developments in recent months. The board's relationship with the travel agents has been reasonable.

The honourable member for Earlwood mentioned costs. Honourable members will get a shock when they compare the cost of the federal set-up with the cost of administration of the Travel Agents' Registration Board in New South Wales. I understand that under the Commonwealth legislation the travel agents will have to pay $5,000. Not too many little people will be able to pay so much money. Further, there is no universal agreement. We have some misgivings. The honourable member for Bligh talks about looking after the little man. What sort of little travel agent will be able to put up $5,000? We see problems with the federal legislation, and in getting unity and uniformity throughout the States. We believe that we should be dealing with this legislation now on its merits. If and when the federal legislation comes in, we can consider it.

Great play was made of the provision that is to be made for a man and his wife being involved in a travel agency. We see no problem for a man and his wife taking part in the industry in this way, so long as they are experienced in travel. It is not intended to discriminate against husband and wife participation. The legislation has been framed to ensure that the people involved in the travel industry have experience and know what they are doing. They handle people's money. We believe it is necessary that they are able to look after the people's money. We want to ensure that they do everything that should be done in accordance with the Act. We are not trying to beat travel agents. The ones who are doing the job will have no problems.

I was at a function yesterday with one of the biggest travel agents in Australia—the principal of Jay's Travel Service in Newcastle. I was attending the opening of extensions to their building that had cost $450,000. The principal of that firm saw no problems with the legislation. Of course, we hear all these complaints from the honourable member for Bligh. I do not know where he got his brief. All we are trying to do is to tighten up the legislation. Criticism came from the courts that the existing legislation is not tight enough. Suggestions have come from the industry. Also, problems have been encountered by the consumers, particularly over the past twelve month. I have outlined some of the companies with which there have been problems. The honourable member for Bligh also mentioned penalty rates and other matters. Anyone would think that Parliament set penalty rates. When the worker believes that he is entitled to penalty rates, he has to go to the court and prove his case.

Mr Barraclough: I said that.

Mr BOOTH: But the honourable member is blaming us and everyone else about the place. I remind him that when the award was last before the court, particularly in the travel and hotel industry, the travel agents did not object to the granting of the award. When the agreement was reached they were not in the court. They did not object. However, now that it has been granted they are objecting.

Objection should be taken not in the Parliament but in the court. The objectors must prove that the unions cannot justify their claims. The Opposition is in effect saying that it does not believe in arbitration. That might be so, when it does not suit

the Opposition. However, it believes in arbitration sometimes, perhaps when it is not in the worker's favour. The Opposition does not believe in the workers having the right to go to court and make out a case to get penalty rates. I shall deal with other comments made during the second-reading debate when speaking to amendments at the Committee stage.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 2

Page 10

(3) An application for a licence shall—

(a) be in or to the effect of the prescribed form;

(b) be made in the prescribed manner; and

(c) be accompanied by the prescribed fees and the prescribed initial contribution (except where the Board indicates that the initial contribution need not accompany the application).

(4) At least 7 days before an application is made under this section, the applicant shall cause a notice of the application, in or to the effect of the prescribed form, to be published in a newspaper which circulates generally throughout New South Wales.

(5) On receipt of an application made under this section, the Board shall forward to the superintendent of licenses the prescribed particulars of the application, and the superintendent shall, on receipt of those particulars, inquire into and make a report to the Board on such matters in relation to that application as may be prescribed.

(6) An objection in writing to the granting of an application made under this section may be lodged with the Board within the prescribed period from the date on which notice of the application was published in accordance with subsection (4)—

(a) by the superintendent of licenses or by any other member of the police force;

(b) by an inspector or by an officer of the Public Service; or

(c) by any other person.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.51]: I move:

That at page 10, line 7, after the word "manner" there be inserted the words "and within the prescribed period after the publication of the notice referred to in subsection (4)."

This amendment is necessary to rectify an omission in the bill and provide a prescribed period of time, from the date of publication of notice of intention by an applicant, in which an application for licence must be lodged with the board.

Amendment agreed to.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.52]: I move:

That at page 10, line 13, the words "At least 7 days before" be left out and there be inserted in lieu thereof the word "Before".

This is a machinery alteration consequential upon the previous amendment.

Amendment agreed to.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.53]: I move:

That at page 10, all words after "into" on line 23 down to and including "prescribed on line 25 be left out and there be inserted in lieu thereof the words "such matters in relation to the application as may be prescribed, prepare a report on those matters and submit the report to the Board for its consideration in connection with the application".

This amendment will ensure that the report from the superintendent of licences may be considered in connection with the relevant application for licence before a determination is made by the board in accordance with section 13 (1) of the proposed legislation.

Amendment agreed to.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.54]: I move:

That at page 10, all words on and from line 26 down to and including line 6 on page 11 be left out and there be inserted in lieu thereof the words

(6) Any person may, within the prescribed period from the date on which notice of an application was published in accordance with subsection (4), lodge with the Board an objection in writing to the granting of the application.

This amendment is necessary to clarify the procedures for lodgement of objections and to limit the time in which such objections may be lodged.

Amendment agreed to.

Page 11

13. (1) Where an application made under section 12 (1) or (2) complies with section 12 (3) and the applicant has complied with section 12 (4), the Board shall, except where the application is refused as provided in subsections (2) to (6), grant the application at the expiration of the period for lodging objections under section 12 (6) or, if a hearing is required to be held in respect of the application as provided by subsection (7), at the conclusion of the hearing, and the registrar shall, as soon as practicable thereafter, issue the licence applied for.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.55]: I move:

That at page 11, all words on lines 9 to 19 be left out and there be inserted in lieu thereof the words

13. (1) Where an application made under section 12 (1) or (2) complies with section 12 (3) and the applicant has complied with section 12 (4), the Board shall, except where the application is refused as provided by subsection (2), (3), (4), (5) or (6), grant the application as soon as reasonably practicable after—

(a) the receipt of the report in respect of the application submitted to the Board under section 12 (5) or the expiration of the period for lodging objections under section 12 (6), whichever last occurs; or

(b) if a hearing is required to be held in respect of the application as provided by subsection (7), the conclusion of the hearing,

and the registrar shall, on the granting of the application, issue the licence applied for.

This amendment is necessary to clarify the procedures for grant or refusal of an application for licence and ensure that the report from the superintendent of licences is considered before the determination of an application for licence by the board.

Amendment agreed to.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.57]: I move:

That at page 13, after line 36, there be inserted the words

(d) the corporation is unable to satisfy the Board that each director of the corporation who is not concerned in the management of the business of a travel agent carried on by the corporation is of good reputation and character; or

This new paragraph is necessary to rectify an anomaly in the bill which only takes into consideration the reputation and character of each director of a corporation concerned in the management of the business of a travel agent. The amendment provides a ground for refusal of an application for licence by a corporation where a director of that corporation, not concerned in the management of the business of a travel agent, is not of good reputation and character.

Amendment agreed to.

Page 14

(d) the corporation or any diitor of, or any person other than a director concerned in the management of the business of a travel agent carried on by, the corporation does not meet such other requirements as may be prescribed.

Page 15

(7) An application made under section 12 (1) or (2) shall not be refused on any ground specified in subsection (2) (c) or (d), (3) (c) or (d), (4) (c) or (d) or (5) (c) or (d) or under subsection (6) unless the Board has first held a hearing in accordance with section 15B in respect of the application and has afforded the applicant an opportunity to appear at that hearing.

Amendments (by Mr Booth) agreed to:

That at page 14, line 4, the letter "(d)" be left out and there be inserted in lieu thereof the letter "(e)".

That at page 15, line 14, the words "(4) (c) or (d)" be left out and there be inserted in lieu thereof the words "(4) (c), (d) or (e)".

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.58]: I move:

That at page 15, line 18, after the word "hearing" there be inserted the words "and to inspect the report submitted to the Board in accordance with section 12 (5) in respect of the application".

This amendment provides for the applicant for a licence to inspect the report from the superintendent of licences before refusal by the board of his application for licence.

Amendment agreed to.

Page 19

(7) An application for the variation of a licence shall be—

(a) in or to the effect of the prescribed form;

(b) made in the prescribed manner; and

(c) accompanied by the licence and by the prescribed fees (if any).

(8) Where prescribed, at least 7 days before an application is made under this section, the applicant shall cause a notice of the application, in or to the effect of the prescribed form, to be published in a newspaper which circulates generally throughout New South Wales.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [5.59]: I move:

That at page 19, line 21, after the word "manner" there be inserted the words "and, where a notice of the application is required to be published as provided by subsection (8), within the prescribed period after the publication of the notice".

These are machinery alterations designed to ensure the uniformity of procedures for the processing of applications for variation of licences with those applicable to applications for licences under section 12 and section 13 of the bill.

Amendment agreed to.

Amendment (by Mr Booth) agreed to:

That at page 19, line 24, the words "at least 7 days" be left out.

[The Chairman left the chair at 6 p.m. The Committee resumed at 7.30 p.m.]

receipt of those particulars, inquire into and make a report to the Board on such matters in relation to that application as may be prescribed.

(10) Where prescribed, an objection in writing to the granting of an application made under this section may be lodged with the Board within the prescribed period from the date on which notice of the application was published in accordance with subsection (8)—

(a) by the superintendent of licenses or by any other member of the police force; or

(b) by an inspector or by an officer of the Public Service.

(11) An objection lodged under subsection (10) shall specify the grounds of the objection.

15A. (1) Where an application made under section 15 complies with section 15 (7) and the applicant has, where prescribed, complied with section 15 (8), the Board shall, except as provided in subsections (2), (3) and (4), grant the application forthwith or, where a person is entitled to lodge an objection to the granting of the application, grant the application at the expiration of the period for lodging such an objection or, if a hearing is required to be held in respect of the application as provided by subsection (5), at the conclusion of the hearing, and the registrar shall, as soon as practicable thereafter, vary the licence in the manner applied for.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [7.30]: I move:

That at page 20, all words after "into" on line 8 down to and including "prescribed" on line 10 be left out and there be inserted in lieu thereof the words "such matters in relation to the application as may be prescribed, prepare a report on those matters and submit the report to the Board for its consideration in connection with the application."

These are machinery alterations designed to ensure the uniformity of procedures for the processing of applications for variation of licences with those applicable to applications for licences under clauses 12 and 13.

Amendment agreed to.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [7.31]: I move:

That at page 20, all words on lines 11 to 20 be left out and there be inserted in lieu thereof the words

(10) Where prescribed, any person may, within the prescribed period from the date on which notice of an application was published in accordance with subsection 8, lodge with the Board an objection in writing to the granting of the application.

This gives an individual the same rights of objection to an application for variation of licence as those applicable to an application for a licence under clause 12.

Mr BARRACLOUGH (Bligh) [7.32]: The Opposition will not object to this amendment but wishes to raise again with the Minister the point raised strongly in the second-reading debate this afternoon. I refer to it because I feel that the Minister has been badly let down by his parliamentary colleagues. Five members of the Opposition took sufficient interest in the bill to speak on it. With due deference to the honourable member for Drummoyne, I can describe him only as half a member from the Government side because he started his speech by saying that he had no intention of speaking on the bill. One wonders why there is such a lack of interest in this most important legislation by the Minister's colleagues. I should have thought there would have been support from one of the other Ministers.

The CHAIRMAN: Order! The honourable member for Bligh cannot canvass the second-reading debate. The question before the Chair at the present time is that the words proposed to be left out stand. The remarks of honourable members must be confined to the question before the Chair.

Mr BARRACLOUGH: As to the matter of husband and wife, in the case of an agency when the husband dies the wife, who may have an interest in the business, would be excluded because the Minister says that people can become directors of an agency only if they have some knowledge of it. The Opposition is concerned that members of the Travel Agents Registration Board may sit in judgment on a person and refuse an application because of some slight lack of knowledge of the industry. Many people who serve on boards may not be completely informed about an industry. Recently the Minister for Industrial Relations, Minister for Mines and Minister for Energy said that he had been the managing director of a small engineering company. I have no doubt that he would be quite competent to sit on the Travel Agents Registration Board. The Opposition feels strongly that for some reason the Minister decided that wives are not competent. He said that they may not be able to write a ticket. The Opposition will not oppose the amendment but raises objection to it because it discriminates against women.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [7.33]: I am astounded that the honourable member for Bligh, leading for the Opposition, should once again raise this clause. If he looks at the Act introduced by the former Government in 1973 he will find exactly the same provision, making it necessary for anyone wanting to be a travel agent to have some experience or educational qualification. That is in the Act now; the Government is not altering anything. The present Act has been used as the basis for the provision in this bill. As I tried to indicate

earlier this afternoon, that is the basis of the recommendation from the board, which sees the provision as necessary. It is in the Act and has created no problems. The matter is still at the discretion of the board, which, as I have said, is not controlled by the Government. The honourable member for Bligh is objecting to his own party's legislation. The board says that this provision should be retained. No one has complained to the board about it. That is why it is in the present bill.

Amendment agreed to.

Amendment (by Mr Booth) agreed to:

That at page 20, all words on lines 23 to 35 be left out and there be inserted in lieu thereof the words

15A. (1) Where an application made under section 15 complies with section 15 (7) and the applicant has, where prescribed, complied with section 15 (8), the Board shall, except where the application is refused as provided by subsection (2), (3) or (4), grant the application as soon as reasonably practicable after—

(a) the receipt of the report in respect of the application submitted to the Board under section 15 (9) or, where a person is entitled to lodge an objection to the granting of the application, the receipt of the report or the expiration of the period for lodging such objections, whichever last occurs; or

(b) if a hearing is required to be held in respect of the application as provided by subsection (5), the conclusion of the hearing,

and the registrar shall, on the granting of the application, vary the licence in the manner applied for.

Page 21

30 accordance with section 15B in respect of the application and has afforded the applicant an opportunity to appear at that hearing.

Amendment (by Mr Booth) agreed to:

That at page 21, line 32, after the word "hearing" there be inserted the words "and to inspect the report submitted to the Board in accordance with section 15 (9) in respect of the application".

Page 23

20 applicant or, as the case may be, the licensee, with respect to any such matters;

Amendment (by Mr Booth) agreed to:

That at page 23, line 22, after the word "matters" there be inserted the words "and may, where the hearing is in respect of an application made under section 12 (1) or (2) or under section 15, take into account the report submitted to the Board in respect of the application in accordance with section 12 (5) or, as the case may be, section 15 (9)."

