

Legislative Assembly

Wednesday, 1 March, 1978

Petitions—Questions without Notice—Standing Orders Committee—Standing **Orders**—
Standing Orders and Procedure Committee—Leader of the Opposition (Censure)
—Assent to Bills—Bill Returned—Pesticides Bill (Corn.)—Consumer Protection
(Amendment) Bill (second reading)—Securities Industry (Amendment) Bill (Int.)
—Cognate Bills (Ints)—Local Government (Footway Restaurants) Amendment
Bill (Int.)—Liquor (Footway Restaurants) Amendment Bill (Int.)—**Adjournment**
(Home Insulation)—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:

Pensioners' Electricity Accounts

The Petition of certain citizens 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 Brown, Mr Fischer, Mr Rozzoli, Mr Sheahan, Mr Singleton and Mr Wade, received.

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 Barraclough, received.

Sunday Hotel Trading

The Petition of those opposed to Sunday hotel trading respectfully sheweth:

- (1) The people of New South Wales have democratically in the 1969 Referendum declared their wish not to have hotels opened on Sunday, the referendum vote indicating 906 276 in favour and 1 249 835 opposed.
- (2) Not only because we believe the democratically declared will of the people should be accepted, but also because the community must suffer the consequences of changes in liquor laws. A proposal as radical as Sunday hotel trading should not be contemplated without a referendum.

Your Petitioners therefore humbly pray that the wishes of the majority of the electors in New South Wales, as expressed in the 1969 Referendum on Sunday hotel trading, be upheld by the Legislature.

And your Petitioners, as in duty bound, will ever pray.
Petition, lodged by Mr Singleton, received.

Milk Quotas

The Petition of all those dairyfarmers in the Raleigh area opposed to the present method of the allocation of milk quota respectfully sheweth:

- (1) That many larger dairyfarmers have a very great advantage over the small dairyfarmers, most of whom will never be able to obtain adequate quota to support their family in full-time dairy farming unless the system of quota allocation is changed.
- (2) Many farmers in the old base market quantity area who failed to qualify for a large quota when they were able are receiving quota to the disadvantage of North Coast dairy farmers.
- (3) We call on the Minister to return to his stated policy of upgrading of quotas to a minimum level of 60 gallons per day, the onus to be on the farmer involved to produce this quantity to retain this quota.

Your Petitioners therefore humbly pray that your honourable House will sympathetically look at the problems of the small dairyfarmers of northern New South Wales.

And your Petitioners, as in duty bound, will ever pray.
Petition, lodged by Mr Singleton, received.

Aboriginal Land Rights

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

That there is at present no real recognition of Aboriginal rights in the laws of New South Wales.

Your Petitioners therefore humbly pray that your honourable House act immediately on the proposals for land rights in New South Wales put forward by the New South Wales Aboriginal Land Council to give all Aboriginal people in New South Wales the right to adequate land, owned locally in perpetuity, on the basis of established traditional ownership or need, including full mineral rights, and special access rights for hunting, fishing and visiting sacred and historic sites; place a total freeze on the sale or lease of all vacant Crown land in New South Wales until Aboriginal land claims are lodged; and halt the planned public auction of land excised from the Mission State Forest at Terry Hie Hie.

And your Petitioners, as in duty bound, will ever pray.
Petition, lodged by Mr Hills, received.

QUESTIONS WITHOUT NOTICE

SMALL BUSINESSES' LOANS GUARANTEE ACT

Mr COLEMAN: I ask the Minister for Decentralisation and Development and Minister for Primary Industries a question without notice. In his second-reading speech on the Small Businesses' Loans Guarantee Bill on 31st March last year, did the Minister say that the bill was another measure in the Government's programme to stimulate the economy and improve employment opportunities? Is it a fact that, although a year has now passed, no loans whatsoever have been made under this legislation?

Mr DAY: It is true that the Government embarked upon a scheme for guaranteeing loans for certain small businesses, involving the passage of legislation through this House, as the Leader of the Opposition is aware. Difficulties arose in the practical implementation of the scheme in that it was necessary to explain to lending institutions, including all of the banks, that all loans advanced to small businesses would not per se carry a government guarantee. The Premier presided over a meeting with all the major lending institutions in New South Wales in an effort to sort out in what circumstances government guarantees would apply. I am pleased to say that after protracted negotiations with a number of lending institutions those difficulties have now been resolved completely, with the exception of two banks only. I am hopeful that within the next couple of weeks the difficulties will be overcome so far as those two banks are concerned also. The Government is now in a position, having reached a precise understanding with the lending institutions, to give guarantees where they are properly required by a lending institution in order to assist small business enterprises.

This legislation, this effort, to assist small businesses is unique. The New South Wales Government was the first government in Australia, State or federal, to embark upon a project to give a real measure of support to small businesses. As a government we recognize the value of small businesses in offering employment. It is the Government's intention to foster small businesses. The measure referred to by the Leader of the Opposition is a worthwhile step in that direction. It is unfortunate that it has been marked with some slight delay owing to the mechanical difficulties I have endeavoured to explain briefly. The Government has embarked on a policy that will greatly enhance the strong support it gives to small businesses in this State.

PRISONER LAWRENCE BAXTER

Mr BARNIER: I ask the Minister for Services and Minister Assisting the Premier a question without notice. Is the Minister aware of statements by the Leader of the Country Party concerning Lawrence Baxter, a prisoner in Grafton gaol? Did the Leader of the Country Party say that Baxter was allowed to walk the streets with just one person? Is that statement by the Leader of the Country Party correct? If not, will the Minister give the facts?

Mr HAIGH: The Leader of the Country Party did make such a statement on Channel 10 on 24th February. The facts concerning prisoner Baxter are that on 14th May, 1975, the Commissioner for Corrective Services at the time approved of Baxter's being employed on building construction work outside the prison, subject to his being accompanied by a prison officer. Under that approval Baxter was allowed to leave the gaol in the company of an officer to purchase building materials at a Grafton shopping centre. Earlier this year, staff of the prison objected to Baxter's being allowed to move outside the prison. On 9th February, 1978, the superintendent of Grafton gaol discontinued that privilege. That was two weeks before the statement was made by the Leader of the Country Party. Baxter has not been allowed to leave the prison since that date. The answer, then, to the honourable member's question is that the Leader of the Country Party's statement is false—part of an orchestrated, mischievous campaign.

NATIONAL PARKS

Mr PUNCH: My question without notice is directed to the Minister for Lands. Did the Minister tell the House on 16th February that the Government no longer proposes to establish national parks on land being used actively for other purposes?

As there is a great deal of uncertainty about what the Minister meant, will he give an immediate and unequivocal undertaking on just what areas of land he is willing to exempt? Further, would any such exemption apply only to Yuragir National Park in the Casino electorate, or would it apply also to other North Coast national parks, and to the Greater Southern Blue Mountains National Park, and to Myall Lakes?

Mr CRABTREE: I am delighted that the Leader of the Country Party should ask me this question. As his colleagues will tell him I have already made an exhaustive tour of the North Coast to regenerate that part of the State——

[Interruption]

Mr SPEAKER: Order!

Mr CRABTREE: The Government of which the Leader of the Country Party was one of the leaders, destroyed——

[Interruption]

Mr CRABTREE: Perhaps I should inform the House that when I visited the North Coast the honourable member for Lismore was most generous and told me afterwards, "Thank God you are here instead of Tom Lewis." Quite frankly it is mystifying to hear the leader of the leaderless legion of Country Party members query the policy of my department.

Mr Punch: It has not got one.

Mr CRABTREE: The coalition Government destroyed many tourist facilities of the North Coast. It closed down thousands of sites for caravans. Nevertheless, the Leader of the Country Party has the hide and temerity to talk about what this Government might do with regard to national parks. On 29th March I shall visit the North Coast at the request of the honourable member for Casino—the Minister for Decentralisation and Development and Minister for Primary Industries. Rather strangely, since I made that date to go up there and——

Mr Pickard: Talk to the wombats.

Mr CRABTREE: I would rather talk to a wombat than to an animal like you. At the request of the honourable member for Casino I shall visit the North Coast at the end of this month. Already I have had three requests from members of the Country Party asking me to visit their electorates during that tour. I shall go there and tell them what a hopeless man the Leader of the Country Party is. I shall tell them how he has misled those poor unfortunates in country areas. Now the Leader of the Country Party wants to embark upon——

Mr Webster: What is your policy?

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

Mr CRABTREE: I am rather amazed that the honourable member for Pittwater, who in his electorate claims to protect national parks and the natural heritage, should question my policy. The plausible rogue from Pittwater would mislead the people.

Mr Webster: What is your policy?

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

Mr CRABTREE: My policy and the policy of this Government is that national parks will be provided throughout New South Wales. The Government is proud of its record. When I visit the North Coast at the end of March the people will be assured, as they were on my last visit, that they have a real, decent government that is interested in the rural progress of New South Wales.

DEBT COLLECTION

Mr MAHER: My question without notice is directed to the Attorney-General. Have I alerted the Minister to details of the case of a 13-year-old girl who was greatly distressed to receive a notice demanding payment of a medical account for an appendix operation? Did a document headed "Notice of Creditor's Intention to Commence Proceedings at a Court of Petty Sessions" claim an amount of \$52 from this girl whose parents' only income is the invalid pension and both of whom have poor English? Was this official and legalistic looking document issued by a debt collecting agency on behalf of a doctor who directly caused a delay in payment through his failure to process a Medibank claim for the account? What action has been taken with regard to this matter?