Page 24

(4) The Board may issue a subpoena in or to the effect of the prescribed form requiring the person to whom it is addressed—

(a) to attend as a witness at any such hearing; or

(b) to attend and produce at that hearing any records in his possession or under his control relating to any matter relevant to that hearing and specified in the subpoena.

(5) The issue of a subpoena under subsection (4) may be made by the Board on its own motion or on an application made to it by or on behalf of the objector (if any) or the applicant or, as the case may be, the licensee who is entitled to appear at the hearing.

(6) Where a subpoena is issued under subsection (4), the registrar shall serve the snbpoena on the person to whom it is addressed.

(7) Where—

(a) a person is served with a subpoena under subsection *(6)*;

Amendments (by Mr Booth) agreed to:

That at page 24, line 4, the words "The Board may issue" be left out and there be inserted in lieu thereof the words "The Board may, on its own motion or on the application of the objector (if any), and shall, on the application of the applicant or, as the case may be, the licensee who is entitled to appear at the hearing, issue".

That at page 24, all words on lines 13 to 18 be left out.

That at page 24, line 24, the figure "(6)" be left out and there be inserted in lieu thereof the figure "(5)".

Page 25

(c) without reasonable cause, he refuses or fails to comply with the subpoena,

he is guilty of an offenceand is liable on conviction to a penalty not exceeding $200.

(8) **A** person on whom a subpoena is served under subsection (6) is entitled to receive—

Amendment (by Mr Booth) agreed to:

That at page 25, line 9, the figure "*(6)*" be left out and there be inserted in lieu thereof the figure "(5)".

Schedule as amended agreed to.

Schedule **3**

Page **33**

42. (1) Where the Board refuses an application for a licence on any ground specified in section 13 (2) (c) or (d), (3) (c) or (d), (4) (c) or (d) or (5) (c) or (d) or under section 13 (6), an appeal against the decision of the Board refusing the application may be made to the District Court by the applicant.

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [7.40]: I move:

That at page 33, line 8, the words "(4) (c) or (d)" be left out and there be inserted in lieu thereof the words "(4) (c), (d) or (e)".

This amendment is consequential upon the insertion of a new paragraph.

Amendment agreed to.

Schedule as amended agreed to.

Schedule 4

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(3) Subject to subsections (4) and (S), where money is received by a licensee from or on account of a person for whom he is acting in relation to the receipt of that money in the course of his carrying on the business of a travel agent and is money to or in respect of which a person other than the licensee is entitled or has a claim, the licensee shall pay that

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [7.42]: I move:

That at page 40, line 21, after the word "licensee" there be inserted the words "or a person prescribed by the Board under subsection (8), or a person belonging to a class of persons so prescribed,".

This provides the board with discretionary power to prescribe certain persons or classes of persons in respect of whom moneys received by certain licencees approved by the board need not be paid into the trust account of the approved licensee.

Amendment agreed to.

Amendment (by Mr Booth) agreed to:

That at page 41, after line 21, there be inserted the words:

(8) On the application of a licensee made in or to the effect of the prescribed form, the Board may, by order in writing, prescribe a

person or class of persons for the purpose of subsection (3) if, but only if, it is satisfied that the person or class of persons does not require the protection of that subsection.

Mr MAHER (Drummoyne) [7.34]: I wish to comment on proposed new section 42A (2). I represent an electorate with a high ethnic component. It is relevant that part of this requirement places an obligation on travel agents to maintain their records in the English language or in a manner that is readily converted into writing in the English language. This is not meant to be any slight on the non English-speaking segment of the population. As the honourable member for Eastwood will agree, the principles of accounting are international and are quite intelligible in any language. However, as the Government is imposing an obligation on travel agents to maintain records of moneys received and moneys held in trust, it is only fair that these amounts should be kept in a manner that an English speaking person can follow. I urge the House to support this clause.

Schedule as amended agreed to.

Adoption of Report

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

S.D.A. CREDIT UNION

Personal Explanation

Mr Brereton: I wish to make a personal explanation. This afternoon at question time the honourable member for Davidson asked the Minister for Consumer Affairs and Minister for Co-operative Societies whether I, in my capacity as a director of the S.D.A. Credit Union, was a party to the improper lending of credit union moneys to certain officers of the Australian Labor Party and the Labor Council of New South Wales. The honourable member asked also whether I had improperly attended the credit union's board meetings in June, July and August, 1974. These accusations have cast serious and unfounded aspersions on my character and I refute them without reservation.

My association as a director of the S.D.A. Credit Union began when the organization was formed in 1972, at which time I was employed as the New South Wales administrative officer of the Shop Distributive and Allied Employees' Association. The credit union's rules were approved by the Registrar of Co-operative Societies and its operation has since been regularly supervised by the registrar's department and by the credit union's auditors, Messrs Price Waterhouse and Company. Since its inception the credit union has lent $3,122,818 to its many thousands of member+

Mr Lewis: On a point of order. The honourable member is making a personal explanation but he has not yet advised you or the House how he has been misrepresented. If he comes to that point I do not think there will be any interruption.

Mr F. J. Walker: On the point of order. It should be clear to everyone that the outrageous, false and lying accusation that was put in the question of the honourable member for Davidson at question time certainly impugned the honourable member's character. No one in this House could have the slightest shadow of doubt that such foul accusations were made. The only reason why the honourable member for Wollondilly is not aware of them is that he was not listening at the time.

Mr Mason: On the point of order——

[Interruption]

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

Mr Mason: In speaking to the point of order the Attorney-General said—and I quote him exactly—the lying accusations——

[Interruption]

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

Mr Mason: What the honourable member for Davidson said is the subject of this personal explanation. Mr Speaker, I put to you that the honourable member for Davidson—and I remind you that you checked the honourable member for Davidson when he was asking his question—made it perfectly clear that he was asking a question, that he was seeking information and that he wished to have this matter clarified by way of answer to his question. I submit that the words of the Attorney-General are completely improper and offensive and cast a reflection on your ruling this afternoon on the question. They are shown to be completely out of order in this context and I ask you so to rule.

Mr SPEAKER: The honourable member for Dubbo has taken exception to the remarks of the Attorney-General which were levelled at the honourable member for Davidson. That member only can ask for their withdrawal. In seeking the leave of the House to make a personal explanation the honourable member for Heffron indicated that certain statements were made in a question without notice today. He is endeavouring to explain his position and how those statements reflected upon his character.

Mr Lewis: On a further point of order, Mr Speaker. How can a statement be made in a question? You ruled the honourable member for Davidson out of order originally on his question without notice. At question time the standing orders do not allow a statement to be made: it has to be a question. You are strict in respect of this particular matter, Mr Speaker. An honourable member has to ask a question. Once upon a time honourable members used to preface their questions without notice by saying, "Is it a fact that". The situation is that you, Mr Speaker, have said that a statement was made, but I submit that a statement cannot be made in a question; it has to be a question. A question without notice was asked in regard to the motives of the honourable member for Heffron and you ruled the first part of the question out of order. The honourable member for Davidson again sought the call and asked another question. He did not make a statement. He asked a question of the Minister in respect of the motives of the honourable member for Heffron. I suggest to you, Mr Speaker, that a question cannot be a statement. I believe the honourable member for Heffron has to explain to the House how he has been misrepresented, but he cannot have been misrepresented as no statement was made.

Mr SPEAKER: The honourable member for Wollondilly is now debating the matter. The position is that the honourable member for Heffron sought leave of the House to make a personal explanation. It is incumbent upon him to indicate to the House as quickly as possible how his political character or his conduct or actions have been impugned. I ask him to do that as quickly as possible.

Mr Brereton: In spite of what the honourable member for Wollondilly has said, there was a clear imputation in the question asked this afternoon which reflected on my character. As a result of that question, the 7 o'clock ABC news reported that an investigation would be made into the matter raised by the honourable member for Davidson. In those circumstances I think I am entitled to go a little into the background

of how my character has been impugned and to show the House quite clearly that I have acted properly at all times. Since its inception the credit union has lent $3,122,818 to its many thousands of members——

Mr Lewis: On a further point of order. Mr Speaker, I do not think you have ruled on the point of order, though the honourable member for Heffron has inferred that you have done so.

Mr SPEAKER: I did give my ruling. I asked the honourable member for Heffron to come quickly to the point how his character has been impugned.

Mr Lewis: But you did not——

Mr SPEAKER: Order! I ask the honourable member for Wollondilly to resume his seat. I have asked the honourable member for Heffron to indicate how his character has been reflected upon and he has done that. He is now giving some of the background to show how his character has been impugned. I propose to listen to the honourable member.

Mr Brereton: The credit union's rules provide:

A loan shall not be made unless the member to whom the loan is made is a natural person and is—

(a) A financial member of the Shop Assistants' and Warehouse Employees Federation of Australia, or

(b) An employee of the Shop Assistants' and Warehouse Employees Federation of Australia, or

(c) An employee of the Shop, Distributive and Allied Employees Association Credit Union Ltd., or

(d) A person employed in providing pay, personnel, or administrative services to members of the Union, or

(e) A person who is the spouse or son or daughter or mother or father or sister or brother of a member of the Credit Union who is of the class referred to in (a), (b), (c) or (d).

(f) A person who was but has ceased to be entitled to receive a loan in accordance with clauses (a), (b), (c), (d), or (e) of this rule, provided that he was a member at the time of ceasing to be so entitled and has been a member continuously since that time.

These classifications have the approval of the Registrar of Co-operative Societies now to be extended to include all members of the Australian Workers Union. As a result of this the S.D.A. Credit Union Pty Limited——

Mr Lewis: This is terrible, Mr Speaker. This is becoming a farce.

Mr SPEAKER: Order! The honourable member for Wollondilly will address himself to his point of order and will not reflect upon a decision of the Chair. I have given a direction for the honourable member for Heffron to continue. If the honourable member for Wollondilly is taking some point of order, I ask him to stand up and do so.

Mr Lewis: I was hoping to do so. I believe the honourable member for Heffron has gone well beyond the standing orders in making a personal explanation. He has gone right through the alphabet listing regulations A, B, C and D and so on. Why does he not say how he has been misrepresented and what his anwer is, what his apology is to be? Why does he not apologize? He has not said properly how he has been misrepresented. In your ruling, Mr Speaker, I think you said he has tried to explain,

but to me he has not yet given reasons why he has been misrepresented. He is reading from a prepared text about regulations in regard to the matter and I submit that the honourable member for Heffron is completely out of order in this personal explanation.

Mr F. J. Walker: On a separate point of order. My point of order is that the honourable member for Wollondilly is taking cheating and fraudulent points of order, the purpose of which is to debate the issue before the House, a personal explanation. He is not entitled to debate it. I put it to you, Mr Speaker, that it is wrong for the honourable member for Wollondilly to behave in this fashion and to endeavour to debate a personal explanation.

Mr SPEAKER: I am a little concerned that the matter is getting completely out of hand. The honourable member for Heffron sought the leave of the House to make a personal explanation and that was granted. He then referred to a question without notice asked this afternoon which made quite a number of accusations against him, and in some part claimed that his conduct was improper in sitting as a director of a credit union board and making loans to certain people. He has indicated that in the ABC news tonight an item was broadcast and he believes—and is claiming—that his integrity has been impugned and his political character reflected upon. I think it is only fair that any honourable gentleman who feels that his character has been reflected upon should be entitled to make a personal explanation. If any more points of order are taken I propose to rule them frivolous and deal with them accordingly.

Mr Lewis: Are you threatening me, Mr Speaker?

Mr SPEAKER: Order! I warn the honourable member for Wollondilly that I shall have no hesitation in naming him if he is to reflect upon the Chair in the manner that he has now done.

Mr Lewis: I may take a point of order——

Mr SPEAKER: Order! I warn the honourable member for Wollondilly again that I shall have no hesitation in charging him with wilfully disregarding the authority of the Chair.

Mr Brereton: The bond of membership of this credit union——

Mr Freudenstein: On a point of order. Mr Speaker, you have just made a statement that the honourable member for Heflron was referring to an item in the ABC news this evening as substantiation of the fact that he was misrepresented or in some way his character was impugned in this House. I have never before heard something broadcast on the ABC used as evidence of the need for a personal explanation. A question without notice was asked this afternoon but it did not impute improper motives. I suggest to you that the honourable member for Heffron is dealing in something rather wonky in making a personal explanation and that he has not yet come to what happened in the House this afternoon.

Mr O'Connell: On the point of order. The standing orders clearly provide that an honourable member who feels that his character has been impugned does not have to show improper motive on the part of some honourable member who he believes has impugned his character. In his first two or three sentences the honourable member for Heffron clearly showed to anyone with an ounce of brains how his character has been impugned. I believe the points taken from that time have been completely spurious and out of order. Mr Speaker, you have correctly ruled that they were frivolous for, as I have said, the imputations in the question were quite clear. The honourable member for Heffron has pointed this out and he is quite in order to continue to explain, following his early comments, how his character has been impugned. That is obvious to any honourable member who was present during the period when he made his intitial statements. Anyone who has taken exception to that was obviously

not present earlier. Any honourable member with an ounce of brains who heard the personal explanation from its beginning must agree that the honourable member for Heffron is in order and is doing the right thing.

Mr SPEAKER: Order! As I have said, I believe that some members are using this matter as a means of taking needless points of order. The honourable member for Heffron has sought the indulgence of the House to make a personal explanation. He must endeavour to make that personal explanation as brief as possible. However, because of the number of items that were contained in the question, I accept that he has had to amplify his explanation to some extent. I believe the honourable member for Heffron is nearing the end of his explanation.

Mr Brereton: I shall endeavour to conclude my explanation as quickly as possible. I am glad to see that the Leader of the Opposition has now come into the House to exercise some restraint over his colleague, the honourable member for Wollondilly, a former Premier. The bond of membership of the S.D.A. credit union covers a wide variety of people in public life including Mr E. G. Whitlam, M.H.R.; Mr Peter Morris, M.H.R.; Mr Tom Uren, M.H.R.; Mr Roy Turner, M.L.C.; Mr John Johnson, M.L.C.; Mr Barry Wilde, M.L.A.; the Deputy Premier, Minister for Public Works and Minister for Ports; and the Minister for Consumer Affairs and Minister for Co-operative Societies. Indeed, a former Liberal member for South Coast and former Minister for conservation, Mr Jack Beale, was eligible for a credit union loan.