Mr F. J. WALKER: I can readily confirm the points raised in the honourable member's question, and I congratulate him on his efforts on behalf of the less-fortunate and his zealous defence of his constituents. The case in question disturbs me greatly. The apparently careless accounting in a doctor's practice led to an innocent young girl with invalid parents being set upon by one of the handful of Shylock-type debt collectors who disgrace the business world in New South Wales.

I choose my words advisedly. "Set upon" is not too strong a term when one considers the effect that such a formidable and stern document must have when served on a child, particularly in a family unfamiliar with our language and our laws. I have here a photostat copy of that document and I propose to read some of it to indicate the sort of documents being sent to some children in this State. Because it is a copy, it is not blue, as the original is.

The document is headed in large black type, "Notice of creditor's intention to commence proceedings at a Court of Petty Sessions". It is set out in the same form as a summons issued out of the District Court or a court of petty sessions and gives the impression that it is in fact a summons. After another subheading which reads, "Date fixed for filing of plaint", the document contains a series of legalistic words that are usually used in a summons. The document then reads:

To Above Named Debtor,

This is to advise that it is intended to issue a SUMMONS from a Court of Petty Session on the abovementioned date and to subsequently enter JUDGMENT AGAINST YOU. Such judgment will be enforced by a WRIT OF EXECUTION and/or a GARNISHEE ORDER.

The document goes on in some more legalistic language to give the impression to that young girl, or to any person upon whom it is served, that it is in fact a legal document. Officers of my department investigated this matter and have passed it on to the police for the possible institution of proceedings under the Unauthorised Documents Act. But this complaint is only the tip of the proverbial iceberg. I recall the honourable member for Ashfield raising a similar complaint in this House. Many objections have been raised to the use of various documents by creditors, their agents and mercantile agents in attempts to persuade debtors through the guise of a formal document into the payment of debts.

It seems common practice to deliberately frame certain documents to give the impression they emanate from a court: blue paper, company seals and a legalistic style are used. Unfortunately most of these documents do not come within the ambit of the Unauthorised Documents Act in its present construction. Usually there is nothing explicit in the document which would convey to the debtor that the document had been issued by a court.

I am pleased to be able to inform the House and the public that the Government has agreed to strengthen this law. I propose to introduce amendments to the Act to change the test applicable in determining whether or not the document contravenes the law. The new test proposed is whether a document is reasonably capable of conveying the impression that it has officially authorized status. Further, I propose that disclaimers on these documents, such as the commonly used "this is not a summons" will not by themselves exclude the document from the provisions of the Act. Penalties under the Act will increase ten-fold to a maximum fine of \$1,000. I am confident these changes will diminish what is a most objectionable, despicable practice.

SYDNEY VISIT BY THE HON. D. A. DUNSTAN

Mr BARRACLOUGH: I direct my question without notice to the Premier. Did the Premier of South Australia recently open an art exhibition in Sydney? During the Hon. D. A. Dunstan's visit to Sydney did the Premier give him information and documents to enable him to attack the Leader of the Opposition over what is now known as the Dunstan-Wran ASIO fiasco? Did the Premier of South Australia use this information and these documents to attack the Leader of the Opposition under parliamentary privilege in order to divert attention from the Premier of South Australia over his sacking of his police commissioner, Mr Salisury, and his opposition to ASIO?

Mr WRAN: The answer to the first part of the question is, yes. The Hon. D. A. Dunstan did open an exhibition at the invitation of the trustees of the Art Gallery of New South Wales, an institution which the honourable member for Bligh assiduously avoided while he had the portfolio that held the responsibility for the administration of that place. Second, whilst the Hon. D. A. Dunstan was in Sydney, I did not see him nor did I speak with him directly or by telephone, or communicate with him in any respect.

[Interruption]

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

Mr WRAN: Third, the implication in the honourable member's question is as false and baseless as the motives that prompted him to ask it. Frankly it is merely an endeavour to take a little of the edge off what is to take place here later in the afternoon. If the honourable member is really worried about the electors he should try to restrain some members of the Legislative Council such as the Hon. H. G. Percival and the Hon. R. B. Raines, who, though they have been members for only three months, are trying to rob the public purse of \$120,000 and \$172,000 respectively. The honourable member for Bligh purports to be the representative in this House of some people in the eastern suburbs whom he never sees; he is always with the Leader of the Country Party in his swimming pool at Yarranabbe Road, Darling Point. It ill behoves him to endeavour to traduce the name of the equally most popular Premier in Australia.

WORKER PARTICIPATION

Mr DURICK: I address a question without notice to the Minister for Local Government. Did Canterbury municipal council recently form a staff participation committee consisting of eight elected members representing equally the indoor and outdoor staffs of the council with each elected member representing a specific section of the council's activities? Is it the object of this decision to involve employees in consultation and discussion regarding council's activities? Have representatives of the Municipal and Shire Council Employees Union, the Health Inspectors Association and the Australasian Society of Engineers given their support to the concept? Is this the first staff participation committee established by any local government authority in New South Wales? Will the Minister indicate whether he supports the concept? If he does, will the Minister publicize this significant development to local government authorities generally?

Mr JENSEN: The honourable member for Lakemba has raised a matter which, in my opinion, could well be an important milestone in industrial relations in New South Wales. As the mayor of Canterbury, Alderman John Mountford, said at the launching of the Canterbury council staff participation committee, history was made by Canterbury council in the fostering of this splendid exercise in industrial democracy. I was unable to attend the ceremony because of a prior commitment but I asked the mayor to convey my good wishes to those who were assembled on that occasion. The participation of the Hon. P. McMahon, M.L.C., of the Municipal and Shire Council Employees Union, representatives of the Health Inspectors Association and the Australasian Society of Engineers indicates the importance placed on the activity by those industrial organizations. In my opinion there is no doubt that Canterbury council will afford great satisfaction to its employees and job enrichment as a consequence of this innovation. I compliment the council on its initiative in the matter. I hope other councils will emulate Canterbury council in this regard. I predict a more rewarding involvement of all unions in local government as a consequence of this innovation.

GUILD TEACHERS COLLEGE

Mr PICKARD: I address a question without notice to the Minister for Education. Has the Minister received a report called the Butland committee's report in which a recommendation is made for the closure of the Guild Teachers College, which prepares teachers for independent schools, and the forcing of this college and its students into the Alexander Mackie College? If so, will the Minister inform the House of his intention in order that the college may be assured of its continued existence and independence?

Mr BEDFORD: It is true that a subcommittee of the Board of High Education was asked to inquire into the viability of a number of small colleges in the inner-city area. It was established under legislation introduced by a former Government, and chaired by Emeritus Professor Butland. Naturally, the committee members would have had to consider this matter in the context of the total supply of colleges in the metropolitan area.

The Higher Education Board's thinking along these lines, apart from what appeared to it to be an obvious need for review, was somewhat governed by the strictures laid upon it by what is now called the Tertiary Education Commission of the Commonwealth Government under the control of the federal Minister for Education, Senator Carrick, who, on a number of occasions prior to the Butland report, expressed the opinion that it was high time he looked at some of the smaller colleges

and the *per capita* cost of maintaining them. In those circumstances it seemed proper that the Higher Education Board should establish a subcommittee under Professor Butland. This was done.

The Butland committee report, as it has become known, is freely available. All colleges have had an opportunity to consider its recommendations. The Higher Education Board is aware that a number of people and associations connected with the smaller colleges have expressed considerable concern about the ramifications of the recommendations. As a consequence I have asked the board to continue consultations with a view to ascertaining which of the recommendations can be implemented. Some smaller colleges are violently opposed to the recommendations of the Butland committee; others are not so markedly against them.

Given those circumstances, it may well be possible to rationalize in the interests not only of the colleges but also of the students who go through those colleges. Their interests are paramount. Another factor, about which we are being continually reminded by Canberra, is that we have to reduce the *per capita* cost of education in our tertiary institutions. The Butland report is available and open to discussion. Continuing dialogue is taking place between members of the Higher Education Board and representatives of all the colleges in the metropolitan area.

2,4,5-T HERBICIDE

Mr AKISTER: Is the Minister for Health aware that a herbicide called 2,4,5-T has been linked with deformities in new-born babies in Victoria and Queensland? Is this herbicide used in New South Wales and is there any evidence that it has caused these defects? Will the Minister give details of what action he is taking in regard to the use of this herbicide?

Mr STEWART: It is a fact that there have been allegations that the use of this herbicide has been linked with deformities in babies in both Victoria and Queensland. The herbicide is manufactured in Western Australia under licence from the Dow Chemical Company of the United States of America. The chemical works by causing multiple photosynthesis whereby the plant leaves grow at a much faster rate than the roots causing the plant to die. Oversea experience has shown that it has a most serious effect on humans as well. In California it has caused severe dermatitis amongst farm-workers. In Sweden it has caused deaths and has been banned. In New Zealand it has been discovered that where this chemical has been used there has been an increase in deformities and abnormalities in children.

In Australia there are allegations also that deformities have occurred probably as a result of the use of this herbicide. On Mike Willesee's current affairs programme this week a doctor in the small Victorian country town of Yarram, which is a farming area, called for its banning as he claimed it has caused gross deformities in new-born children. In the past twelve months four babies have been born who suffered from gross deformities and died as a result. In this period a total of ninety-three babies were born in the district. Statistically a deformity of the type suffered by the children should occur only once in ten years and not four times in the one year as occurred in Yarram. This is by no means proof that the herbicides being used in the district are to blame. However, according to the doctor from Yarram there is evidence that this chemical causes similar deformities and miscarriages in animals. The Victorian Department of Health claims that there is no link between the use of the chemical and deformed babies and that it should not be banned until its investigations are complete.