At the time that the loans mentioned by the honourable member for Davidson were made, the credit union had Mr S. F. Arneil, O.A., as its general manager, and he personally processed the loans to the persons concerned. This was in accordance with the board's resolution authorizing the general manager to approve loans within the credit unions general loan lending policies. Mr Arneil was not required to obtain the prior or subsequent approval of the board for any individual loans approved by him. At no stage during the history of the credit union have I ever been empowered to approve loans, nor have I ever done so. The accusation by the honourable member for Davidson on the question of improper loans is totally false. It wrongly discredits Mr Arneil, who was then the general manager, and is acknowledged as one of the founding fathers of the credit union movement in Australia. With the exception of loans to directors, as provided by the Credit Union Act, I have never had occasion to vote for or against any loan made to any person.

In reference to the second accusation, that I improperly attended three meetings of the S.D.A. Credit Union in June, July and August, 1974, I draw the House's attention to rule 48, subsection (d) of the rules governing credit union operations in New South Wales. This rule states that a director who, without consent of other directors, absents himself from three consecutive meetings of the board, ceases to hold office. The minutes of February, March and April, 1974, show that I apologized for non-attendance at credit union board meetings. These apologies were received and accepted by the board, and they are recorded in the official minutes of the credit union.

The honourable member for Davidson, who is a former Minister of the Crown, had a responsibility to check his facts before bringing his accusations before the House. He could have sought information from the credit union itself, or from the Registrar of Co-operative Societies. He did not do so. This makes his actions utterly contemptible.

Mr Jackett: On a point of order. Under the rules of the House an honourable member is entitled to state how his honour has been impugned, and how he has been affected by a statement. In this particular case the honourable member for Heffron has proceeded long past the point of explaining his actions; he is now debating the

matter. When he darts to talk about the honourable member for Davidson being contemptible, that is absolute proof that he is indulging in debate. I suggest that he be ruled out of order.

Mr SPEAKER: Order! I ask the honourable member for Heffron to refrain from making statements exculpating himself and inculpating the honourable member for Davidson. I ask him to come to the end of his explanation in regard to the part of the question asked by the honourable member for Davidson which mentioned that for three months the honourable member had failed to attend meetings.

Mr Brereton: I shall wind up now, Mr Speaker. I am appalled by the false accusations made by the honourable member for Davidson against me in the House this afternoon. He does no credit to himself or to his party. I sincerely hope that these unfounded allegations will not affect the financial security of the S.D.A. Credit Union and the thousands of members it seeks to serve. I consider that the behaviour of the honourable member for Davidson is scandalous, and worthy of the strongest possible censure.

Mr Jackett: On a point of order——

Mr SPEAKER: Order! The Clerk will read the order of the day.

CROWN LANDS (AMENDMENT) BILL
CLOSER SETTLEMENT (AMENDMENT) BILL
WESTERN LANDS (AMENDMENT) BILL

Suspension of Standing Orders

Motion (by leave, by Mr Crabtree) agreed to:

That so much of the standing orders be suspended as would preclude the Crown Lands (Amendment) Bill, the Closer Settlement (Amendment) Bill and the Western Lands (Amendment) Bill being treated as cognate bills and one question being put in regard to, respectively, the second reading, Committee report, and third reading of the three bills together.

Second Readings

Mr CRABTREE (Kogarah), Minister for Lands [8.7]: I move:

That these bills be now read a second time.

As I mentioned at the introductory stage, the first measure, the Crown Lands (Amendment) Bill, deals with amendments of the Crown Lands Consolidation Act, **1913,** and the Crown Lands (Amendment) Act, **1977.** It has three principal objects. First, the consideration of various matters under the Crown Lands Consolidation Act will be simplified and expedited by making unnecessary a report, recommendation or determination by the local land board where there is no disagreement between the Minister and the person affected. There are numerous provisions in the Crown Lands Consolidation Act that enable the Minister to approve of or to grant applications or deal with other matters. There is a usual requirement, however, for the local land board to determine the rent, value or other amounts payable to the Crown or to any person entitled thereto.

In some cases the board is required, among other things, to report whether the granting of an application is in the public interest and to recommend any special conditions which should attach to the granting of an application. In other cases the Minister may grant the application without such a report. Most cases nowadays are

formal matters; if values are agreed to they are dealt with ***ex-parte*** by the chairman of the local land board in chambers. Reference to the local land board in such circumstances serves no useful purpose, and is an unnecessary cause of delay in dealing with a non-contentious matter, even if it needs only to be dealt with in chambers.

Schedule 1 (1), by inserting new section 14A in the Crown Lands Consolidation Act, 1913, sets out the circumstances in which and the procedures whereby the Minister may deal with these matters. Schedule 1 (4) will protect the public interest and achieve uniformity with other like provisions by increasing from not less than fourteen days to not less than four weeks the notice of an application for extension of term to perpetuity of a special lease below high water mark or for tramways and irrigation works required to be published in the *Government Gazette* and a local newspaper. An objector to any such application may lodge a complaint to the local land board and his objection shall be heard and determined before the application is granted. Schedule 1 (10) provides similar protection in the case of an application for conversion of those leases to conditional purchase.

The second of the principal objects of the bill is to widen the surrender to the Crown of land for public purposes on the conversion or purchase of leaseholds. The Crown Lands Consolidation Act, 1913, allows land required for roadway to be excluded on the purchase or conversion of a leasehold tenure. In addition, some provisions allow the exclusion of land required for any other public purpose. It is policy to exclude strips of land from the conversion or purchase of a lease where they are required for access or public recreation, particularly along the banks of streams. Usually this is done with the consent of the holder of the lease. A case arose recently, however, where the holder did not consent to the exclusion for roadway and there was no provision in the particular section of the Act for the exclusion of land for any other public purpose. The Land and Valuation Court held that in order to justify an exclusion for roadway the provision of a formed road must be desirable immediately or in the foreseeable future. There was no evidence of this and the court confirmed the application for the full area. The lack in this instance of a provision for exclusion for a purpose such as access or public recreation resulted in the loss to the public of the future right to the enjoyment of an extensive strip of river frontage. There is urgent need to provide adequate powers to prevent this happening again and these are contained in schedule 1 (3), (5), (6), (8), (9) and (11) to (13). Clause 6 provides that these amendments shall be deemed to apply to a conversion or purchase applied for but not confirmed, granted or approved at the commencement of the proposed Act.

The third of the principal objects of the bill is to give applicants for or holders of permissive occupancies the right to have the rent determined by the local land board or the Land and Valuation Court on appeal. Under the amendments made in 1953 to the Crown Lands Consolidation Act, 1913, by adding section 136K, the Minister may grant permission to occupy Crown lands, whether above or below or beyond high-water mark for such purposes and upon such terms and conditions as to him seem fit. Such a permission is terminable at will by the Minister. When granting a permissive occupancy the Minister determines its annual rent and from time to time redetermines it where this is warranted. There is no right of appeal from a determination by the Minister. Permissive occupancies were granted on this basis for many years before the practice was validated in 1953. However, the Department of Lands uses permissive occupancies for what often prove to be long-term tenancies such as boatsheds, jetties and swimming baths.

The lack of the right of appeal is contrary to the situation that exists for leases generally and has led to representations being made that the Minister's determination and redeterminations be subject to appeal. These representations arose from substantial increases in rents for metropolitan permissive occupancies of water frontages

which became effective from 11th January, 1976. Under schedule 1 (7) a right of appeal will be established by providing for the determination, and redetermination at such times as directed by the Minister, of the rent of permissive occupancies by a local land board, instead of by the Minister. An applicant for or the holder of a permissive occupancy, if dissatisfied with the determination of his rent by the local land board, will then have a right of appeal to the Land and Valuation Court in the same way as an applicant for or the holder of, for instance, a special lease has in respect of his rent.

Schedule 3 will give a degree of retrospectivity in relation to determinations of the rents of certain existing permissive occupancies. The schedule provides that the holder of a permissive occupancy existing at the commencement of the proposed legislation may apply within six months after the commencement to have his rent determined by the local land board. Where the rent previously determined by the Minister took effect on a date on or after 11th January, 1976, the local land board's determination will be backdated to that date; and where the rent previously determined by the Minister took effect before 11th January, 1976, the local land board's determination will take effect from the next due date after receipt of the application for the determination. These provisions thus will give holders of permissive occupancies affected by the substantial increases in rents in the metropolitan district, and other districts, which occurred on and after 11th January, 1976, the right to have their rents determined by the local land board and, if they are still dissatisfied, the right of appeal to the Land and Valuation Court. Holders of permissive occupancies not affected by the increases will have similar rights of determination of their rents but any reduction will take effect from the next due date of payment. A limited number of permissive occupancies are granted under the Closer Settlement Acts and these retrospective provisions will apply to applicants for or holders of those occupancies.

The bill contains two further amendments. Schedule 1 (2) omits the words "for trespass" from section 34 of the Crown Lands Consolidation Act, 1913. This is a consequential amendment following the enactment of the Animals Act, 1977. To accord with that Act the reference in section 34 to an action for trespass by stock is being omitted and replaced by a reference to an action for damages. Finally, schedule 2 will effect minor amendments to sections 250A and 250B of the Crown Lands Consolidation Act, 1913, inserted by the Crown Lands (Amendment) Act, 1977, the provisions of which have not yet been commenced. These sections relate to the payment of arrears by incoming holders following transfers of holdings under the Act. The amendments are necessary to permit the issue of the Minister's certificate as to amounts due on those holdings. The sections now require that the Minister show the original due dates for any amount due. Many payments on Crown holdings have been deferred, postponed or funded, some dating back to the depression years. Nearly all Crown lands accounts are on computer and the original due dates have not been recorded. The problem will be overcome by providing for the Minister's certificate to include the due date for payment in respect of the last amount due instead of each original amount due. The amendments will also ensure that the protection afforded by the certificate extends only to a bona fide purchaser for value as in the case of section 160 of the Local Government Act, 1919.

The second measure, the Closer Settlement (Amendment) Bill, deals with amendments of the Closer Settlement Acts. These are consequential upon those contained in the Crown Lands (Amendment) Bill and I shall refer to them in the order in which they are scheduled in the bill. First, schedule 1 (1) will give applicants for or holders of permits to occupy under the Closer Settlement Act the same right to have their rents determined by the local land board or the Land and Valuation Court on appeal as are proposed for applicants for or holders of permissive occupancies under the Crown Lands Consolidation Act. Second, under schedule 1 (2), consideration of various matters will be simplified by making unnecessary a determination by a local

land board where there is no disagreement between the Minister and the person affected. Third, schedule 2 provides for the exclusion and surrender to the Crown of land required for public purposes on the conversion of settlement purchase leases, group purchase leases or closer settlement leases into settlement purchases. Fourth, there is an amendment relating to the payment of arrears by incoming holders following transfer of holdings under the Closer Settlement Acts.

The third measure, the Western Lands (Amendment) Bill, contains only one amendment and this relates to the payment of arrears by incoming holders following transfer of holdings under the Western Lands Act, 1901, and is consequential upon a similar amendment contained in the Crown Lands (Amendment) Bill. I commend the three bills.

Mr SCHIPP (Wagga Wagga) [8.20]: The members of the Opposition look upon this legislation as being reasonable for the most part. It will bring benefits to holders of special leases and permissive occupancies, and it will bring benefits to the Crown also. I shall say something about that later in my remarks. Obviously the bills have been introduced under some pressure from holders of permissive occupancies following large rent increases in recent years. There is certainly reason to consider the introduction of some uniform method of dealing with leasehold properties. They affect a large number of persons. In dealing with that sort of land holdings one has to be careful not to erode the confidence of the lessees.

Many people hold leases in perpetuity. They have held them for almost a lifetime and have poured their income into the property to build it up. They must have security of tenure. The Opposition supports the streamlining provisions of these bills. Anything that might overcome delays when leases are being granted or changing hands will be supported by the Opposition. The measures provide options for applicants to agree to a Minister's determination or to have the matter dealt with by a land board. An appeal lies against the decision of such a board. One often hears of delays that have occurred in getting a land board to sit. The Minister told us that sometimes a determination might be made by the chairman of the land board concerned. I know of one case where the chairman was not available and there was a delay of five months. These measures will offer a way out. Both the Minister and the applicant may come to an agreement.

It is important to look at what is meant by the word determine. In the Crown Lands (Amendment) Bill the word determine includes redetermine, assess, inquire into, report upon, recommend and any other prescribed act or proceeding. Persons who feared that the term would not include redetermine were astray. Their fears will be allayed by the wording in the bill. The measures contain provision for objection from people directly affected by any decision that is made. Where an objection is lodged the Minister may refer the matter to the board for hearing. A private detenmination between the Minister and the applicant must be advertised. These things must be brought to the attention of other people who might be affected. By this bill it will be possible for a redetermination to be agreed upon between the Minister and the applicant without reference to a board. The measures provide for flexibility. No doubt in many cases agreement will be reached without the undue delays that have occurred in the past.

Another amendment deals with trespass. The Minister said this is necessary to bring the **Act** into line with the Travelling Stock Act. The Parliament must be careful when it is legislating in such a way as might affect individual rights. When areas of land along river banks are opened up there is a real chance of trespass occurring. The principal **Act** in section 34 deals with stock routes but nowadays they are not used

much. The (majority of stock routes are fenced. Nevertheless, trespass can occur. The Travelling Stock Act permits a landholder to claim damages rather than prosecute a trespasser.

One matter that has caused grave concern to the Opposition is the surrender provision. The Minister told the House that the reason for widening the surrender powers is that a test case heard before the Land and Valuation Court was decided in the applicant's favour. In that case the Crown could not establish its need to use that land for road purposes. Certain rights are vested in the Crown to set aside land for public purposes. Parliament must be careful that it does not go overboard in determining what is required for any other public purpose. A great deal of responsibility is placed upon the officers charged with the administration of this legislation.

Pressures are put on Ministers and officers to draw lines through private property just to give someone a little corner of land upon which to do his own thing. Often no real regard is had to the rights of the people affected. It is easy for someone to say that he wants access to a stream through a certain property, but if there already is adequate access to that stream that is sufficient. A typical example of line drawing may be seen with regard to national parks. The strong lobby of extremists and environmentalists within the community would have lines drawn everywhere. The Minister for Planning and Environment in another place is well aware of the activities of those people.

The Minister for Lands has responsibility of administering national parks. He has not told the House what he thinks of line-drawing and expansion willy-nilly without any real management planning. That sort of approach should not be extended into the administration of this legislation. As the expression in the legislation is widened from a roadway to any other public purpose, I am sure pressure will be exerted by the various groups. The Minister for Lands will not hold that office for ever; sooner or later someone else will administer this Act. The Opposition wants responsibility to be shared right through the department. We have all heard of district surveyors who become enmeshed in the environmental lobby. Possibly some of them go overboard about it. Eventually that sort of thing will have a counterproductive effect.

The Opposition wants to be sure that a person who applies for conversion of a piece of land will be justly treated. Under this proposal he will be able to go to a local land board for a determination. He will also have a right of appeal. It may be said that the Crown might later make out a case for resumption. That course always has a stigma attached to it. A landowner's rights must be protected. From time to time we have heard of valuable stock being shot by intruders. The stock might be in a paddock away from the homestead, out of sight. In this event the landholder would need to have eyes in the back of his head. He would never be at ease. He would be continually worrying that intruders might commit acts of vandalism with complete disregard to his property and stock. A landholder must not be forced to the view that he has better security of tenure by not converting his lease to freehold. He should not be continually on tenterhooks, in fear that a piece of his property might be taken from him.

I ask the Minister, in his reply, to state at what stage an applicant for conversion may withdraw his application. When a person first makes up his mind that he wishes to convert for purchase, he does not know what piece of land the Crown may want to take. A person might decide not to accept the Minister's determination. If he goes to the local land board, it may determine that the piece of land in question should go to the Crown. The landholder may then lodge an appeal against the determination. I should like to know whether a person who loses his appeal is then locked in, as it were, or will he be able to say: "I shall not convert. I could not live in a situation where that piece of land is taken from me. There is a risk of vandalism. I want to be

able to hold that piece of land." Will such a person be able to withdraw his application for conversion or will he be required to proceed with his application? The answer to this question is important. The landholder might want the right to say: "I am not going to go on with the application. I will live under this leasehold tenure. I want to leave things as they were." I should like the Minister to clear up that situation because it will have a big bearing on the Opposition's attitude to this aspect of the bill.

A case could be established for requiring the Crown at the time it seeks to resume land to indicate why it wants it. It should not merely be able to say that the land may be required for a public purpose in the years ahead. When that time comes the land might not be wanted for that particular purpose. The Crown should be required to come to a decision on why land is required before areas are resumed. The purpose should be based on more than a mere assumption that at some future time it might be required for a fishing club or some other recreational purpose when use for such a purpose might not be justifiable. In the test case referred to the move was defeated because the Crown had no special purpose in mind when it resumed the land.

Mr Crabtree: No immediate purpose.

Mr SCHIPP: That is so. In that case the court ruled that the proposed special purpose had to be reasonably immediate. I realize that prior to that test case agreement on resumptions had been reached between the Crown and many landholders. The Opposition is not concerned about cases in which agreement is reached. The Opposition is concerned about the actions of an over-zealous district surveyor or other responsible officer who either gets carried away with an idea or has pressure put upon him to replan an area without regard to the rights of a landholder.

I propose now to deal with permissive occupancies. I was interested in seeking the definition for this term so I sought assistance from a dictionary. It seems that it means a licence but not an enjoining of something; it is not permanent. This type of occupancy is sometimes granted when the Crown believes that the land may be wanted for a particular purpose some time in the future. For that reason the Crown is unwilling to enter into a lease arrangement and it may state that at some time in the future the permissive occupancy will be withdrawn. Some people who get the right to use land look upon it some time later as their own property. Often this causes them distress when they find they are unable to pass it on to their children.

It is pleasing to see that the bill provides that the holders of certain permissive occupancies will be treated in the same way as other landholders in respect of the determination and redetermination of rents. As the law now stands the Mininster can grant a permissive occupancy and set a rent for it, but no appeal is allowed against his decision. The Opposition is pleased that a right of appeal is to be allowed to a local land board. The Opposition notes also that the right to occupancy is to be terminable at will. A person who occupies land having provisions imposed as to its use and termination has to abide by the arrangement he has entered into. I have no dispute with that approach.

The clauses of the bill that deal with retrospectivity have been introduced as a result of the discontent that followed the steep increases imposed on and after 11th January, 1976. The bill contains no guarantee that rent will be reduced. Appellants should realize that they might lose their appeal. Doubtless the people who have lobbied in respect of this provision have done their homework and they expect to get some relief. The Minister would probably find himself in hot water if the majority of these rents were increased. For that reason I expect some relief to be forthcoming under the retrospective provisions of the bill especially in relation to leases that were determined after 11th January, 1976. When rents are determined or redetermined the decision will take

effect from the next payment date. As a result many people will not benefit from the retrospectivity provision. I am not familiar with all the facts on these rent increases but it is obvious that there must have been some huge increases for there to be sufficient representations to lead to the introduction of this bill so that those rents may be redetermined.

Some doubt has been raised about whether the Minister must refer these matters to a land board. Item **(2)** of schedule **3** does not spell out the position clearly. That provision says that the holder of a permissive occupancy may, within six months after the commencement of the Act, apply in writing to the Minister to have the annual rent payable in respect of the permissive occupancy determined by a local land board. Some people have misinterpreted this provision. They have suggested that discretion still rests with the Minister to refer a matter, but I am sure that is not the position. Upon written application the matter must be taken before a local land board and the applicant will also have a right of appeal to the Land and Valuation Court. I do not think the position could be much better than that. The bill provides that a second look may be had at an application to see whether the original decision was correct.

It is important to point out that the bill will not apply to permissive occupancies where the rent has not been redetermined since the occupancy was taken up by tender. To be fair, if a tender that is accepted includes such conditions as to the time when rent redetermination will take place—perhaps three years hence—if it has not been redetermined in that period it should not be covered by the retrospectivity provision. People who tender for a certain period of occupancy should have to abide by the terms of the tender.

These three bills have been debated as cognate measures because of the similarity of amendments to the Closer Settlement Act and the Western Lands Act of which includes provisions for determinations and appeals along the lines set out in the Crown Lands Act amendments. The Opposition agrees with that, with the reservations we have expressed. The arrears provision is being tidied up so that records can be put on computer. As the Minister has said, some amounts have been owing since the days of the great depression. I can see no reason for including in the computer records other than current amounts due. If anybody wants to check on old debts I dare say there will be a right to approach the registrar and to ascertain how a debt accrued. That should be easily accessible information. Surely any conveyancing or legal aspects not recorded on the computer could be picked up from covenants on the title documents.

The former Government had a policy in regard to lands for public purposes being annexed by agreement before transfer by way of conversion or purchase. To that extent the measure validates what occurred prior to the test case to which I have referred. It worked before. Agreement is sought before the heavy hand is brought down. If that is done, the provisions should work well. The bill will also validate the provision in regard to arrears. The Minister said that rent arrears are not to be recorded on the computer as it is too costly to feed that information into the computer and little reference is made to the department for that sort of back dated information.

Under the Closer Settlement Act permits to occupy will be treated similarly to the provisions that will now apply to permissive occupancies. Agreement can be reached and, failing agreement, the applicant has the right to seek a land board hearing or to appeal against a decision. That approach is to be uniform in the three Acts. There are similarities between arrears due under the Closer Settlement Act and the Western **Lands** Act. The Opposition agrees to the broad principles of the bill. We hope that it is administered in the spirit in which the matter has been brought before the Parliament. It will give a holder rights that he did not have before. We hope that the widened provisions in regard to surrender of land are not misinterpreted and misused in practice.

Mr Schipp]

The Opposition looks forward to the implementation of the provisions of the bill. We hope that people who appeal against rents will receive some relief from the high charges now imposed.

Mr LEWIS (Wollondilly) [8.45]: I have no objection to these three bills. If I recall correctly, some of their provisions have their genesis in suggestions I made.

Mr Crabtree: I saw your thumbmark on them.

Mr LEWIS: I am sure you did. My colleague, the honourable member for Castlereagh, will remember that there has always been the problem of having to refer matters to a land board where determinations have been agreed between the Crown and a tenant. That was a complete loss of time. Again, it was bureaucracy at work. I concurred with legislation being passed to ensure that that would not be necessary. The only suggestion I have to try to improve this measure relates to the surrender of Crown land for private or public purposes. The Minister spoke about river frontages. It has been, and still is, the duty of a district surveyor before conversion occurs .or a leasing agreement is entered into, to examine the land involved and to make a suggestion to the Minister or under-secretary of the department on whether the land would be required for a public purpose.

Like most people I have had a few failures in my life. At one stage I put to my Cabinet colleagues a proposal for a coastal lands protection scheme. When we came to office in 1965, little land along the coastline of New South Wales had been preserved for public use in perpetuity. On a visit to the United States of America and to some European countries I found that land facing the sea was being bought back at a great rate. In New South Wales we have only **930** miles of coast. Victoria, a smaller State, has the same length of coast-line. Both States had set aside little of their coastlines for public use. The pressure for coastal land in Victoria and New South Wales was greater no doubt because of the larger populations. I conferred with the Minister for Local Government, then the Hon. Pat Morton, and the Minister then in charge of the State Planning Authority, the Hon. Sir John Fuller.

At a Cabinet meeting I suggested that the Department of Lands, the National Parks and Wildlife Service, the State Planning Authority and the Department of Local Government should set up a committee to look into wavs of protecting our coastal lands. I must be one of the few people in Australia, certainly in New South Wales, to have travelled in this State by helicopter along the coastline from the Victorian border to the Queensland border. I marked on large-scale maps prepared by the Central Mapping Authority what coastal lands I thought ought to be preserved. Later I discussed the matter with officers of the National Parks and Wildlife Service. The committee subsequently prepared the coastal lands protection scheme. Interested members should read the reports. I understand that the Minister has done so. In New South Wales we should be proud of the fact that something like 15 per cent of our coastal lands are protected for public use in perpetuity. It is not necessarily all in national parks. Areas are set aside for recreation purposes, for forestry purposes, for control by local government, for public reserves and the like.

The failure I mentioned came about when I put up a similar proposal in regard to inland waters. I do not know why people are attracted to water. On a dry continent like ours we may be more susceptible to this practice than people in other parts of the world. We seem to want to go to water—particularly the Minister. Certainly over the past week or two I have noticed that the Government has gone to water rapidly. The suggestion I made was for the establishment of a committee similar to that for the protection of coastal lands. I proposed that the relevant authorities should consider whether frontages to the inland waters, such as those on the **Barwon** and

Darling rivers and on lakes and storage areas, should be preserved in perpetuity. As things stand it is up to the district surveyor to make a recommendation on any conversion proposal in these places.

I refer the House to the situation that arises when land fronting a river is converted to a public purpose use. People fishing and shooting in the middle of a stream adjoining a public reserve may disturb lambing ewes in a paddock nearby. Access must be provided to that part of the river and those using the access route may disturb lambing ewes or other general farming operations. An extensive and intensive inquiry into lands fronting inland waters would assist to resolve these problems and assist also officers of the Department of Lands and the district surveyors by nominating the land that should be set aside in perpetuity. This has not been done. Some district surveyors are conservation minded; others are not. One cannot blame them; they cannot have expertise in every subject. Unfortunately, the Cabinet of which I was a member did not agree with my views. I know that on a number of occasions the present Minister's requests have been refused by his Cabinet. If the Minister can obtain the agreement of his Cabinet he should arrange for a rational investigation to ascertain the inland areas that should be preserved in perpetuity for fishing and other recreational activities. This would overwme the need for legislation to provide for the surrender to the Crown of land required for public purposes. An expert committee should consider the position in the whole of the State and make recommendations. In this respect there could well be a sort of local decision.

Mr Crabtree: It is a matter of general policy.

Mr LEWIS: That may be so. What does one do about a district surveyor who is not conservation minded? I found our district surveyors to be admirable public servants but they did not have expertise in all facets of conservation. I should hope that they have a broad knowledge of their professional and administrative duties. An expert committee must be set up to make determinations and recommendations to Cabinet. Eventually they should be brought before Parliament in the form of legislation. That committee would recommend the areas to be set aside in perpetuity for public purposes and the access routes to rivers or streams to permit fishing or other recreational activities. This matter should not be covered merely by an indeterminate section in an Act of Parliament. Legislation should be brought down based on expert advice.

I agree with the provisions for funding in these bills. The only way the matter can be resolved is by providing for the final date due. My only suggestion in regard to the three cognate measures relates to deciding the areas that should be used for public purposes. I know that the matter arose from a question concerning public roads and a court case. However, the Minister is now widening the concept. The Minister mentioned river frontages.

Mr Crabtree: The banks of streams.

Mr LEWIS: I am sure I heard the Minister mention river frontages.

Mr Crabtree: Yes, I referred to an extensive strip of river frontages.

Mr LEWIS: Apart from the suggestion I have made to the Minister, I am in full agreement with the amendments proposed in the Crown Lands (Amendment) Bill. The suggestion that there should be no requirements to go before the land board when agreement is reached with a lessee was talked about in the Department of Lands when I was responsible for the portfolio some years ago. At that time I hoped to have the opportunity of introducing appropriate legislation but the delay demonstrates the difficulty in introducing it quickly. When a Minister informs graziers or grain producers that they have a great idea to which he will agree they expect that it will be put into

effect as legislation tomorrow. Those honourable members who have been members of this Parliament for any length of time will appreciate that although a proposal is accepted by a department, caucus and Cabinet it is not put into legislative form tomorrow, unless one accepts that tomorrow is about three years hence.

Mr Quinn: It is any day after today.

Mr LEWIS: Not any day but many days after today. I congratulate the Minister on introducing these measures and I thank the House for its indulgence in permitting me to put forward the suggestions I have made.

Mr OSBORNE (Bathurst) [8.57]: I support the Opposition members who have spoken on these bills. Schedule 1 to the Crown Lands (Amendment) Bill provides that Minister may dispense with a determination of the local land board. This will speed up the administration of some determinations. I am sure most honourable members have knowledge of instances where people have been anxious to obtain a quick decision on a land matter. The present requirement is for a matter to go before a land board or, in some cases, before the chairman sitting in chambers. Unfortunately, the chairman travels extensively and it may be some time before he returns to chambers to deal with a matter, and thus delay is caused. One hopes that the Government's proposal will overcome this problem.

Schedule 3 to the Crown Lands (Amendment) Bill provides that a person who is not satisfied with a rent of permissive occupancy has a right to have the local land board determine the matter. I am happy with this provision. As I mentioned at the introductory stage of this bill, in the past two years I have received a number of complaints of massive increases in rents of permissive occupancies. Once case that is stark in my memory concerns a rough area of land, as many permissive occupancies are. Although they are not of great value to the holder of them, as they are virtually part of his land, he feels bound to take over responsibility for them. This is an accepted fact of life for those on the land. If the landholder did not take them over, there would be no one else who would remove from them rabbits and blackberries. This obligation is normally accepted by the holders of permissive occupancies.