In New South Wales the division of occupational health has examined several local supplies to establish the level of dioxin, a teratogenic contaminant. The level of dioxin has been well below 0.1 parts a million in all the samples tested. The product 2,4,5-T is widely used by councils and other instrumentalities throughout the State in controlling such woody weeds as blackberry. It is not used on crops. Recently, workers in the Northwest, in the Gunnedah and Narrabri areas, have been examined to determine whether they had been subject to overexposure to 2,4,5-T. A few were found to have higher levels of the substance in their bodies than they should. For a couple of weeks they were taken off work that involved the use of this herbicide to allow excretion of the substance to an acceptable level. In the meantime they were given instruction in its proper use so that when they again started work with the herbicide they would not become contaminated.

I have asked the Health Commission of New South Wales to continue to review this matter and to furnish me with a detailed report. In the meantime I shall keep in touch with the Victorian health authorities so that I may have the benefit of the investigation that they have undertaken. Later I hope to be in a position to give the honourable member for Monaro and the House further details on the matter.

FISHING INDUSTRY

Mr BROWN: I direct my question without notice to the Deputy Premier, Minister for Public Works and Minister for Ports. Have officers of the Department of Public Works been carrying out an investigation into the best way to provide facilities for the fishing fleet on the Macleay River at either South West Rocks or in Back Creek? If following those investigations a recommendation is made that a safe port be established at Back Creek, will the Minister endeavour to ensure that funds are set aside for the work in the forthcoming Budget?

Mr FERGUSON: It is true that officers of the Department of Public Works are making inquiries into facilities for professional fishermen of the Macleay River. This is not a new problem. To the credit of the honourable member for Raleigh, on numerous occasions he raised it with the previous Government, of which he was a member. His representations were to no avail. Unfortunately, navigation depths at the entrance to the Macleay River have been deteriorating over a number of years, causing delays to fishing operations. Any improvement in navigation depths would cost more than \$2 million. There is also a need for the construction of a boat harbour within the river to accommodate the fishing vessels, and this is estimated to cost \$800,000. The small size of the fishing fleet and the limited potential of offshore deep water fishing grounds do not justify consideration of works of this magnitude.

The provision of facilities at South West Rocks Creek appears to offer a more promising means of assisting the fishing industry in the Macleay region. The initial report of the fishing port study for that region recommends investigation of this area and the Department of Public Works is carrying out such an investigation. The creek is sheltered naturally by headlands and is generally accepted as a safe and more accessible haven for small craft. The area also possesses considerable potential for recreational and tourist boating development. A report on the department's investigations will be completed soon.

Funds are expected to be available to enable work to commence in the 1978-79 financial year, if the investigation recommends that the project go ahead. I am pleased to be able to say that the present Government has given greater comfort to the Country Party member for Raleigh than did his ministerial colleagues in the previous Government. Also, on behalf of all honourable members I take this opportunity to wish our most seasoned traveller bon voyage for his proposed trip overseas.

TAXI REGISTRATION CARDS

Mr MCGOWAN: I direct my question without notice to the Minister for Transport and Minister for Highways. Is it a requirement that the registration cards of taxis be prominently displayed in those vehicles? Do these cards bear only the number of the taxi? Will the Minister consider the introduction of a card based on the American system, showing the driver's name, a colour photograph of the driver and the number of the cab so that passengers may identify the driver as well as the car? Will the Minister ensure that drivers of cabs actually hold a licence to drive these vehicles?

Mr COX: The honourable member for Gosford has raised an important matter that has been mentioned in the press in the past couple of days; that is, requiring photographs to be displayed inside taxi cabs and ensuring that the drivers of taxi cabs are licensed drivers. The honourable member's question raises a number of issues, one of which is the question of privacy. I shall be pleased to take the matter up with the privacy committee to get its views, and shall certainly give the matter my earnest attention.

CRIMINAL INJURIES COMPENSATION

Mr CAMERON: My question without notice is directed to the Attorney-General. Was a very beneficial scheme for the payment of compensation to victims of crime inaugurated during the term of office of the last Liberal-Country party Government? Was the availability of relief under that scheme subsequently limited by the decision of Mr Justice Taylor in what is known as the Morse case, with the result that only people who are the immediate victims of crimes and survive them may recover? Is the Attorney-General willing to consider amendments to the law to enable relief akin to that available in compensation to relatives actions to become available in this area also, so that relatives of a person who loses his or her life through the criminal conduct of another may receive compensation from the State?

Mr F. J. WALKER: The answer to the first part of the question is, yes; to the second part, yes; and to the third part, yes. I already have such proposals before Cabinet.

SPORTS HOUSE

Mr CLEARY: I address my question without notice to the Minister for Sport and Recreation and Minister for Tourism. Did the New South Wales Government in its election policy promise to establish an administrative headquarters for amateur sporting groups? What action has the Government taken to honour this promise?

Mr BOOTH: I welcome the question of the honourable member for Coogee. It is true that the establishment of an administrative headquarters for sporting groups was a vital plank in the Labor Party's policy for the 1976 elections. Shortly after we were elected, action was taken to provide such a facility. On 30th August last year the Government announced its intention to take out a 3-year lease on a building at the corner of Gloucester and Essex streets in the historic Rocks area to provide the headquarters building. Part of this building has already been renovated to pave the way for a wide range of assistance that amateur sporting bodies need. The lease covers the six floors of the building. Some officers of the Department of Sport and Recreation moved in on 12th January. The officer-in-charge of Sports House, Mr Monty Porter,

a former first-grade Rugby league footballer with wide links with sporting associations, is in the process of contacting all State sporting associations to assess their needs. So far the response has been most gratifying.

Sports House will play an important part in providing assistance to amateur sporting associations in New South Wales. It will enable associations that are at present leasing expensive premises to have office space on either a permanent or part-time basis. Also, it will provide them with facilities for holding meetings, seminars and other group activities, as the building contains an auditorium, a small hall and two rooms suitable for committee meetings. Sports House will also provide typing and document reproduction services for the sporting associations. Mr Porter and a staff of five from the Department of Sport and Recreation are already occupying the fourth floor of the building. It is hoped that by the middle of this month, when renovations are completed, sporting associations will be able to move into their offices.

The building has space for a special display of medals, awards, photographs and other material important to the history of sport in New South Wales. A special advisory committee, having as its chairman the honourable member for Coogee, has been set up to supervise the establishment of the display area, to negotiate the loan or acquisition of display items and to administer the Sports House project. The appointment of the honourable member for Coogee is a recognition of his special interest in sport and his expertise in this area. Members of the committee are Mr Phil Coles, Ilsa Konrads, Mr John Newman, Mr Peter Muszkat, Mr John Donohoe, Mr John Coates and Mrs Moira McGuinness. The Government believes Sports House will make a major contribution to the development of sport in this State. It will help amateur sporting administrations to move from holding meetings round—to use that well-known term—the kitchen table and to permit of more efficient administration, which is in the best interests of sport generally.

QUESTIONS UPON NOTICE

Mr DOYLE: I ask the Premier whether four questions upon notice to the Minister for Services have been on the *Questions and Answers* paper since 4th November, 1976. Will the Premier direct the Minister to answer the questions from his colleague the honourable member for Campbelltown? If the Minister cannot answer them, will the Premier confer with his spokesman, who might be a more fruitful source?

Mr WRAN: As one would expect, the question from the honourable member for Vacluse does not require an answer from me or anyone else. The honourable member for Vacluse has been here long enough to have a passing acquaintance with the practices and procedures of the House. He would be well aware that, if the answer to a question is to be found in a written document, the question should not be asked.

Mr Doyle: You are reflecting on the Chair. The questions are on the *Questions and Answers* paper.

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

Mr WRAN: The honourable member for Vacluse would do better if he were to direct some pertinent questions about his greedy and unconscionable colleagues in the upper House. The Opposition were talking about a golden handshake for members of the upper House; now they have invented a platinum and diamond handshake, which they are submitting to Mr Justice Selby for his consideration. This is an unconscionable and greedy act. I regard the honourable member's question as frivolous

and offensive. I am pleased to say that, although I have some regard for the honourable member for Vacluse personally, when he disappears from this House after the next elections he will not be missed.

SANDY HOLLOW TO MARYVALE RAILWAY

Mr O'CONNELL: I ask the Minister for Industrial Relations, Minister for Mines and Minister for Energy whether a coal company has offered to contribute to the cost of completing the Sandy Hollow to Maryvale railway line. Whether this be a fact or not, is the Government proposing to give active consideration to the completion of this railway line?

[Interruption]

Mr SPEAKER: Order!

Mr HILLS: White Industries Limited have indicated to the Government their interest in the construction of the Sandy Hollow to Maryvale railway. Without going back over the history of the decision of a previous government that this work should not be undertaken, I must say that the present Government is actively considering the proposal. In effect, it is proposed that this work should be undertaken for the purpose of exporting coal through the Newcastle coal loader, which was completed about two years ago and has a higher capacity than the old plant. I remind honourable members that Newcastle Harbour is being deepened for the purpose of taking larger ships in order to improve the efficiency of the coal loader.

The matter mentioned by the honourable member for Peats is under active consideration by a Cabinet subcommittee. Investigations are being carried out by the Public Transport Commission, under the leadership of the Minister for Transport and Minister for Highways, and it is hoped that those inquiries will soon be completed. Recently representatives of the company have been abroad and the Government has had to await the return of a prominent member of the White Industries group to receive his final proposals. That discussion is to be held either this week or next week and, on receipt of that information from the representative of the company, the Government will make a decision on the matter.