In the case to which I refer the rent of $6 a year was increased to $138, which is a big increase. The only remedy that the person concerned had was to dispute the increase at his nearest land board office. The result was that the rent was reduced to $50 a year. That may or may not have been a good decision. The Government's proposal is that a person seeking redress has a right to go to a land board, which consists of a chairman and two members who represent the local district and know the conditions. A landholder would feel a lot happier knowing that the decision was made by a local land board. If it is made by the local land office the landowner cannot be sure whether it is the proper rent. The tremendous increase in rent from $6 to $138 was reduced, after what might be termed negotiations, to $50.

I thought at the time it was a big rental for a permissive occupancy on that block of land. When it was looked at to establish a valuation the shire had the block valued at $500. This is the type of problem that has arisen because a person has not had the right to go to a local land board, which is a wonderful system of arbitration on land matters.

I now turn to item (3) of schedule 1 of the Crown Lands (Amendment) Bill. These remarks apply to other parts of the bills that are being taken together. That item inserts after the word roadways "or other public purpose". One can see what the Minister is getting at, but that is a rather broad term. Previous speakers have mentioned that there could be some dispute as to whether the Minister said river frontage, but obviously this is one of the things that is being aimed at. I can speak on the problem of

people having access to river frontages, as I have a rugged property that the Macquarie River runs through. It is one of the best cod fishing areas on the river, although there are some people here who might not agree with that assessment.

Mr Quinn: Are they big cod?

Mr OSBORNE: They are very big—if you know how to catch them. I understand the problem from the point of view of the fisherman and the landholder. I believe that people, particularly family people, should be able to have access to streams. There is a fishing lodge on the river-bank on my property, built not by me but by a fishing club whose members wanted to fish there. It accommodates six or eight people. Fishermen using it have ready access to the river frontage. I know from experience that although 98 per cent or 99 per cent of the fishermen who use it are good, responsible people, somehow the other 1 or 2 per cent worm their way in and that is when the trouble starts. We have to find a balance between access to good streams so that people can use them and allowing the owner of the property to run it and not be subject to many of the annoying things that can happen, such as gates being left open and boats being burnt.

At one time there was a small outbreak of loutishness on my property. Members of the fishing club came to me and said, "We want to put a lock on your gate and we will give you a key". They had built the lodge at their own expense and had put a sign on it saying that everyone was welcome to use it if they looked after it. However, it had been so knocked about by this small element that club members had become fed up and sought my permission to lock my gate and give me a key to it. The Minister will not solve this sort of problem overnight. Somehow we must find a balance.

The honourable member for Wollondilly mentioned something along those lines. Although we have wilderness areas in national parks, at some stage the Government or the Department of Lands might have to look at areas where property can be bought and made available for camping and fishing. People would be able to take their families to those areas and do the sort of thing that families should do—get out into the bush and enjoy nature and the relaxation that goes with it. Perhaps in the future the Minister will give consideration to that proposal.

I am a little worried by the phrase "or other public purposes". How far does that go? It cannot be limitless. Much will depend on the interpretation of the phrase. If it is applied sensibly and reasonably, it will be a good thing. If it gets out of hand it may be almost impossible for some people to look after their properties. A beautiful river frontage on an otherwise rugged property may be the owner's best lucerne paddock. If people who have access to it damage or destroy it, it can take away a good deal of the owner's livelihood. These are areas of concern that the Opposition sees in the phrase "or other public purposes". The application of those words will be the key to success or failure.

Apart from the points that I have mentioned, the Opposition sees merit in the bills. We congratulate the Minister on bringing them in and we hope that he and his advisers who will put the provisions into effect will take a practical view. We hope that they will ensure that the people who should benefit from access to streams do benefit, but bearing in mind always that although the Government can say, "This is the sort of thing that you are entitled to", it is easy to say that if the Government is not paying for it. No government has the right to say that everyone should have access to a stream but that the government accepts no responsibility and the landholder must accept responsibility. There must be a balance and I am sure that the Minister, whom I invite to visit the fishermen's hut on my property and catch some cod, will appreciate this point. I agree with the previous speakers from this side of the House. I see merit in the bills.

Mr CRABTREE (Kogarah), Minister for Lands [9.7], in reply: I thank the honourable member for Wagga Wagga, the honourable member for Wollondilly and the honourable member for Bathurst for their contributions to the debate. The matter that has caused the greatest concern is the use of the phrase "or other public purposes" in relation to areas adjoining the banks of streams and river frontages. I can only give honourable members an assurance that the department has found that to be necessary, and so have I as Minister, because of the challenge in the court and the determination of the Land and Valuation Court. The provision will be used in a sensible fashion. My department realizes the necessity for the man on the land to have access to a river for grazing purposes and for watering his stock. That will be granted.

I thank honourable members for their remarks. A good deal of work remains to be done in relation to the Crown Lands Act. I hope that one day we shall have sufficient time to review it completely and bring it up to modern times. I know that a number of other Ministers for Lands have said that. To the honourable member for Wollondilly I say that the Government is very pleased with the coastal lands protection scheme. It has been a wonderful scheme and has preserved for future generations marvellous areas of our coastline. Every honourable member will agree with his proposal for the preservation of the frontages of inland waters and streams. This has to be examined in the light of the economy of the country, when it is to be done and how it will be applied. I assure honourable members that I appreciate their contributions. They may be sure that this is necessary legislation that was brought forward by the demands of people generally that there should be these most important reviews.

Motion agreed to.

Bills read a second time together.

Third Readings

By leave, bills read a third time together, on motion by Mr Crabtree.

GOVERNMENT GUARANTEES (AMENDMENT) BILL

Second Reading

Mr RENSHAW (Castlereagh), Treasurer [9.10]: I move:

That this bill be now read a second time.

As I explained at the introductory stage, the purpose of the bill is to amend the Government Guarantees Act to authorize the Treasurer with the approval of the Governor to execute a government guarantee in respect of bank advances made to the Sisters of Charity to assist in financing the rebuilding of the St Vincent's Private Hospital, Darlinghurst. A loan of $7.5 million was originally negotiated by the Sisters of Charity with their bankers for this project, having regard to an undertaking given by the former Government to issue such a guarantee.

The introduction to Parliament of legislation to give the necessary authority for the guarantee has been delayed until now due to, first, problems encountered in the settlement of appropriate mortgages to secure the bank loan and, second, difficulties that arose in regard to the financing of the final stages of the rebuilding project as a result of the substantial cost escalation that occurred during the construction period. The mortgage arrangements have now been satisfactorily resolved and the Government has undertaken to review the amount of the guarantee in the light of revised financial arrangements proposed to be negotiated by the Sisters of Charity with their bankers with a view to overcoming the other difficulties.

The hospital is a private hospital licensed under the Private Hospitals Act. It has made a significant contribution to patient care in New South Wales and enjoys a high reputation for the standard of work carried out. As a private hospital it operates without government financial assistance although there is a degree of utilization of common services with the adjacent St Vincent's Public Hospital. In rebuilding the private hospital the sisters have taken the opportunity to increase the bed capacity to meet demands as well as provide modem facilities to replace the very old ones.

The sisters are applying towards the total cost of the project funds available to the order through income from the Resch estate and this source of revenue will also supplement the hospital's income in meeting the loan repayment commitments. Arrangements have been made which will ensure that the Government has suitable oversight of the operations of the hospital during the period of the guarantee. Amendment of the Government Guarantees Act is now required in order that the formal guarantee may be issued. This involves the insertion of a new subsection in section 3 of the Act. I commend the bill to the House.

Mr J. A. CLOUGH (Eastwood) [9.13]: The Opposition has much pleasure in supporting the measure. As has been intimated by the Treasurer, the former Government, of which I was a member, approved this guarantee in the first instance but certain occurrences since then, which have been referred to by the Treasurer, have made this legislation necessary. St Vincent's Private Hospital is well known in this city. It is conducted by the Sisters of Charity. It is a modern, well-equipped and well-run hospital. It gives great service to the community. I did not propose to touch upon costs, but in view of reference to the so-called ostentation of this delightful hospital made by one of the Government members in his maiden speech in this House, I want to place on record my objection to that accusation.

The Sisters of Charity do a magnificent work. About 200 of them are occupied in a number of ways in the archdiocese of Sydney. The accusation of ostentation caused me to ask myself whether, if it is ostentatious, it is out of the reach of the average person. By that I mean a middle-class person who is not wealthy. It must be remembered that the Sisters of Charity run a huge public hospital side by side with the private hospital. The public hospital is a schedule 3 hospital and compares with hospitals like Sydney Hospital and Royal Prince Alfred Hospital.

However, we are talking about the private hospital and its costs. The charge for a bed in a three-bed room is $82 a day and for a single en suite unit $92 a day. I am pleased to say that at least one health insurance fund—the Hospitals Contribution Fund—covers accommodation in the three-bed room, and covers single-bed accommodation except for a couple of dollars a day. It is to the credit of the Sisters of Charity that, despite escalating costs and the great problems that they have had, they have been able to contain costs to such an extent that a person contributing to the highest table of a private health insurance fund is covered for this type of accommodation. The Opposition agrees with the Government in bringing this measure forward and compliments the Government on doing it. The measure is in the interests of the people of this archdiocese, this city and the State.

I want to add a few words about the Sisters of Charity. I am sure the House will be interested to know that they were the first nuns to come to Australia, having landed at Woolloomooloo in 1838. For a time they stayed at the Bishop's house. Since then they have been involved in education, welfare work, hospitals, including district nursing, and gaol visitations. They still visit Long Bay gaol daily and I understand that they have splendid liaison there with inmates and the relatives of inmates. In addition, the Sisters of Charity conduct thirty-five schools in the archdiocese, mostly in the smaller parishes where their services are much appreciated. They also

operate in other States of the Commonwealth, and as far away as New Guinea, where they are at a place called Meager and in the highlands at Bundi, which is not far from Goroka.

In speaking of the Sisters of Charity I want to digress for a moment from their work in the private hospital and pay tribute to their splendid work in the general hospital. They began at St Vincent's general hospital in 1857 at Potts Point. That hospital was moved to its present site in 1870. It is interesting to note that the general hospital of St Vincent's has been a teaching hospital for sixty years. The first private hospital was established there in 1909 on the original site of what was then the Hospice for the Dying. As honourable members know, the Hospice for the Dying has been moved over the road to its present site.

I thought it would be of some interest to place on record the splendid work of the Sisters of Charity not only in the city and archdiocese of Sydney but also in the whole of the Commonwealth of Australia and beyond. It is meet and just that they have been recognized by a past government and the present Government in affording them this guarantee provision. They are required to service the debt and have been struggling to do so. So far they have managed to service it. I congratulate the Government on putting right this omission. The Opposition heartily supports the measure.

Mr BARRACLOUGH (Bligh) [9.20]: I join with the honourable member for Eastwood in congratulating the Government on its presentation of this measure to Parliament. St Vincent's Private Hospital is in my electorate; indeed, I have the honour to represent some great hospitals, including St Lukes, the Royal Hospital for Women and the Scottish Hospital, as well as St Vincent's. During my time in Parliament, and even before coming here, I have had a lot to do with both the St Vincent's public hospital and private hospital. The sisters in the public hospital care not only for the sick but also, on Saturday afternoons, for the many wounded footballers who are transported there from sporting arenas such as the Sydney Cricket Ground.

I have a high regard for what the magnificent Sisters of Charity have done. I pay tribute to a former Minister for Health, the Hon. Harry Jago, who took a particularly keen interest in the welfare of these sisters and their hospital. He always attended their charity functions, and was one of the prime movers in obtaining funds for the building of the private hospital, which has become outstanding not only in Australia but also among private hospitals throughout the world. It is the envy of many countries overseas.

I know at first hand the great contribution that has been made by the Sisters of Charity in carrying out their unselfish work of caring for the sick. I also can speak of the Hospice for the Dying, because on several occasions, sadly, I have gone there to see people who have been there in the last days of their lives. I have seen the tender care given by these magnificant sisters. Some years ago, when my mother was shopping in Paddington, she had a severe stroke. She spent the last hours of her life in this hospital.

I congratulate the Treasurer and the Government on the proposal contained in this measure. I am delighted to see that a private bank, the Bank of New South Wales, will be associated with the bill by making the advance to the trustees of the Sisters of Charity for the rebuilding and additions to this hospital, which was opened by the Governor, Sir Roden Cutler. I am pleased that this legislation is being supported so well on both sides of the House.

Motion agreed to.

Bill read a second time.

Third Reading

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

MARITIME SERVICES (AMENDMENT) BILL
FISHERIES AND OYSTER FARMS (MARITIME SERVICES) AMENDMENT BILL
CROWN LANDS (MARITIME SERVICES) AMENDMENT BILL
PORT RATES (AMENDMENT) BILL
NAVIGATION (AMENDMENT) BILL

Suspension of Standing Orders

Motion (by leave, by Mr Ferguson) agreed to:

That so much of the standing orders be suspended as would preclude the Maritime Services (Amendment) Bill, the Fisheries and Oyster Farms (Maritime Services) Amendment Bill, the Crown Lands (Maritime Services) Amendment Bill, the Port Rates (Amendment) Bill and the Navigation (Amendment) Bill being treated as cognate bills and one question being put in regard to, respectively, the second reading, Committee report, and third reading of the five bills together.

Second Readings

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports [9.26]: I move:

That these bills be now read a second time.

As I mentioned briefly at the introductory stage the Maritime Services (Amendment) Bill contains a number of proposals. The most important of these aims to redefine and rationalize the respective roles of the Maritime Services Board and the Department of Public Works in the fields of planning, development, maintenance and operation of the State's ports. It cannot be said that the proposal is entirely novel. Indeed in 1975 a Cabinet subcommittee set up by the previous administration to review the machinery of government and the economy of government operations in New South Wales had determined that improved efficiency would be better served by proposals similar to those now before the House. The present Government shares that view.

Port administration has become a highly specialized field and is vital to the economy of the State. When it is fragmented, efficiency and service suffer as do the financial and other interests of the community. In all facets of port administration, the Maritime Services Board can rely upon a wide experience gained over many years. The board is in day-to-day contact with ships and with the shipping industry; this places it in a prime position to cater for the needs of that industry.