PAYROLL TAX

Mr MUTTON: I ask the Premier a question without notice. Have land tax and death duties each risen from approximately \$50 million to \$100 million over the past five years? At the same time have receipts from payroll tax in this State risen from \$107 million to \$650 million? In view of the fact that the Premier proclaimed across the country full support for the Australian Labor Party's federal campaign for complete abolition of payroll tax, will he and his Government immediately take action to put a ~~firm~~ ceiling on total payroll tax collections? Will they quickly and progressively remove this impost in a genuine attempt to assist employers to take on more people — young people particularly — thereby materially helping to alleviate unemployment and to put into action his complete support of that facet of the Labor Party's federal campaign?

Mr WRAN: One must be indulgent with the honourable member for Yaralla, who had a most serious accident several months ago. He has not been the same since. Surely he has some balance——

[Interruption]

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

Mr WRAN: The honourable member is a hypocrite.

[Interruption]

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

Mr WRAN: The other night, in a television programme, the honourable member for Northcott showed himself to be a hypocrite when he was not very polite to Ms Justice Evatt. I am pleased to say that she had no trouble in putting this legal genius in his place. As I said, I feel some sympathy for the honourable member for Yaralla; either his memory has lapsed or he has suffered some other consequence from his accident. It has never been suggested by this Government or any other government in New South Wales that payroll tax will be abolished. Indeed, the history of the former Government was one of increasing payroll tax yearly. Since we have been the Government of this State not one of the taxes the honourable member mentioned has been increased. Land tax has been decreased; death duties have been decreased and, indeed, abolished in respect of estates passing from spouse to spouse. Death duties will be further ameliorated this year, as a move towards their total abolition. The Government is determined to abolish death duties, because people pay enough taxes during their lifetime. They should not be salted, as they have been under successive Liberal-Country party governments, by having their estates taxed when they die. The robbing of wives and children of their inheritance will not occur under this Government. We have progressively extended payroll tax exemptions in New South Wales. But I assure the honourable member for Yaralla, if he is still in a condition to remember it—

Mr Mutton: On a point of order. Mr Speaker, I take objection to the statement just made by the Premier.

Mr SPEAKER: Order! The honourable member for Yaralla will have to show me how the words used by the Premier were offensive to him. Occasionally members on both sides of the House use intemperate language, which other members are expected to accept. The honourable member for Yaralla will have to show me how the words used by the Premier were offensive to him before I shall ask the Premier to withdraw them.

Mr Mutton: I take exception to the words that I was not in a condition to hear the answer to the question.

Mr SPEAKER: Order! I am not satisfied that the use of those words is offensive to the honourable member for Yaralla.

Mr WRAN: What the honourable member for Yaralla should remember, as I am sure all his colleagues remember, is that it is part of Liberal Party policy in Australia, and in each State, to introduce double taxation. Already Sir Charles Court, Liberal Party Premier of Western Australia, is geared to introduce a second income tax. Already Prime Minister Fraser is exhorting Liberal parties wherever they are all over Australia to endeavour to mulct the public further by introducing a second income tax to make up for the withdrawal by the federal Government of the funds that are rightly the property of the State. If New South Wales got its proper share of the money that the citizens of this State pay in income tax, there would be no budgetary problems at all.

[Interruption]

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

Mr WRAN: If members of the Opposition—who will be in Opposition for many years to come—were really interested in the State of New South Wales, they would endeavour to have their federal colleagues reverse the terrible decision to impose double income tax on the people of Australia by pushing the States into a financial position where each of them is compelled to do what Sir Charles Court is about to do in Western Australia.

STANDING ORDERS COMMITTEE

Motion (by Mr F. J. Walker) agreed to:

That the resolution—

- "(1) That the Standing Orders Committee for the present Session consist of The Speaker, Mr Brown, Mr Cameron, Mr Haigh, Mr Keane, Mr Maddison, Mr Pickard, Mr Ramsay, Mr Sheahan and the mover with leave to report on any matter or thing referred to or pending before the said Committee, and to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council, and that The Speaker be empowered to convene meetings of the Committee.
- (2) That the Committee have leave to sit during the sittings of the House."—adopted by this House on 25 August, 1976 be, and the same is, hereby rescinded.

STANDING ORDERS

Motion (by Mr F. J. Walker) agreed to:

That the resolution—

"That Standing Orders 59, 81 to 99, 122A, 122B, 142A, 175, 278, 281 and the desirability of adopting Standing Orders to provide for cognate Bills to be considered together, be referred to the Standing Orders Committee for consideration and report."—adopted by this House on 3 March, 1977 be, and the same is, hereby rescinded.

STANDING ORDERS AND PROCEDURE COMMITTEE

Mr F. J. WALKER (Georges River), Attorney-General [3.8]: Before moving Business of the House, Notice of Motion No. 3, standing in my name I seek the leave of the House to amend paragraph (2) by leaving out the names of Mr Brown, Mr Haigh, and Mr Pickard and inserting in lieu thereof the names Mr Duncan, Mr Cahill, and Mr Mason.

Leave granted.

Motion (by Mr F. J. Walker) agreed to:

- (1) That a Standing Orders and Procedure Committee be appointed to inquire into, and if considered advisable, make recommendations to the Legislative Assembly, respecting the standing orders, rules, usages, customs, practice and procedures of the Legislative Assembly.

(2) That such Committee consist of The Speaker, Mr Cahill, Mr Cameron, Mr Duncan, Mr Keane, Mr Maddison, Mr Mason, Mr Ramsay, Mr Sheahan and the **mover**.

(3) That the Committee have leave to sit during the sitting or any adjournment of the House.

LEADER OF THE OPPOSITION

Censure

Mr WRAN (Bass Hill), Premier [3.9]: I move:

That this House deplores the conduct of the Leader of the Opposition, Member for Fuller in making false and misleading statements to this Parliament, by way of personal explanation on the 7th February, 1978, and in his reply to an urgency motion moved by the Attorney-General, on the 9th February, 1978, and resolves that the Leader of the Opposition deserves the censure of this House.

Recently 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 certain files alleged to have been obtained from the Australian Intelligence Security Organisation. Statements made by the Leader of the Opposition, both in this House and outside, subsequently transformed the nature of the allegations against him. Indeed, his own statements conceded the substance of statements made about him, principally by the journalist Robert Mayne, in a Statutory Declaration and subsequently in sworn evidence before the Hope Royal Commission.

The question now properly before this House is not only the propriety of the honourable gentleman's conduct, but his veracity as a member of this-parliament and an office-bearer in this House. It is not now so much an issue about what the Leader of the Opposition did or did not do some six or seven years ago, but the truth or otherwise of what he said in this Parliament three weeks ago. It is pertinent to this matter to recall the chronology of events. It was not first raised in this House by me or any member or supporter of the Government. The matter was brought into this House by the Leader of the Opposition himself of his own volition. It was his choice to bring his conduct under the scrutiny of this Parliament.

On Tuesday, 7th February, 1978, he chose to make a personal explanation following statements made in the South Australian Parliament by the Premier of South Australia. It was something that the Leader of the Opposition himself chose to do. He chose the timing of his statement; he chose to react in that way at that time; and he chose the nature and content of his statement. There are assertions in that statement which are essentially false and demonstrably misleading. As I shall show, my authority for saying that it is a false and misleading statement is the best possible one—the authority, the words, of the Leader of the Opposition himself.

In interview after interview on television the Leader of the Opposition acknowledged the essential truth of the statements made by Mr Mayne on oath before the Hope Royal Commission. Yet in this House he called Mr Mayne a liar and implied that he was a perjurer. The Leader of the Opposition used the protection of the privileges of this House; he abused its privileges and its protection; he misled this House. That is the substance of the charge against him and that is why he deserves the censure of this House whose privileges he has abused and whose members he has misled.

Let us look precisely at the record—Mayne's allegations and the Leader of the Opposition's admissions. He has admitted that he did meet with Mayne and an ASIO officer, Mr Ernest Redford, and a Mr Peter Warren, as claimed by Mayne, around the time claimed by Mayne—September, 1971. The Leader of the Opposition has admitted, as Mayne claimed, that Warren proposed to publish a newsletter called *The Analysis*. It is an established fact that *The Analysis* had in fact been registered under the name of Peter Coleman Publications Pty Limited. The Leader of the Opposition has admitted, as Mayne claimed, that he had in his possession ASIO files—I am using the word files in the ordinary sense of the word—on the five persons mentioned by Mayne. For example, on Channel 7 on Thursday, 9th February, the Leader of the Opposition was asked by Mr Willesee: "I am just trying to establish that ASIO gave you five folders including information on five individuals", and the Leader of the Opposition replied: "Right, yes."

The Leader of the Opposition admitted—for example, in an interview on "A Current Affair" on Channel 9—that he had handed over those files or folders to Mayne, as Mayne claimed. And he has admitted that in doing so he did not follow a proper course. For instance, on 9th February he was asked on "This Day Tonight", "Do you agree that that was a proper course of action?" The Leader of the Opposition replied: "No, I probably don't. I was impressed by Mr Justice Hope's argument in his report that this sort of contact with the media is outside the charter". I put in parenthesis that it was the charter of ASIO. He went on, "But nevertheless, when you are an editor or a journalist and you get shown something, you don't not look at it." Of course, at that time the Leader of the Opposition was not editor of the *Bulletin*; he was a member of this Parliament.

Further, on the programme "A Current Affair" the Leader of the Opposition agreed that he should have answered the allegations by Mayne before the Royal commission at the time they were made. He said, "It was a mistake not to have done so, yes." He was then asked, "You were in contact with ASIO agents?" and he replied "Yes, of course, that is correct, there is no difficulty about that. I knew these people and I have no apology for having this material."