I shall briefly explain to the House the present situation. The Maritime Services Board is responsible for the three major trading ports of Sydney, Botany Bay and Newcastle, and in those ports undertakes all forward planning, feasibility studies, design construction and maintenance, except that at Newcastle, at the board's request, the Department of Public Works undertakes some dredging and wharf construction and all wharf maintenance. In all other ports of the State, including the other major trading port, Port Kembla, and the five minor trading ports — Richmond River, Clasence River, Coffs Harbour, Trial Bay and Twofold Bay — the Department of Public Works is the constructing authority, performing functions similar to those exercised by the board in the three major ports. For all ports in the State, the board carries out navigational

functions including provision of navigation aids, the conduct of the State's pilotage service and the administration and enforcement of laws governing the many facets of navigation.

This then is the unsatisfactory situation of overlapping functions and roles now sought to be rectified and for reasons I have already mentioned. The Government's remedy lies in a proposal to transfer to the Maritime Servics Board certain functions—relative to trading ports, both present and future—which are at present performed by the department. First, so far as concerns existing ports, all functions relating to the provision, maintenance and operation of harbour and port facilities at Port Kembla are to be transferred from the department to the board in which will be vested ownership of that port. At Newcastle, all dredging, wharf construction and maintenance, together with maintenance of the breakwaters, will be undertaken by the hoard.

In relation to the five minor trading ports previously mentioned, all functions of planning development and maintenance for trading purposes are to be transferred to the board from the department, but because of its present effective decentralized structure and experience, the department will carry out, on the board's behalf, design, construction, dredging and maintenance in the minor trading ports. The board will be responsible for port development for commercial shipping purposes at all future trading ports within the State. However, until a port develops into a major trading port, the board's functions of construction and maintenance will be performed on its behalf by the department.

To enable the board to meet these widened responsibilities properly, there is a need for it to be able to acquire title to future port areas and to have transferred to it, as required, the necessary personnel, buildings, vessels, plant and equipment. In addition, certain financial functions, including loan liability, will need to be transferred from the Consolidated Revenue Fund to the Maritime Services Board Fund. Because of its experience in the field, the department's role as the State's authority on development and construction of facilities for commercial fishing, tourist and public recreation purposes is to be expended to cover all ports, including those vested in the board. In such vested ports, however, the board would execute any necessary works on the department's behalf.

I turn now to a more detailed consideration of the proposals contained in the bills before the House—first, and in particular, the Maritime Services (Amendment) Bill. Honourable members will notice that it contains only four clauses. Clause 4 provides that the Maritime Services Act, 1935, is to be amended in the manner set out in two schedules of the bill. The second schedule consists of technical amendments relating to matters of form and interpretation of a statute law revision nature. They do not affect matters of policy or important substantive legislative provisions. The first schedule to this bill contains the amendments by which the Government's main objectives will be achieved. Of immediate concern to the Government is the transfer to the board of all port functions at Port Kembla.

The bill provides in item (5) of schedule 1 for insertion in the Maritime Services Act of a new section 13JA, part of a new division 3BA, empowering the Governor to proclaim that on an appointed day—the 1st April, 1978, has been tentatively named—the lands included in parts 1, 2 and 3 of schedule 5 to the Act, which are at the moment vested in the Crown or the Minister for Public Works, shall be vested in the board. These lands comprise Port Kembla—the bed of the port as well as the surrounding areas, building and factilities. The same new division, in section 13JB, makes provision enabling the Governor from time to time to place under the board's ownership other areas of land required for the development of existing or future trading ports.

There is already a provision, section 13K, under which land may be vested in the board but it is not wide enough, for example, to enable the board to control trading ports or installations which extend wholly or partly beyond the coastline. This new section, coupled with the special provisions to be contained in a new section 2B and to which I shall refer again, will ensure that the board may effectively control ports outside, or partly outside, the territorial limits of the State. A new section 13JC will govern the transfer of works, operations and personnel at Port Kembla in particular, but also at future ports if they are established and vested in the board.

The scheme, which generally follows the pattern used when Newcastle Harbour and Botany Bay were taken over by the board, is that the Minister for Public Works and the board shall enter into arrangements and agreements, which shall be sufficiently recorded and filed, with respect to the vesting in the board of land now vested in or controlled by the Minister for Public Works, or the divesting from the board of land found to be unnecessary; the transfer of vessels, vehicles, machinery and plant; the handing over of all relevant records and documents; and the transfer of such officers and employees as may be agreed. Any disputes between the board and the Minister for Public Works shall be referred to the Governor for determination.

A new section 13JD makes provision for the transfer to the board of all rights of action, whether under contract or otherwise, which, in relation to any property, formerly reposed in the Crown or a Minister of the Crown. That provision, similar to those made when Botany Bay and Newcastle were vested in the board, will ensure a smoother take-over of functions. The Government has already made it clear that the transfer of the necessary personnel to the board will be so arranged that their salaries or wages and their conditions of work will not be adversely affected. Therefore, the existing provisions of the Maritime Services Act will be extended to cover such transferred personnel and guarantee to them all privileges, leave rights and superannuation entitlements, not less beneficial than those enjoyed by them in their service with the Department of Public Works.

The Government is particularly concerned to ensure that the amending legislation will guarantee to persons transferred from the Department of Public Works preservation of their salary or wage entitlements. Accordingly a new subsection (3A) will be added to section 14 of the Maritime Services Act to give that guarantee notwithstanding the provisions of any award or industrial agreement that might otherwise have applied.

I have so far dealt, in the main, with the transfer of port functions. But to fully implement the Government's proposal for expansion of the board's role, there is a need to lay down a legislative scheme for the control of future trading installations. Honourable members will find this in a proposed new division 3BB. No one will be permitted to construct or extend any installation, including wharves, jetties, loading apparatus or other structures, for use by trading vessels or to bring any such installation back into use without the board's approval and subject to any condition that the board might impose. A penalty of up to $400 may follow summary conviction for an offence against the provision, and the board is to be empowered to remove any unauthorized structures and recover the cost.

As I have already mentioned, the new legislation provides for the future vesting in the board by the Governor's proclamation of ports or installations used by trading vessels. This refers to—but not only to—what I have already called the five existing minor trading ports at which some shipping and trading activities, in varying degrees, occur. Only areas required for the conduct of a port or trading facility would be vested in the board. In the case of a river port it is not intended, nor would it ever be contemplated, that the whole river would come under the board's ownership. All that

would be vested in the board would be the area occupied by and in the vicinity of wharves and other associated facilities. Similar considerations would apply, of course, to areas in the territorial sea in which it may be proposed to establish trading installations.

That leads me to raise again a matter which I earlier touched upon briefly. The legislation seeks to deal with difficulties arising out of the question of who, if anyone, owns the territorial sea. Although the Commonwealth in its Seas and Submerged Lands Act, 1973, made what appears to be a valid claim to sovereignty over the territorial sea, that concept does not appear to have been satisfactorily defined. Whatever meaning it has, it obviously is not synonomous with ownership and significantly the Commonwealth does not lay claim to ownership, in the ordinary full sense of that word, to the territorial sea. On the other hand, it seems reasonably certain that the seaward limits of a State, generally speaking, lie at low-water mark. So where it might be necessary to create a port or instal a trading installation in coastal waters, a purported vesting in the board of the area concerned might be open to challenge on the basis that the State has no title to the area and therefore cannot effectively grant any proprietary rights over it to the board.

If the board's powers to build and control a trading facility in the territorial sea depended wholly upon a valid vesting in the board of title to the area, and if such a challenge were upheld, serious consequences could follow. In particular it might well be that port rates and other charges would not be payable by shippers and the board could suffer substantial loss of revenue. However, even though the State may not be invested with title to the territorial sea, it is beyond doubt that the State's laws can validly operate outside its land territory, provided such laws can be said to be for the peace, order and good government of its citizens, and it is certain that laws authorizing the carrying out of works on the coast and the imposition of proper port and navigation charges would be for such purpose. A practical solution would be to enact, in effect, that even if it is shown that the board cannot acquire title to an area in the coastal sea, nevertheless all of its statutory powers would be exercisable in that area. Such a solution is sought to be provided by a proposed new section 2B for inclusion in the Maritime Services Act.

To ensure proper extension of the board's role the amending legislation also seeks to widen the power the board presently has, to dredge and maintain waterways vested in it, so that the power can be exercised in any navigable waters to be used by trading vessels; to extend the board's function of providing navigational aids to all navigable waters rather than just waters vested in it; and to cause the powers of the harbourmaster to be made capable of exercise, not only in the four major trading ports —Sydney, Newcastle, Port Kembla and Botany Bay—as is presently the case, but also in any future area vested in the board by the Governor's proclamation. As a consequence of the widening of the board's functions, certain amendments to the financial provisions of the Maritime Services Act are called for. Because, as all trading facilities will be provided and maintained by the board all port rates—not just those collected in areas vested in it—are to be retained by it. Amendment to section 24C (1) (a) in the manner now proposed will achieve that result.

Until 1936, the State's pilotage service was a function of the navigation department. This role of the department was then assumed by the board which was constituted in that same year but the service has nevertheless been operated from consolidated revenue. The service should be operated from the board's fund. An amending provision will be made to ensure that all moneys levied or collected under the Pilotage Act, 1971, shall be paid not to consolidated revenue but to the board's own fund.

In the past any lands or structures not vested in the board have been managed by it on the basis that receipts went to and expenses were paid from consolidated revenue. As these properties will now be owned by the board, receipts are to go to the board's fund and from that fund all expenses will be met. Section 24c (c) of the Maritime Services Act provides for payment of all port rates into the board's fund, in so far as they relate to the upper Hunter River above the port of Newcastle. Special circumstances have applied because vessels enter and leave that area of the river through the vested port. At present the board receives these rates and pays maintenance expenses to consolidated revnue. However, as I have already explained, the board is now to receive all port revenue, and will carry out all maintenance and therefore the existing provision is to be repealed in the interests of consistency. Other minor consequential amendments of provisions relating to moneys to be paid to consolidated revenue are also contained in the proposals before the House.

So far I have been dealing with the proposed redefinition of the functions of the Maritime Services Act. What of the Department of Public Works which in Port Kembla and the five minor trading ports has ably performed the roles now being assigned to the Maritime Services Board? The Government's decision is that in respect of both existing and future minor trading ports the Department of Public Works is to carry out, on the board's behalf, design, construction, dredging and maintenance. To implement this proposal, the amending bill provides in effect that, except in the four major vested trading ports, all works of construction, maintenance, dredging and so on will be carried out by the board only under a contraot between the board and the Minister for Public Works.

Honourable members will know that the department has wide experience and knowledge in the construction and development of harbour facilities for commercial fishing, tourist and public recreation purposes and it operates as the State's authority in this connection through its decentralized district offices. It is proper that the department's activities should be augmented to include control of such matters in all the States' ports, including those owned by the Maritime Services Board. Of course, close liaison would be maintained with the board and in the four major ports the organization and services of the board would be utilized on the department's behalf to execute any necessary works proposed by the department. To achieve this goal the Minister for Public Works should be able to arrange for the allocation of general funds for the provision and maintenance by the board, in areas vested in it, of facilities for fishing, pleasure-boating and tourism. If agreement cannot be reached between the board and the Minister for Public Works as to the provision or maintenance of such works, the dispute would be referred to the Governor for final determination. The consequential addition of new paragraph (da) to section 24c (1) of the Maritime Services Act will direct payment into the board's fund of moneys appropriated by Parliament for these purposes.

I have so far described to honourable members the main purport of the new measures. The Government takes this opportunity to propose certain other amendments to the Maritime Services Act, which might be described as being of a machinery nature. I shall deal first with three matters which relate to the constitution and functioning of the board itself. The Maritime Services Act provides that a commissioner, other than a nominated commissioner, shall be taken to have vacated his office if he is absent from duty for twenty-eight or more consecutive days without leave granted by the Governor. This means that leave must have been granted before expiry of the twenty-eight day period. If the granting of such leave were either overlooked or for whatever reason could not be obtained, the commissioner would automatically cease to hold office. Two amending provisions are now proposed. The first is that to save the time of the Executive Council and to accord with present-day practice the necessary

approval for leave shall be obtained from the Minister. Second, approval may be given either before, during or within twenty-eight days following the twenty-eight day leave period.

The Maritime Services (Amendment) Bill provides also that accrued leave rights of a commissioner who immediately before receiving his commission was serving as an officer of the board should be preserved. At present the Maritime Services Act preserves such rights of appointees under the Public Service Act but, not having been changed since the board's inception, it overlooks persons who were officers of the board prior to appointment as commissioner. Until **1960** the board consisted of five commissioners, three of whom, one being the president or the vice-president, formed a quorum for the purpose of transacting business at meetings. In **1960** the number of commissioners was increased from five to seven but the quorum remained at three. The Government believes it to be improper that a quorum consist of less than one half of the membership of the board and proposes in this bill to increase to four the number of commissioners required to constitute a quorum at board meetings. It will still be required that one of the four constituting a quorum should be either the president or vice-president.

I shall mention briefly some further matters dealt with in the legislation. At present 5 per cent of harbour, transhipment and tonnage rates and berthing charges collected at Botany Bay is required by the Maritime Services Act to be paid by the board to consolidated revenue. That requirement, enacted in **1960,** was imposed to ensure reimbursement of public expenditure at the bay prior to its development as an oil tanker terminal from 1st July, **1954.** However, with the vastly increasing trade in that port a continued obligation on the board to meet the payment would not be equitable. In this the Treasury concurs and accordingly the requirement will be repealed.

The board's existing powers to carry out construction works are capable of exercise only on land vested in it. But there are, and there may be in the future, areas that are not owned by the board but are under its control and management. Examples are the sites of pilot stations many of which are Crown lands managed by the board. The board's powers of construction need to be extended to such areas and the proposed amendments to be made to section 13M of the Act will effectively do that.

Though the board is empowered under section 13T of the Maritime Services Act to authorize others to remove illegal structures in waters not vested in the board, no express similar power is given in respect of areas vested in the board. Experience has shown that in some backwaters an unauthorized structure may affect only a few local residents who are willing to remove it through their own efforts and at their own expense. The amendment proposed would enable the board to grant to such persons the necessary authority.

The word port is presently defined in the Act for the purposes only of the regulation-making powers conferred on the board by section **38.** It is important that the definition should have general application throughout the Act and it is proposed to move the definition to section 2, the definition section.

The board needs to be able to control not only the ports but also their sea approaches. The sea threshold of a port must be regarded as part of a port and made subject to the powers of harbourmasters to secure orderly traffic control. The board already has power to fix the boundaries of ports by regulation. It is proposed to add to section **38** a new subsection 3A to provide that a port described by regulation may include an area of water adjacent to the port's entrance.