I should at this stage draw attention to a particular aspect of the admissions made by the Leader of the Opposition. In those interviews his whole self-justification for his conduct—his self-admitted conduct—rests on the assertion of his rights as a journalist and an editor. But, of course, at the time of his dealings with Mayne and Redford he had long ceased to be editor of the *Bulletin* and had been for three years a member of this Parliament. The House may judge for itself whether the proposed publication *The Analysis*, registered as it was in the name of the Leader of the Opposition, was to be a bona fide, ethical publication or whether it was to be, as Mayne has twice asserted on oath, in a statutory declaration and before the Hope Royal Commission, that its purpose was to discredit leftwingers—who, after all, may still be deemed to have some rights to protection and justice as Australian citizens—by the use of material provided by ASIO. The Leader of the Opposition has not denied that basic allegation. And he cannot, because the allegation is true.

What was the information contained in those folders, files, dossiers or other records and what use did the Leader of the Opposition intend to be made of the information contained in them? The Leader of the Opposition has, in fact, himself substantially answered that question. He has acknowledged the correctness of the findings of Mr Justice Hope regarding the sworn evidence given by Robert Mayne. His Honour said at page 127, paragraph 245 of his report, "Evidence is available to me that satisfied me that ASIO in the past provided selected people with security intelligence material for publication." I repeat those words—security intelligence material for publication.

Mr Wran

The Leader of the Opposition may squirm and read and misread the findings of Mr Justice Hope as much as he chooses. The fact is that His Honour found that the evidence of Robert Mayne disclosed that selected people, to wit the Leader of the Opposition, had been supplied with security intelligence material for publication. The evidence that appears on pages 388 to 396 of the transcript of proceedings before the Royal commission is now freely available to the public. I propose to refer to certain sections of the evidence but as it is lengthy I ask that an authorized copy of the transcript, supplied by the Commonwealth Reporting Service, be incorporated in *Hansard*.

Leave granted. [*See Addendum.*]

Addendum

ROBERT JOHN MAYNE, 8 Catherine Street, St Ives:

HIS HONOUR: Mr Mayne, I think that in respect of your submission you would wish to say something publicly and, as I understand it, then to say something in camera? —That is correct.

I have read your submission and you refer in the submission—and there has been reference to this publicly, so there is no occasion to deal with the matter in camera—to a number of sets of papers that were handed to you? —That is right.

I have only this morning come into possession of what I believe to be those papers, so I will get you to identify them and then they will be made exhibits. These are the folders here. I will show them to you in a minute. In some of the folders there are, amongst other things, statements of the character I am showing you setting out particulars of the persons who are named. I propose, subject to any submission you may make to the contrary, to make an order that those documents be not published until the commission has the consent of the persons who are named. They will be written to or contacted and asked what they have to say about it, because they do contain certain allegations about these people.

Firstly, you made a submission to the commission dated 27 April, 1975. I think I will make that submission an exhibit, exhibit 73A, and I direct that, as such, be not published.

EXHIBIT

EXHIBIT 73A . . . Submission dated 27 April, 1975.

HIS HONOUR: You can now go on to state publicly what parts of that submission you wish to make public? —This submission describes, to the best of my recollection, a series of dealings I had with a group of people, including a number of ASIO officers, principally in 1971 and 1972.

You refer from time to time to a relation of yours and I should imagine that you do not want to nominate that person. You can simply describe him as a relation of yours, if you so wish? —I see. The matter started in September, 1971, when I was rung at my office, which was the *Sydney Morning Herald* at the time, by a man called Peter Warren and asked to lunch with him. I should say here that Warren is a distant relation, through marriage and I had known him vaguely before this whole matter took place. So I was quite surprised to be asked to lunch with him.

Addendum (continued)

Warren described himself as the managing director of two companies, Repet Pty Limited and Neetrom Pty Limited. He gave me a business card when we first met, but I do not have it at the moment. I think I have lost it. I am not certain of some of the dates in this submission, but I believe my first meeting with Warren was on Thursday, 16 September, 1971, at the American Club, where we lunched at his invitation. At the lunch he told me he wanted someone to prepare material for a magazine that he and a number of other people were going to publish. I cannot recall the exact words used at that lunch, but I do recall that I was left in no doubt that Warren's political sympathies lay well on the right, and this was the purpose of the magazine, to promulgate his own views. He told me that he and other people involved in the production of this magazine would have access to material from ASIO and he said they would pay me—I think his words were "say, a thousand dollars a year" to produce the magazine for them. He said it was to be called "The Analysis", a name he said he had registered at the New South Wales Corporate Affairs Commission.

My reaction to all this was one of astonishment, I suppose, that ASIO information should be available in this way. I agreed to go along with Warren, mainly out of curiosity, to see what was going to come of this. I had had previous contacts with ASIO men in a similar way to that of other journalists, I think, but they were mainly in a straightforward journalistic way. They are explained in a more detailed way in my written submission.

I think, at the time Warren rang me in 1971, I had not seen an ASIO man for several years. When Warren put his proposition to me I was again working for the *Sydney Morning Herald* in Sydney and I considered Warren approached me because, firstly, I was a journalist with the required technical skills to produce his magazine and, secondly, he vaguely knew my family and he also thought I would be reliable because of the association with my relative.

Mr Mayne, it just occurred to me—the practice commonly is not to swear people in or to get them to make affirmations, but it just could be that, to get the protection given to witnesses at Royal Commissions, you should swear or make an affirmation. I believe it would be a proper course to take in your particular case. I am sorry I did not think of it before. Do you have any objections? —No, none at all.

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Do you object to swearing on the Bible? —No, not at all.

ROBERT JOHN MAYNE, sworn.

HIS HONOUR: Mr Mayne, the statements that you have already made to the commission are true? —Yes, Sir.

As the prospect of delving into ASIO documents was quite intriguing to me, I went along with Warren's proposal and, as I recall it, we then lunched a second time at the American Club—I think it was on Tuesday, 21 September, 1971. This time two other persons were present, Mr Peter Coleman, Liberal M.L.A. for Fuller, and an ASIO officer who had been named publicly before, Mr Ernest Redford, who was said by Warren and Coleman to be a senior ASIO officer who had flown from Melbourne that day to be present.

Mr Wran]

Addendum (continued)

We had a long lunch, starting at about 12 o'clock and finishing about 3 o'clock when Coleman had to return to the State Parliament. The other three were quite familiar with each other and Warren and Coleman left me with the impression that they knew a number of senior ASIO men and saw them quite regularly. At one stage Warren said he had dined in Melbourne recently with the Director-General of ASIO—I think it was Barbour at that time—and the conversation made it quite plain that the magazine they were to produce was to be used to discredit those people whose political views they did not share, namely, those on the left wing of politics. Warren said, as I recall, that they would show people the truth about subversives and left-wingers and the magazine would be circulated amongst influential people such as businessmen.

Redford agreed to supply the information and seemed to me to be speaking with the authority of the organization ASIO. Coleman indicated he had seen ASIO files and I got the impression that this had been going on for some years.

I was still keen to see what sort of material was going to be produced and I agreed I would like to be in this scheme. When we finished lunch we all walked up Macquarie Street to the parliament and Coleman went into the Legislative Assembly. We briefly met an M.L.C. called Sullivan and I was told he was going to actually print the magazine at his plant at Moree. I think he owns the Moree Champion newspaper. Then we all parted after this meeting.

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Some short time later (and once again I am unclear as to the dates, but it was probably some days later) Coleman rang me and said he had the files. I was to go to his home, which I did one Saturday afternoon I think—it may have been a Sunday; I cannot remember now. Coleman lived at 2 Foss Street, Hunters Hill. He was asleep, but he was woken and came out the back door. I presume it was the back door; it was the one facing the street and there were renovations to the front of the house, I think, of some kind under way at the time. We spoke in the garden for a few minutes and he gave me five manila folders. Pencilled on the front of these were the names: "O'Neill, Medlin, Freney, Gould, Langer". Coleman said there was more material where they came from.

HIS HONOUR: I want to show you some folders containing documents and I want to ask you to identify these documents that you handed in. Firstly, the folder with the name "D. O'Neill" on the outside—would you have a look at the contents? —Yes, that is certainly—well, I would like to make the proviso on all these that I am not sure if these are the complete documents I had. I cannot remember everything that was in the folder, but that certainly confirms my recollection of them when I was given them.

In particular, there are a couple of sheets giving particulars of the person whose name appeared on the outside?—Yes, I certainly remember that.

Would you have a look at the document titled "Daniel Francis O'Neill" which I took from that folder? You will notice on the front page some lines and a letter, I think, and if you look to the second page likewise there are some lines and some letters and there is something written in ink down the bottom? —These, I believe, were the marks made during the editing process when parts of them were reproduced in The National Times.

Addendum (continued)

They were not on them when you received them? —These marks, the "B" and the biro marks on the left-hand margins in blue were not there. I did not make them. I think they were made by the editor of The National Times when they were published in The National Times. No particular person was identified; they appeared as small tear-outs.

What about the writing on the bottom? —It is not mine. It was there when I got it.

I make the two pages headed "O'Neill, Daniel Francis" exhibit 74A. I make the folder, on the outside of which is written "D. O'Neill" and its contents, exhibit 75. I direct that exhibit 74A be not published until I further order. In respect of that document the commission will be in communication with Mr O'Neill to see what he has to say about its being made public.

EXHIBITS EXHIBIT 74A—Two pages headed "O'Neill, Daniel Francis"
EXHIBIT 75—Folder titled "D. O'Neill" and contents.

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HIS HONOUR: Would you have a look at the folder I now hand to you, on the outside of which is written the name B. Medlin?—Yes, that certainly seems to be the one I was given.

I make the document taken from the folder on which the name B. Medlin is written exhibit 76A and I direct that it be not published until further order, and I make the folder on which is written the name B. Medlin and its contents exhibit 76 and likewise the Commission will be in touch with Professor Medlin about the publication of the document.

EXHIBITS

EXHIBIT 76—Abovementioned folder marked B. Medlin with contents.

EXHIBIT 76A—Document taken from exhibit 76.

HIS HONOUR: I hand you a document on which is written the name D. Freney?—Yes, that is the document, with the same proviso given as in the first one that the remarks in the margin were for the purposes of the National Times.

I make a document which comes from the folder on which is written the name D. Freney and headed Freney, Dennis William Francis, exhibit 77A and I direct that it be not published until further order. I make the folder on which the name D. Freney is written exhibit 77.

EXHIBITS

EXHIBIT 77—Abovementioned folder marked D. Freney with contents.

EXHIBIT 77A—Document taken from exhibit 77.

HIS HONOUR: Exhibit 77A seems to be a carbon copy. Do you recollect whether there was an original?—I do not think there was. Certainly I have not done any carbons or copies of these myself.

I hand you a folder on which is written the name R. Gould?—Yes, that appears to be the document I was given.

Mr Wran]

Addendum (continued)

I make the two page document taken from that folder headed Gould, Robert Stephen Frederick, exhibit 78A and I direct that it be not published until further order. I make the folder on which is written the name R. Gould and its contents exhibit 78.

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EXHIBITS

EXHIBIT 78—Abovementioned folder marked R. Gould with contents.

EXHIBIT 78A—Document taken from exhibit 78.

HIS HONOUR: I hand you a folder on which is written the name A. Langer? Yes, that appears to be the same document. I cannot recollect the pink slips on them. They may have been on them, I cannot remember.

I make the three page document headed Langer, Albert taken from that folder exhibit 79A and I direct it to be not published until further order. On the front page there are some markings. They were again put there in the same way editorially by the National Times? —Yes.

On the second page there are some notes in handwriting. Were they on it when you got it? —Yes, I believe they were.

I make the folder on which is written the name A. Langer and its contents exhibit 79.

EXHIBITS

EXHIBIT 79—Abovementioned folder marked A. Langer with contents.

EXHIBIT 79A—Document taken from exhibit 79.

HIS HONOUR: There are then two folders which do not have names on them. I will identify one folder this way: it has written on the outside at the top 416 then in a circle 11.30? —Yes.

Would you have a look at that folder and see whether that folder was amongst those handed to you? —I do not think this document here was in it. The contents of these two folders here, this one and the other one you have —

I will show you another folder which has nothing on the outside of it and which contains a number of roneoed documents and also contains some reproductions of newspaper articles? —Yes. I could not say precisely which was in each folder when I got them.

But are you making the qualification about one document? —Yes, I will make that point first. This is a typed specimen sheet sent to me by Warren about this time.

After you got the folders or before you got the folders? —Before I got the folders and this was not in either of these folders.

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HIS HONOUR: The document containing a number of pages stapled together headed on the first page "Instructions for Casting up Copy" is exhibit 80.

Addendum (continued)

EXHIBIT

EXHIBIT 80 — Abovementioned document.

THE WITNESS: The other two folders were given to me at later date by Redford. The marking on the outside of this one which you referred to as 416 and 11.30 is my own writing and it refers to a *flight* which I caught—I wrote it as a memo to myself—when I was telephoning TAA.

HIS HONOUR: The documents in those two folders were documents handed to you by Mr Redford at some time later to the time when you were handed the folders about particular people you have already described? — Yes.

Those two folders together can be exhibit 81.

EXHIBIT

EXHIBIT 81 — Abovementioned folders.

THE WITNESS: After I had been given the five folders with the names on the front, Coleman told me there was more material where they came from, namely ASIO. A short time after this meeting at Coleman's house I had to go to Melbourne on an assignment for the Sun-Herald. I was rung by Redford. I think he had been told I was coming by Warren to Melbourne. Redford met me in a Collins Street hotel—I think it was the Eureka Stockade—and gave me several more files from ASIO, those two files that I have just been looking at.

HIS HONOUR: That is exhibit 81?—Dealing with protests in Australia, protesters and a number of other things including certain ASIO views about politics. My memory is probably faulty here but I initially thought I had about eight or nine ASIO files, but I must have had seven files containing extracts from material gathered by ASIO. I would like to move on a little bit.

You deal with the parts that you want to deal with in public? —Some time afterwards, not too long after getting these two last files, I went to see Warren in his Sydney office which is 31 Macquarie Place and I spoke to him about the files that he had given me. My feeling at the time was I now had what was obviously a great newspaper story and I wanted to publish this. I told Warren this. He said certain things to me which made me go away and think about this and in fact at the time I did not write the newspaper article I intended to write.

What was the general nature of the things that he said to you? — They related to a relative of mine and after considering what Warren said to

me I went away and I considered I would be unwise to place my relative in jeopardy. In due course, I think probably several weeks later, I wrote the material that Warren and Coleman had asked for which was short and might be described as acid tipped biographies of the five people whose files Coleman had given me. These people wanted to do the first issue of this magazine on the subject of "The Agitators". I later gave this material on the files I had written to Warren at his home in Greengate Road, Killara. I heard no more. I suspect they did not trust me any more and they felt if I said no more about it they would forget it too. I am not sure what happened and I think they either abandoned the idea or got someone else to do what they wanted. I do not know if the magazine was ever published, I suspect not.

I saw Warren once more. Late in 1972 he rang me again and asked me to have another drink with him and Redford. I went to the Schools Club in Underwood Street, Sydney, late one afternoon where Warren, Redford Mr *Wran*]

Addendum (continued)

and I think Donovan were drinking and playing poker machines. I was told Redford was going to South Australia to be regional director of ASIO. I had the feeling they still had something in mind in the way of a project, but by this time I had just about had enough of them and we disagreed rather forcefully, I think it was about the prospect of a Labor government at the December elections. I have seen none of them since.

I have certain personal unhappy feelings about the whole issue. I believe that the sort of malpractice that went on, that is the handing out of ASIO documents, continued quite widely at least until 1972 and possibly afterwards. For example, I noticed when The Bulletin published its "ASIO Dossier" a year or so ago, the author quoted a number of passages from the same documents I had been given and which have been tabled here today.

I would still like to know the true nature of the relationship between Warren, Coleman, Sullivan and ASIO. My feeling is that my own involvement with ASIO was possibly the tip of a very large iceberg. I suspect they were handing out information to people with right wing tendencies, including members of parliament throughout the nation. I certainly never understood Coleman's role in this curious conspiracy. Subsequent investigation by another journalist apparently revealed that Coleman and not Warren had registered the title "The Analysis" at the Corporate Affairs Commission.

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I would like to say that I believe what was done by those people was deeply damaging to civil liberties in Australia and was probably conducted on a broader scale for many years. I do not believe it still goes on but presumably those involved in this sort of thing in ASIO are still working for the organisation. In the context of a modern democracy I would assess their judgment of people and political thought and behaviour as highly unreliable.

HIS HONOUR: Mr Mayne, I show you a cutting from The National Times of 10/15 March 1975 and it contains what purports to be a copy of a letter written by Mr Coleman to the editor and it also sets out what purports to be a statutory declaration. Would you have a look at that cutting? It is the statutory declaration in particular that I refer you to. Would you look at that and see whether that is a copy in substance of a statutory declaration that you made? —Yes, it appears to be. I did do a statutory declaration for the editor of The National Times which was not intended for publication and intended for legal reasons.

That cutting can be exhibit 82.

EXHIBIT

EXHIBIT 82 . . . Abovementioned cutting.

HIS HONOUR: That is the whole of the evidence that you wish to give in public? —Yes.

The Commission will now be sitting in camera and I must ask people to leave. There will be no further public sitting before two-thirty. For the benefit of the reporter who is here you will appreciate the effect of the order I made about those particular pages that cannot be quoted and the rest of the folders and their contents. The ones which have A attached to them are the subject of orders currently against publication. Those orders may be changed later on.

(At 12.25 p.m. the Commission continued the matter in camera)

Mr WRAN: At page 389 of the transcript His Honour put this question to Mr Mayne, "Mr Mayne, it just occurred to me that the practice——"——

Mr Dowd: On a point of order. I think the Premier sought leave of the House to incorporate something in *Hansard*. I do not think the House has deliberated upon that matter.

Mr SPEAKER: Order! There is no question to put to the House on whether the material might be incorporated in *Hansard*. A previous Speaker, the late Sir Kevin Ellis, ruled that if there were no objection material might be incorporated in *Hansard*. The Premier asked for it to be incorporated in *Hansard* and there was no objection and I allowed the information to be included.

Mr Dowd: I object.

[Interruption]

Mr SPEAKER: Order! The honourable member for Lane Cove on a point of order.

Mr Dowd: On a point of order. There is properly time allowed when a request such as that made by the Premier is put. Moreover, the Premier could not be interrupted except by you, Mr Speaker. There is an appropriate way in which the leave of the House is sought when documents are sought to be incorporated in *Hansard*. That leave was not sought. In fact, no one sought to interrupt the Premier. If the Premier had taken the appropriate course of action, it would have been for you to make sure that the leave sought was granted in accordance with the standing orders, by ascertaining whether there was objection to that course of action. However, no such opportunity was afforded. Mr Speaker, I ask that this opportunity be afforded in order that any honourable member may indicate whether he objects.

Mr WRAN: The honourable member for Lane Cove having indicated that he objects—although too late—to the incorporation of this transcript in *Hansard*, I shall now proceed to read from the transcript.