The opportunity is also being taken to correct a discrepancy in expression between section 30A and section 30B. Section 30A refers to service of process on board any ship or vessel whereas section 30B authorizes entry upon and inspection of any

ship. The juxtaposition of the two differing expressions might be argued to show that the powers of inspection under section 30B are not to extend to vessels which do not qualify as ships, that is, rowing boats and other small vessels.

It was never intended that the board's powers should be so confined and it is now proposed that both sections be amended to refer to vessel which already, by express definition, includes a ship. The board is presently required by section 25 (1) of the Maritime Services Act to render to the Minister by 31st August each year accounts and statements for the preceding financial year. However, experience has shown that it is practically impossible to meet this statutory deadline which is to be extended to 31st October. The bill contains important proposals which, when implemented, will greatly assist proper management of the State's ports. I commend it to the House.

I shall now deal with the other measures which are cognate with the main bill I have just dealt with. The first of these measures is entitled the Navigation (Amendment) Bill and seeks to amend the Navigation Act, 1901, Division 3 of part VIII of the Navigation Act contains old provisions which relate to the discharge of cargo. Section 137, for example, makes it an offence for cargo to be discharged except on dry land or at authorized points of discharge.

Section 138 makes it obligatory for the master to ensure that cargo discharged upon any public place is removed within twenty-four hours. Section 140 empowers the Governor to proclaim the places at which cargo may be unloaded and the places at which the laying of lading is prohibited. Apart from the fact that these provisions are couched in archaic terms they are entirely at odds with the powers and functions of the board, and particularly with the expanded role to be conferred by the main amending bill. Accordingly, the whole division needs to be repealed.

The main purpose of the bill is to effect such repeal and to omit, as a natural consequence, the definitions of discharge, lading and public place from section 133 of the Navigation Act. It is proposed that the amendments should take effect on the date of assent to the main bill. I commend the bill to the House.

The Crown Lands Consolidation (Maritime Services) Amendment Bill seeks to make a minor amendment to section 68 (1) of the Crown Lands Consolidation Act. That section empowers the Minister to authorize the owner of land fronting the sea or any tidal water or any lake to reclaim adjoining land below high water mark. At present, the section excepts lands in the ports of Sydney, Botany Bay and Newcastle. If the Maritime Services (Amendment) Bill is enacted, it is obvious that the exception will need to be extended to Port Kembla and any future port areas or sites vested in the board. This bill will amend the section by excepting from its operation any land vested in the board. I commend this Bill to the House.

The Fisheries and Oyster Farms (Maritime Services) Amendment Bill proposes amendment of the definition of Crown lands in section 4 (1) of the Fisheries and Oyster Farms Act, 1935. This amendment is also consequential upon the expected enactment of the Maritime Services (Amendment) Bill. At present, included within the definition is any land vested in the Maritime Services Board of New South Wales by section 13A or 13H of the Maritime Services Act, 1935. The reference is to lands comprising the ports of Newcastle and Botany Bay. To be consistent, all lands vested in the board should be included in the definition and the bill will achieve that result. I commend it to the House.

The remaining associated amendments are embodied in the Port Rates (Amendment) Bill which is likewise introduced in consequence of the expected enactment of the Maritime Services (Amendment) Bill, and will effect minor amendments of the

Mr Ferguson]

Port Rates Act, 1975. First, the definition of scheduled port in section 5 of that Act is to be amended by exclusion of ports vested in the board and by inclusion of a reference to parts of ports not so vested.

Second, a substitute definition of vested port is to be included so that the term is made referable to parts of ports in addition to whole ports. This is necessary because, especially in the case of river ports, only those parts thereof as are required would in future be vested in the board for development of trading installations. Third, as Port Kembla is to be vested in the board, the reference to that port presently appearing in the schedule to the Act is to be deleted. Finally certain Treasury controls over matters of finance are to be removed.

Section 6 (5) of the Act empowers the board to exempt, by order, classes of goods from the payment of inward harbour rates, outward harbour rates and transhipment rates. But subsection (6) of the same section provides, in effect, that in relation to scheduled ports, that is, those not vested in the board, such an order for exemption can be made only with the approval of the Treasurer. That is because such rates would have been destined for consolidated revenue.

Section 10 (2) of the Port Rates Act empowers the board to enter into agreements for exemption of vessels from tonnage rates, berthing charges or moorage rates, but again the power is capable of exercise only with the approval of the Treasurer. But, as I have explained, one consequence of enactment of the Maritime Services (Amendment) Bill is that all rates derived from all trading ports will be paid to the Maritime Services Board fund. Accordingly, the restrictions on the board's powers found in sections 6 (6) and 10 (2) of the Port Rates Act are to be repealed. I commend the bill to the House.

Mr PUNCH (Gloucester), Leader of the Country Party [10.0]: I support the legislation before the House. The Minister acknowledged that the actions of the previous Government started the initial investigations which culminated in the legislation coming forward tonight. As one who was involved in the negotiations at that time and in the decision to rationalize the operations of the ports in this State between the Maritime Services Board and the Department of Public Works, I commend the Minister for proceeding with it and bringing it before the House tonight. There is no doubt that it is a practical move to co-ordinate port development in the State.

The Minister made a number of comments about control of ports and operations for the future. I do not take issue with him on any point other than to say that perhaps one important aspect should not be forgotten in the move to give greater control to the Maritime Services Board. Due recognition should be paid to local participation in port development and operations outside the metropolitan area. I refer particularly to Newcastle and Port Kembla. The fonmer Government set up committees that involved local people. It received from the local people constructive contributions at all times in the operation of the ports. I hope that the new move to rationalize operations will not overlook the need to involve local people, not merely on advisory committees where they may be overruled by the Minister or the board, but on committees with some power and with a direct involvement with the Maritime Services Board. This would ensure that practical and constructive suggestions were made and properly considered.

Port development in New South Wales was one of the main achievements of the previous Government. I do not think anybody could decry the achievements over the years in the four major ports of New South Wales. In Newcastle, an important port in New South Wales, the former Government's initatives, which the present Government is continuing, were commendable. I refer to the deepening of Newcastle harbour. A vital port such as Newcastle must have a deep entrance. Frankly, I was delighted when the Minister decided to continue with earlier work into deepening

of that harbour. Prior to the change of government cost estimates were made by the Maritime Services Board and it was decided to proceed with the letting of contracts, This work is important not only to Newcastle but also to the State as a whole. The coal loader has caused controversy. Some members of the Government and the Minister have expressed their views in the House on that aspect. Frankly, those remarks were not fitting in regard to the decision by the former Government to let contracts for the coal loader. There is no doubt that the coal loader was needed in Newcastle. The former Government did the right thing in letting the contracts. The fact that the firm that was building the coal loader got into financial troubles was unfortunate. However, the coal loader was finished almost on time. Negotiations took place between the original operators, Gollin and Co., the companies that took over the work, the Japanese bank, and the fonmer Government to continue to work so as to finish on schedule.

The aims of many people in the coal industry were fulfilled when the coal loader was completed. It is now in full operation. It is vital to Newcastle and to the State. Export coal is being loaded by that coal loader. It will be more important when the harbour is deepened and bigger ships can get in. Many other developments have taken place in respect of the Maritime Services Board at Newcastle. One development was the roll-on-roll-off ramp and another provision of improved wharfage facilities. As was expected, the port of Newcastle has proved to be a vital port for New South Wales.

The same could be said about Port Kembla. The former Government was responsible for the deepening of that port and for other major work to allow the entry of large bulk ships for Australian Iron and Steel Pty Limited, which is controlled by the Broken Hill Proprietary Co. Limited. At that time a great deal of work was done by the Department of Public Works in planning for the expansion of coal-loading facilities at Port Kembla. That work was needed then as it is needed now, and will be in the future. I am sure that that work will be successfully concluded.

Botany Bay is a port in New South Wales where much development has taken place. That work is to the credit of all those who have been involved in it. Port Jackson with all its attributes, including its proximity to the city, is too shallow and inadequate for the bulk ships that will operate in a few years' time. For that reason it is vital that Botany Bay be developed as a port to operate in conjunction with Port Jackson. It should be able to handle the bulk cargoes such as containers that will enter this port. The Government's decision not to proceed with the coal-loader was based on flimsy grounds. It is against the interests of the people of New South Wales; it is certainly against the interests of the coal industry and the livelihood of coalminers. The decision will be detrimental to the State's income. More particularly, it will be against the interests of the western coalfields of New South Wales.

I have no doubt that the idea of the Premier and of the Minister for Planning and Environment to take the coal to Port Kembla was plucked from the sky. It will never come into being. No one in his right senses would consider that it is a solution to the problem of export facilities for coal from the State's western coalfields. No one could convince me that the coal line direct from the Blue Mountains to Port Kembla will ever be built. The proposal would be far too expensive to implement. No coal company would saddle itself with the huge debt that would be involved. Even with the extra funds obtained from selling off State assets, the Government will not be able to finance the construction of that railway. The planned coal-loading facilities at Botany Bay with enclosed bins and conveyors would not have caused any problem. Further, it would have provided an important facility for the State's coal industry. We will hear a lot more of that proposal following the decision of the Premier and the rabid environmental element, which the Premier supports so strongly, who press for abandonment of that proposal.

Mr Punch]

Recently I noticed a newspaper article concerning super tankers by a committee established by the Minister for Planning and Environment. This committee included representatives of local councils and, knowing the Minister as I do, probably environmentalists. It reached a majority decision that super tankers were not wanted in Botany Bay. Without doubt that decision is against the wishes of the Maritime Services Board It is the type of stupid decision that I would expect from that loaded committee. It reflects the attitude of the Minister for Planning and Environment. We all know his strong feelings with regard to environmental protection. Although the protection of the environment is a good thing, sometimes the interest of people must come before the environment. If jobs and lives of people are involved, a practical approach must be adopted to the operation of more economic ships. That decision is against the wishes of a committee that was established by Mr Whitlam, the fonmer Prime Minister. That committee said that the port should be built for the large super carriers—or super tankers as they are commonly called—that will need to use this port.

These developments are commercial but they are terribly important. By bringing in this legislation the Minister is allowing for the development to continue. There is no problem in that regard. There are four major ports in New South Wales but there are some small regional ones too. The Government should also look again at the need for the provision of more facilities for leisure boating in this State. I know that has concerned a number of people for a long time. At Sydney Harbour, which is in a densely populated area, and Botany Bay and other ports not enough is being done for the owners of leisure boats. There was not enough done by the previous Government and the present Government is not doing enough either. Too little consideration is being given to the provision of more boat ramps so that people can enjoy leisure time boating, as more and more people are doing.

The same could be said of marinas. It is difficult at times to get approval to build a marina although they are much more convenient, look nicer and more practical than a multiplicity of mooring buoys. Greater consideration should be given to the provision of additional marinas around Sydney Harbour and its inlets, and also in Botany Bay and other ports. This matter becomes increasingly important as boating becomes more and more popular.

Generally New South Wales ports have been properly planned over a long period. The roles of both the Maritime Services Board and the Department of Public Works have been excellent. There has been some overlapping of responsibilities of the two entities and this was in the forefront of thinking when the former machinery of government committee was set up by the Premier of the day, the present honourable member for Wollondilly, to rationalize these operations. The deliberations of that committee precipitated the legislation that is being dealt with tonight. It takes time to bring together a number of different ideas and to take practical action on them. The legislation before the House tonight is the result of practical and constructive decisions during the original discussions.

Both the Maritime Services Board and the Department of Public Works have done excellent work in the past. The Department of Public Works was responsible for port work at Port Kembla and much of the work that was carried out at Newcastle. In the smaller ports particularly it has done an excellent job. Fishing fleets have benefited especially from it. The new responsibility of the Maritime Services Board in the planning of the ports of this State is a heavy one. From my own experience and association with the Maritime Services Board over a number of years I believe that the board is one of the State's most practical and successful instrumentalities. It has done a tremendous job over many years. I am sure that the future development of the ports of New South Wales is in good hands.

The legislation presented by the Minister tonight is sound and has the support of the Opposition. It will rationalize the entire future operations of our port system. I hope the Minister will heed my suggestion that in future there should be stronger local participation in the development of ports away from Sydney. The Opposition welcomes the bill.

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports [10.15], in reply: I listened with considerable interest to the contribution of the Leader of the Country Party to what I consider an important piece of legislation. I appreciate that he is speaking from wide experience in his previous capacity as Minister responsible for ports and public works. I join with him in paying tribute to the Department of Public Works and the Maritime Services Board, the functions that they have carried out in relation to the ports of this State, the wonderful job they have done and the splendid performance of their officers.

I want to refer briefly to a couple of matters raised by the honourable member. I wholeheartedly agree with him that there is a dreadful shortage of boat launching facilities, not only in the outer ports of this State but also in Port Jackson and its tributaries, Port Hacking and other places. I commissioned the Department of Public Works to prepare a report on the matter. In the western suburbs where I live I have noticed in the front yards of many of my constituents boats that are taken to launching ramps around Sydney. Particularly in the higher reaches of the Parramatta River there has been criminal neglect in the provision of boat launching ramps. However, the inadequate provision of boat launching ramps is not the only problem. In most of these places there are not enough parking facilities for the motor vehicles an4 trailers involved in these operations. I am finding that councils are not prepared to co-operate and assist the Government to provide the facilities for people in the metropolitan area. The problem has often received similar treatment in other parts of the State. I give the House and the Leader of the Country Party an assurance that the Government proposes resolutely to tackle this question of providing boat launching and car parking facilities for people with small craft.

Boating is an expanding industry in this State with an annual growth rate of 13 per cent. We must do something positive in helping to assist it. I hope that municipal and shire councils realize that they have a responsibility to co-operate with the Government in helping to provide adequate facilities and areas of land for use by owners of small boats. They should not be obstructive.

Another matter that the Leader of the Country Party referred to was the entry into Botany Bay of super tankers. Many people have a misconception about the dangers of super tankers. I recognize that the entry of super tankers into the bays and ports of our State is a valid matter of concern for many people. The present Labor Government, mindful of the problems associated with the development of Botany Bay, set up an inquiry under Mr Simblist, *Q.C.* He made certain recommendations regarding what should happen there and he was mildly critical of the use of Botany Bay by super tankers. He said that if their entry was established to be necessary in the national interest as against the State interest, the State should give consideration to it. We are always willing to confer with our federal colleagues. We wrote to the Prime Minister outlining Mr Simblist's doubts and asked him for his views. I may say that he has not responded with any great alacrity. We await with deep interest the Rt Hon. J. M. Fraser's response to the Premier's letter in regard to the application by the oil companies for the entry of super tankers into Botany Bay.