Mr SPEAKER: Order! For the benefit of the honourable member for Lane Cove who took the point of order, I propose to read the ruling by which I am guided. That ruling is in these terms:

Relevant material—and I emphasize that it must be relevant and of a statistical nature—may in special cases with the approval of the Speaker and provided there is no objection from any Honourable Member be incorporated in *Hansard*. Before being tendered, the material should be produced to the Speaker in his room for examination by him. The material to be incorporated is restricted to brief material of a statistical nature. Graphs, photographs and lengthy material will not be allowed.

The Premier sought my indulgence to have the transcript to which he referred incorporated in *Hansard*, as often happens, and I agreed, as I have done when other honourable members on both sides of the House have made a similar request. When there is no objection I allow it. I hesitated when the Premier asked for leave——

Mr Dowd: Mr Speaker——

Mr SPEAKER: Order! I have not concluded my remarks. I shall stand so that the honourable member may recognize that I am still talking. The point is that the Premier looked to me when he asked that this transcript be incorporated in *Hansard*. There was a definite pause by him at that point of time. As no objection was taken by any honourable member, the Premier proceeded. If the honourable member for Lane Cove wished to object, that was the time for him to take his objection.

Mr Dowd: On a point of order. Mr Speaker, the Premier did not seek your leave to have the transcript incorporated in *Hansard*; he sought the leave of the House. If he came to see you **beforehand**——

Mr Wran: Do not be rude to Mr Speaker. You are becoming offensive.

[*Interruption*]

Mr Wran: Don't you interfere, you hypocrite. Don't attack women like Justice Evatt.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Lane Cove has the call.

Mr Dowd: Mr Speaker, I submit that the Premier did not seek your leave to have this material incorporated in *Hansard*: he sought the leave of the House. Only the House would be entitled to grant leave. The Premier did not seek your leave in accordance with the standing orders. When he seeks the leave of the House, that matter ought to be decided by the House itself. I submit, Mr Speaker, that these circumstances are not covered by the ruling you have given. Had the Premier sought your leave, it would have been a different matter. However, the Premier sought the leave of the House and that matter should now be determined.

Mr SPEAKER: I did not hear the Premier say he sought the leave of the House. The Premier asked that the document be incorporated in *Hansard*. That was the expression he used. I looked to honourable members to see if there was any objection, and no objection was taken. Now the honourable member for Lane Cove is trying to recover the situation by saying that he has an objection. I have already ruled that the honourable member's objection is too late.

Mr Pickard: On a point of order. Mr Speaker, I draw your attention to the fact that in November last year I produced a document in this House concerning the Leichhardt women's centre. I placed that document on the table and asked that it be incorporated in *Hansard*. You ruled that you would have to ask the House whether leave would be granted for the document to be incorporated in *Hansard*. I draw your attention to that ruling and ask you to contrast it with the ruling you have just given.

Mr SPEAKER: Order! The honourable member for Hornsby has raised a matter which I certainly could not be expected to remember clearly. Doubtless he would remember the incident clearly if he were involved in it. On the occasion to which he refers it could have been that the honourable member asked leave to table a document and I indicated to him that private members are unable to table documents. I am not aware of the full circumstances of that case and I do not know that it has any bearing on the present situation.

Mr WRAN: I was about to read from page 389 of the transcript. At the foot of that page His Honour said to Mr Mayne:

Mr Mayne, it just occurred to me—the practice commonly is not to swear people in or to get them to make affirmations, but it just could be that, to get the protection given to witnesses at Royal Commissions, you should swear or make an affirmation. I believe it would be a proper course to take in your particular case. I am sorry I did not think of it before. Do you have any objections?

Mr Mayne replied, "No. none at all." He was then asked, "Do you object to swearing on the Bible?" and he answered, "No, not at all." The transcript then records that Mr Mayne was duly sworn on the Bible. The evidence continued in this way:

Mr Mayne, the statements you have already made to the commission are true? —Yes.

Since the transcript is now incorporated in *Hansard*, honourable members will observe that the principal evidence Mr Mayne had previously given was that, at the behest of a Mr Warren, he had had lunch——

Mr Maddison: On a point of order. My point of order is that a document has been incorporated in *Hansard*. That document is clearly relevant to the issue which is the substantive motion that we are now debating. I submit that where a document is sought to be incorporated in *Hansard* on a motion of censure of another member, in order that all other honourable members should be fully seized of what is going to form part of a transcript of the debate, a copy of the document should be immediately made available by the Clerk to every member of the House.

Mr SPEAKER: The honourable member for Ku-ring-gai has raised a very pertinent and valid point and a matter of some substance. He has submitted that if material of some quantity is to be included in *Hansard*, to allow honourable members the opportunity to debate it, in all fairness the information contained in that document should be made available to honourable members. However, there may be some difficulty in making enough copies available for that to be done. I am sure that it would not be unfair to ask that a copy of the transcript be made available to the honourable member.

Mr Wran: The Clerk has already indicated that in accordance with the usual practice and procedure of the House, copies are being made and they will be made available to honourable members.

Mr Maddison: That is a lot of rubbish—usual practice.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

Mr WRAN: I do wish that members of the Opposition would not get so excited for some of them might suffer a heart attack. The principal evidence on page 389 of this transcript relates to how, at the behest of a man named Warren——

[Interruption]

Mr SPEAKER: Order!

Mr WRAN: I shall continue if the Deputy Leader of the Opposition is able to get over his humour about this matter. I repeat, the principal substance of what had gone before that was that a man named Warren had contacted Mr Mayne and that Mr Mayne had lunch with Warren at the American Club. Page 390 of the transcript indicates that after being sworn the witness gave the following answer to his Honour:

As the prospect of delving into ASIO documents was quite intriguing to me. I went along with Warren's proposal and, as I recall it, we then lunched a second time at the American Club—I think it was on a Tuesday, 21 September, 1971. This time two other persons were present, Mr Peter Coleman, Liberal M.L.A. for Fuller, and an ASIO officer who has been named publicly before, Mr Ernest Redford, who was said by Warren and Coleman to be a senior ASIO officer who had flown from Melbourne that day to be present.

We had a long lunch, starting at about 12 o'clock and finishing about 3 o'clock when Coleman had to return to the State Parliament. The other three were quite familiar with each other, and Warren and Coleman left me with the impression that they knew a number of ASIO men and saw them quite regularly.

I propose now to quote from the second-last paragraph on page 390 of the transcript. That evidence is in these terms:

Redford agreed to supply the information and seemed to be speaking with the authority of the organization ASIO. Coleman indicated he had seen **ASIO** files and I got the impression that this had been going on for some years.

The final paragraph is illuminating. It reads:

I was still keen to see what sort of material was going to be produced and I agreed I would like to be in this scheme. When we finished lunch we all walked up Macquarie Street to the parliament and Coleman went into the Legislative Assembly. We briefly met an MLC called Sullivan and I was told he was going to actually print the magazine at his plant at Moree. I think he owns the Moree Champion newspaper. Then we all parted after this meeting.

Some support for the veracity of Mr Mayne is lent, especially in relation to the meeting with Mr Sullivan, by the fact that Mayne said he thought Sullivan owned the Moree *Champion* newspaper because there was published a document, or a book, called School Power in Australia by one Peter Coleman, and that document was wholly set up and printed in Australia by the Moree *Champion*, 8 Balo Street, Moree, New South Wales, and wholly composed in the office of ASIO in Melbourne. At page 391 of the transcript, Mr Mayne's evidence continued:

Some short time later (and once again I am unclear as to the dates, but it was probably some days later) Coleman rang me and said he had the files.

—~~not~~ what appeared to be files or might be taken to be files; he had the files. The transcript continues:

I was to go to his home, which I did one Saturday afternoon I think—it may have been a Sunday; I cannot remember now. Coleman lived at 2 Foss Street, Hunters Hill. He was asleep, but he was woken and came out the back door. I presume it was the back door; it was the one facing the street and there were renovations to the front of the house, I think, of some kind under way at the time. We spoke in the garden for a few minutes and he gave me five manila folders. Pencilled on the front of these were the names: "O'Neill, Medlin, Freney, Gould, Langer". Coleman said there was more material where they came from.

A further reference I wish to make is at page 392 of the transcript. Honourable members who will have access to the transcript will observe that a number of exhibits were tendered by Mayne. They were numbered and identified and in one or other instance they referred to one of the five persons whose names I have just read from the transcript, but at page 392 His Honour said:

Would you have a look at the folder I now hand to you, on the outside of which is written the name B. Medlin?—Yes, that certainly seems to be the one I was given.

I make the document taken from the folder on which the name B. Medlin is written exhibit 76A and I direct that it be not published until further order, and I make the folder on which is written the name B. Medlin and its contents exhibit 76 and likewise the Commission will be in touch with Professor Medlin about the publication of the document.

I shall come back to exhibit 76A in a few moments. The folders and their contents were precisely identified and since those documents were tendered some of the documents have been released from the possession of the Royal commission. I have one of them, exhibit 76A, to which I propose to refer, because exhibit 76A and other material which I am certain will come to light in the course of the debate, show beyond any doubt that, whatever else may have been in the folders, they were just not newspaper cuttings or newspaper slips, but personal details, some of which were available only to persons in security intelligence on investigatory examination of the affairs of the individuals in question.

I wish to take up now the finding of Mr Justice Hope in which he said he was satisfied that in the past selected people had been provided with security intelligence material for publication. Let me emphasize that—security intelligence material for publication. Questioning Mr Mayne, His Honour referred to the five folders given to Mayne by the Leader of the Opposition. His Honour said:

In some of the folders there were, amongst other things, statements of character, setting out particulars of the persons who are named . . . they do contain certain allegations about those people.