The Leader of the Country Party spoke disparagingly of a consultative committee that was established in relation to Botany Bay. He referred to members of the committee as misguided environmentalists, but he should bear in mind that they are elected representatives of the people who live near Botany Bay. Representatives

came from the municipality of Kogarah and other local government areas. It must be borne in mind that the local councils represent the people and are interested in their enjoyment of the environment in their locality. Representatives come also from the resident action group, which also represents the people in the area. Other representatives came from the trade unions. All these representatives came together to ensure that the people were fully aware of and were consulted about any proposed action by the Government in relation to Botany Bay.

Instead of attacking the Minister for Planning and Environment, the Leader of the Country Party should have been commending him for ensuring that at all stages the people affected by the decisions of the Government are given an opportunity to be consulted, so that the Government can obtain their views. I want neither these people nor the Minister for Planning and Environment attacked for setting up this wonderful committee.

The Leader of the Country Party referred also to the coal loader at Newcastle. He claimed that I unfairly attacked him in this House. If he thought it was unfair for me to say that he let a big financial undertaking to a company that went broke, I apologize. However, the first job I as the Minister and the Government did when we came to office was to try to rescue this coal-loading facility that was important to Newcastle and the State. Our big problem was to ensure that we maintained a 51 per cent Australian equity. We very much appreciated the Japanese contribution of financial resources associated with the reconstruction of the Port Waratah Authority, but we wanted to ensure that we maintained an Australian majority equity. In regard to the coal loader at Botany Bay, I say once again that, as long as I am the Minister and as long as we are the Government, the Botany Bay coal loader is as dead as a Peking duck. I commend the bill to the House.

Motion agreed to.

Bills read a second time together.

Third Readings

By leave, bills read a third time together, on motion by Mr Ferguson.

ADJOURNMENT

Minister for Lands—Gaol Visits by the Honourable Member for Gordon

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports [10.25]: I move:

That this House do now adjourn.

I am sure that I am speaking on behalf of all honourable members in this Parliament when I say how much we have appreciated the services of that wonderful honourable member, the honourable member for Kogarah, Minister for Lands. I congratulate him on attaining twenty-five years' service in this Parliament. In particular, I congratulate him on attaining his right to a pension commensurate with those years of service here. We all appreciate his friendliness and service to the State, and I wish him a happy anniversary.

Mr MOORE (Gordon) [10.26]: I commend the Minister for Lands for his diligence in his duty, which far exceeds that of one of his colleagues, to whom I refer tonight. On 9th February, when answering a question without notice, the Premier confirmed his Government's view on a policy of open government. He said that information would be made available freely, particularly to members of the Opposition. I

wish to speak about the extremely creative interpretation of that policy by the Minister for Services and Minister Assisting the Premier. I approached the Minister earlier about the possibility, as a member of this House, of visiting the gaols in New South Wales to see what went on inside them. At that time the Minister said to me, "Contact me again after the hearings of the Royal commission have been completed and I shall probably let you have a look around some of the gaols." On 6th December I wrote to the Minister in the following terms:

> I spoke to you in early October about the possibility of a visit of inspection by myself to both Long Bay and Parramatta Gaols. You suggested that I write to you after the Royal Commission into Prisons had concluded its hearings and I now do so with a request that you permit me to make an inspection of these two establishments. I would appreciate, should you agree to this, if you would inform me as to who I should contact to do this. I would prefer to make the visit in the week commencing 17th January, if possible, as I will be out of Sydney prior to then.

I received no reply to that letter, which is characteristic of the Minister's swiftness. On 23rd January I wrote to the Minister again, reminding him of the terms of my earlier letter and saying:

> I have not received any reply to that letter from you and I would appreciate an answer from you as a matter of urgency. By this letter I seek to widen the request to include permission to visit Grafton, Goulburn, Bathurst and Maitland Gaols; together with the Silverwater complex and the Mannus Prison Farm.

Again with the characteristic swiftness of the Minister, the letter of 23rd January was not answered until 6th February. In his letter to me of 6th February the Minister replied, addressing me as Shadow Minister for Services, representing the Opposition on matters within the Minister's portfolio:

> I refer to your recent communications requesting permission to visit certain institutions within the Department of Corrective Services.
>
> Careful consideration has been given to your request and I am of the opinion that any visits to such institutions would not be productive in the interests of the prison system or community.

So much for the policy of open government reaffirmed by the Premier in this House in reply to a question from the Leader of the Opposition on 9th February. That policy presumably existed right throughout the period when the Minister took this most creative attitude to the policy of open government.

[Interruption]

Mr MOORE: The Minister of Justice and Minister for Housing should not howl like a jackal over this matter; when he was in Opposition he was one of those members who was granted permission to visit prisons.

Mr Mulock: I was refused permission by the Leader of the Opposition when he was the responsible Minister.

Mr SPEAKER: Order!

Mr MOORE: No decision was made by the former Government that a blanket exclusion would apply to visits to all institutions within the Department of Corrective Services if the member of the Opposition appointed by his leader to supervise, look over, and report upon the activities of the Minister for Services applied to make such a visit. It seems that this is a complete about-face by the Minister for Services and

Minister Assisting the Premier in refusing permission for me to visit gaols. I do not know what he is worried about. Perhaps he is worried about the fact that his ubiquitous spokesman who always makes statements on his behalf is reported in the ***Sun-Herald*** of 29th January, 1978, as saying that the damage to Goulburn gaol by the fire on the Australia Day long weekend was valued at only $2,000.

Mr Coleman: Who said that—the Minister's spokesman?

Mr MOORE: It is anonymous though probably it was made by the spokesman. On this occasion the newspaper is not even given the right to say it is a spokesman. It merely says damage has been estimated and refers to sources in the department. The ***Goulburn Post*** of 30th January carried an article clearly indicating that damage to the auditorium of the gaol at Goulburn was in excess of $50,000—certainly not the $2,000 suggested by the Minister's anonymous source. Perhaps the Minister is afraid that an inspection of Goulburn gaol will reveal that the damage to the auditorium, which occurred four years less one week after the fires at Bathurst, was because the prisoners were planning a celebration in the following week, had the arsonists' intent at Long Bay on the Australia Day holiday weekend been successful. The fires at Goulburn determined that issue.

Perhaps the Minister is afraid that an inspection at Cessnock will show that his marvellous and ambitious attempt to set himself up as a second Tommy Smith in New South Wales might be successful. Perhaps it will encourage sprinters from within institutions of the Department of Corrective Services rather than stayers within them. I should like to see the cultural resurgence that the Minister plans for New South Wales, if he is hoping to encourage a return to the days of bushranging by providing armed hold-up merchants with horses. Perhaps we shall see established the William Haigh memorial training centre for croupiers as the next step in rehabilitation of some classes of prisoners. The Minister will not allow a member of the Opposition in this Parliament the opportunity to look at the State's penal establishments. He seems determined to hide things from the Opposition.

[*Interruption*]

Mr SPEAKER: Order! At 10.32 p.m. the House is close to adjourning and as the use of Standing Order 392 would result in little penalty, I may have to resort to the use of Standing Order 387 which would mean that we shall be without the company of an honourable member for not only the remaining portion of this evening but also tomorrow.

Mr MOORE: The Minister has not deigned to explain to me or to the House why it should be contrary to the interests of the prisons system or indeed to have his so-called administration and his marvellous plans for the future of prisons opened to public scrutiny. Why is he hiding these things? Why does he deny his Premier's policy of open government, reasserted in this House on 9th February, 1978, just three days after he wrote to me refusing permission for me to look at the State's gaols?

Mr HAIGH (Maroubra), Minister for Services and Minister Assisting the Premier [10.33]: I am most interested to hear what has been said by the honourable member for Gordon in relation to my refusal of his request to inspect certain prison establishments in the State. Of course, that attitude conforms with the attitude adopted by the coalition parties when in government. They consistently refused Labor members of Parliament permission to inspect penal institutions. I am most concerned at some of the things the honourable member for Gordon has said publicly. They are untrue and unfounded in regard to many aspects of prisons administration and Ministers of the Wran Government.

I refer particularly to allegations that the honourable member for Gordon made on 1st February, 1978, in a radio broadcast on 2GB complaining that the Government had failed to respond to his correspondence in relation to an alleged serious commercial exploitation of concern to the Government, namely, an allegation that domestic cats had been used for the purpose of providing skins for commercial purposes. Everything that the honourable member said in that radio broadcast was totally untrue. If this present matter follows the line and attitude of the honourable member for Gordon, it would be improper, irregular and not in the best interests of the community, nor would it be productive or in the interests of the prison system or the community to allow a person of that particular nature and character to become involved in inspections of the prison system.

[Interruption]

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

Mr HAIGH: The problems in the prison system today are as a result of the ineptitude, and lack of concern, positive action and direction by honourable members opposite when they were in government for eleven years. To indicate the falsity of the allegations made on radio station 2GB, I want to say that the honourable member for Gordon said then that certain correspondence had been sent to me and that I had not replied to it. In fact, he sent correspondence to two Ministers—the Minister for Health and the Minister for Decentralisation and Development and Minister for Primary Industries—in relation to a particular matter. The honourable member did not know to whom he should direct his correspondence. My two colleagues forwarded that correspondence on to me and within a fortnight of receiving it I answered the question raised by the honourable member for Gordon.

On the very day that I had sent replies to his correspondence he was on the radio denigrating the Government and me in regard to replies to his correspondence. At no time during the period when honourable members opposite were in government did any Minister reply to any correspondence within a period of fourteen days, giving all the detailed information that I gave. That is indicative of the attitude and approach taken by the Opposition and the honourable member for Gordon. The attitude of the Government is to reply to any correspondence or inquiries in a much shorter period than any replies were ever given to any inquiries from the former Opposition when honourable members opposite were in government. The record of this Government is much better.

Because of the attitude of the honourable member I indicated that it was not in the best interests of the Department of Corrective Services, the prison system or the community for him to inspect institutions. When the Government has overcome the problems that it inherited because of the lack of interest and concern for the security of the people in the community in ensuring that there was a proper prison system, the honourable member for Gordon, along with every other member of his party, will be able to inspect the prisons.

Mr SPEAKER: Order! The debate having proceeded for fifteen minutes, the House now stands adjourned.

House adjourned at 10.40 p.m.

QUESTIONS UPON NOTICE

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

ENGLISH LANGUAGE COURSES

Mr MAHER asked the Minister for Education—

(1) Where, when and at what time are English language courses for migrants conducted within Drummoyne electorate?

(2) How many persons are undertaking the courses at each centre?

(3) What moneys have been expended on salaries and other costs since 1 July, 1973?

Answer—

The Adult Migrant Education Service conducts English Language courses which are held at:

Location	Days	Time of Day
1. Fivedock Library Lyons Road, Fivedock.	Tuesday and Thursday	10.00 a.m. to 12 Noon
2. Elna Community Centre. Dalhousie Street, Haberfield.	Tuesday and Thursday	1.00 p.m. to 3.00 p.m.
3. Haberfield Demonstration School. Bland Street, Haberfield.	Monday and Wednesday (2 classes)	7.00 p.m. to 9.00 p.m.
4. St Patricks School. Gale Street, Mortlake.	Monday and Wednesday	9.30 a.m. to 11.30 a.m.
5. Concord Public School. Burwood Road, Concord.	Wednesday	9.30 a.m. to 11.30 a.m.
6. Australian Wire Industries. Chiswick.	Monday to Friday (2 classes) (Industrial class)	2.00 p.m. to 3.00 p.m.

Attendance at these centres per session are

1.	12
2.	13
3.	35
4.	10
5.	8
6.	18

TOTAL—96 Students per session

Due to the fluctuations in both numbers of classes and rates of pay it is impossible to work out an expenditure figure from 1973. The cost for this financial year will be $19,000 approximately.

In regard to child migrant education E.S.L. (English as a Second Language), teachers are attached to the following schools in the Drummoyne Electorate:

Abbotsford	1
Dobroyd Point	2
Drummoyne	2
Five Dock	2
Mortlake	1
Haberfield	1
Drummoyne High School	1

Additional information is not available.

REZONING OF 14–18 BABBAGE ROAD AND 1 LINKS AVENUE, ROSEVIUE

Mr MOORE asked the Minister for Local Government—

(1) Did Ku-ring-gai Council write on **15** April, **1976,** seeking alteration of the zoning of these properties?

(2) Did they write to him making the same request on **5** October, **19761**

(3) Why did it take until **25** July, **1977,** for him to give a definitive reply to these requests?

Answer—

(1) The Ku-ring-gai Council applied for the alteration of Residential District No. **10** applicable to the subject land on **15-4–75.**

(2) There is no record of any letter received from the Ku-ring-gai Council dated **5** October, **1976,** making the same request.

(3) The Council's application for the alteration of Residential District No. **10** was, in accordance with the usual practice, referred to the Planning and Environment Commission for examination and advice. In May, **1975,** advice was received from the Planning and Environment Commission that the Council had requested the Minister for Planning and Environment to suspend the provisions of its Scheme Ordinance in respect of the relevant part of the subject land, and to rescind Interim Development Order No. **40** permitting a refreshment rooms development.

In view of this the Commission recommended that action on the Council's proposal to alter Residential District No. **10** and to implement provisions contrary to the Interim Development Order be deferred. These comments were referred to the Council on **11–6–75.**

The matter was further considered by the Planning and Environment Commission until **12–7–77** when the Department was advised that the Commission was not prepared to recommend to the Minister for Planning and Environment that he rezone the land at Nos **14–18** Babbage Road and No. **1** Links Avenue, East Roseville, in the manner suggested by the Council as this would result in an anomalous zoning situation whereby isolated parcels of land zoned Business Neighbourhood, and capable of redevelopment, would be situated within an otherwise residential area. On **25–7–77** the Council was advised of the Commission's views and that its application for the alteration of Residential District No. **10** would be held in abeyance pending further advice from the Commission.

On 10–8–77 the Council informed the Department that it had requested the Minister for Planning and Environment to rezone all business zoned land bounded by Babbage Road, Park Avenue and Links Avenue to permit residential development and that the above recommendation be included in Council's current Varying Scheme.

Having regard to the above the Council stated that it was no longer necessary to vary the Residential District proclamation.