So it is perfectly clear, on the findings of Mr Justice Hope, that the material passed on by the Leader of the Opposition was, and I repeat, security intelligence material, and its purpose was, I quote, for publication. In his television interviews the Leader of the Opposition continued to assert that the files contained nothing more than newspaper clippings. Indeed, he continues to depict the Australian Security Intelligence Organisation as a sort of super-reference library; a costly collector of newspaper cuttings.

Why then did Mr Justice Hope describe the material as security intelligence material? Why did he undertake to Mayne that none of the contents of the files would be made public without the knowledge and permission of the subjects? Why did he refer to the files as containing certain allegations and statements of character? Above all, why did Mr Justice Hope criticize ASIO for its conduct in this matter? Further, most pertinent of all is the admission by the Leader of the Opposition when asked on "This Day Tonight" on Thursday, 9th February:

"Do you agree that that was a proper course of action?" Answer:
"No, I probably don't".

That brings me to exhibit 76A. Though I shall read substantial portions of it, I ask that it be incorporated in *Hansard*.

Mr Leitch: I object to its being incorporated in *Hansard*.

Mr WRAN: In that case, the honourable member for Armidale, that well-known civil libertarian and a man well known for the pursuit of truth, having objected, I shall read the whole document. It has a notation on the right-hand corner "Royal Commission on Intelligence and Security exhibit No. 76A—direction given that it shall not be published." The signature, I think, is Ian Cunliffe, 15-7-75. It has since been released to certain of the persons named in the files. It is headed, "Medlin, Brian Herbert (Professor) born 10th December, 1927, South Australia, Head, Department of Philosophy, Flinders University, South Australia." The document reads:

- (1) Chairman, 'Campaign for Peace in Vietnam' (S.A.), 1967, 1968, 1969. Active propagandist, speaker and demonstrator. Anti-war and anti-conscription activities.
- (2) Engaged in falsification of National Service registration forms at Adelaide University on 4-8-69.

- (3) A leader in the 'End Conscription Rally' (Adelaide), 2-8-69 during which he clashed with radical leaders Albert LANGER and Peter O'BRIEN who wanted a clash with the police.
- (4) Invited Dr Benjamin SPOCK to come to Australia to take part in anti-Vietnam Moratorium. (1969).
Spokesman for the Moratorium Committee which met in Canberra 25-11-69. Member of the V.M.C. Committee in South Australia. (1970).
- (5) Refused to perform his academic duties during Moratorium Week. (4/8-5-70).

I think that means from the 4th to the 8th May, 1970.

- (6) Member of the V.M.C. National Co-ordinating Committee (1970).
- (7) Arrested in Adelaide during V.M.C. demonstration on 18/9/70 (one of 114 arrested). Fined \$100 with \$488 costs on 3 charges.

Mr Doyle: Top secret!

Mr WRAN: Very much top secret that there is a character assassination and definition of this man in paragraph 1 which states that he is an active propagandist, speaker and demonstrator; anti-war and anti-conscription activities. From where is information available to members of the public that ASIO supplied to the Leader of the Opposition that Professor Medlin was engaged in falsification of national service registration forms? I know that the Leader of the Opposition thinks that documents being furnished to him by ASIO for the purpose of discrediting people is just par for the course. We know some of his own party members have got together into a committee for the purpose of discrediting people. even now. It is common knowledge in the corridors of Parliament that the honourable member for Lane Cove, a member of the upper House and certain other members of the Liberal Party, including Mr Puplick, have been formed into a committee to actively discredit in every way possible members of the Government.

[Interruption]

Mr SPEAKER: Order!

Mr WRAN: Apparently it is a matter of great amusement. It shows the introduction of new standards in politics. Those who talk about people having egg on their faces will find unquestionably that it will blow up in their faces. I continue with the reading of exhibit 76A at the Royal Commission on Intelligence and Security:

- (8) Resigned from C.P.V. Committee (1970).
- (9) Arrested 24/3/71 for not paying a fine levied on him as result of charge made on 18/9/70. Fine paid by unknown person. Medlin released 1/4/71—

All matters freely available to the public, says the Leader of the Opposition.

Mr Coleman: That is right.

Mr WRAN: They are not freely available to the public. This is a dossier on Professor Medlin that was skilfully collected over a period of time to be used for the purpose of discrediting him. I continue reading the exhibit:

- (10) Arrested 15/6/71 over failure to pay another fine resulting from 18/9/70 demonstration.
- (11) Speaker at National Anti-war Conference (Sydney, Feb., 1971).
Copy of paper read attached.

It comes down to this——

Mr Maddison: On a point of order. I take it, Mr Speaker, that the usual rule will apply——

Mr WRAN: Yes, here is the copy.

Mr Maddison: t h a t the Premier will allow this to be available to the Opposition.

Mr WRAN: It comes down to this: the Leader of the Opposition passed on to Robert John Mayne——

Mr SPEAKER: Order! I wish to intimate to the honourable member for Ku-ring-gai, who asked whether the usual rule will apply, that the Premier in reading the document is conforming with the ruling I gave earlier, that members may read from documents and, if they care to, may make them available. It was at the pleasure of the Premier whether he made the document available. I see that he has done so.

Mr WRAN: Yes, all the common courtesies will be extended.

Mr Maddison: That is a change of heart.

Mr SPEAKER: Order!

Mr WRAN: It comes down to this: the Leader of the Opposition did pass on to Robert John Mayne **ASIO material**——

Mr Cameron: On a point of order. The Premier has already spoken for more than thirty minutes and it is plain that he intends to read *in extenso* from a large number of documents. You, Mr Speaker, will be aware of one of the frailties of the standing orders which has been attracting the attention of the Standing Orders Committee. Motions of this kind, which are described as censure, are normally moved by the Opposition against the Government, when the time of the principal speakers is unspecified. It appears to be indefinite. the motion having been moved by the Premier, whether the Opposition in the person of its leader will be given unspecified time to reply to the matters raised by the Premier. I ask you to intimate whether this matter is regarded by you as a motion of censure within the standing orders or whether it is regarded as a substantive motion. As the Premier has announced that all the common courtesies will be extended to the Opposition, can the Opposition be assured that it will have an equal length of time in which to reply to matters put by the Premier?

Mr SPEAKER: Although all the things said by the honourable member for Northcott may be true, the standing orders are specific. It is a motion of censure under Standing Order 142A. It comes under the heading of censure or want of confidence. Unfortunately, the Leader of the Opposition, or whoever may lead for the Opposition, will be restricted to thirty minutes, subject of course to an extension of fifteen minutes, if agreed to by the House. However, the Premier has unspecified time.

[Interruption]

Mr WRAN: I would extend it to anyone but a hypocrite like you. It comes down to the fact that the Leader of the Opposition did pass on to Robert John Mayne, **ASIO material**; the material was security intelligence material and its purpose was publication. However, it is the admissions of the Leader of the Opposition about himself that have brought his statements in the House into their most damaging light. Were the personal explanation and statement made by the honourable member to the House accurate or inaccurate? Were they true or false? It is now plain beyond all doubt—by the Leader of the Opposition's own admissions—that his personal

explanation of 7th February and statement of Thursday, 9th February, were not accurate. They were false and misleading. The fact is that on the Leader of the Opposition's own evidence, he has seriously misled this House.

Let me remind the House of some of the honourable gentleman's statements in his personal explanation. I remind the House that this was not done at the Government's prompting but on the initiative of the Leader of the Opposition. He said:

Today the Hon. D. Dunstan, the Premier of South Australia, issued a press statement stating that I, in association with a company director and an ASIO officer, approached a Sydney journalist to publish a magazine to discredit left-wingers on the basis of ASIO material.

In this House on 7th February the Leader of the Opposition said that that charge was "false and infamous"; he admitted on the following Thursday, in interview after interview, that the allegation is true. In his personal explanation the Leader of the Opposition said:

As Editor of the *Bulletin*, I met some ASIO officers, as did other editors and journalists, and saw some ASIO material of an entirely non-secret nature, such as collections of newspaper clippings and semi-academic analyses of current ideologies.

The Leader of the Opposition was not editor of the *Bulletin* at the time of the meeting with Mayne. He had not been for three years. In his personal explanation the Leader of the Opposition stated:

I examined this material as any journalist or editor would. I have never seen or sought to see anything that can be called a file, or dossier, in the usual meaning of those words.

The material that the Leader of the Opposition has subsequently admitted he passed on to Mayne was found by Mr Justice Hope to be "security intelligence material".

Mr Doyle: So what?

Mr SPEAKER: I call the honourable member for Vaucluse to order.

Mr WRAN: That shows the standard of the political morality of the Liberal Party in New South Wales. The honourable member for Vaucluse said "So what?" to the fact that his leader lied and misled this House on a finding of Mr Justice Hope that while the honourable member for Fuller was a backbencher in this House he had received material of that kind. According to Mr Justice Hope, that material contained statements of character and certain allegations about those people. In his personal explanation the Leader of the Opposition said:

I have never in my parliamentary or journalistic career drawn on any material that is secret or personal.

Yet Mr Justice Hope would not publish the material given by the Leader of the Opposition to Mr Mayne without the knowledge and consent of the persons named. Mr Justice Hope said that the material contained "statements of character", "certain allegations about people". In his personal explanation, the Leader of the Opposition said:

Some years ago an acquaintance informed me that he was considering publishing a magazine which would draw on, among other sources, the sort of non-secret ASIO material I have mentioned. He invited me to assist him and he showed me some material he had in mind. I refused to be involved, and was in no way involved in further discussions.

The established facts—facts established by the Leader of the Opposition himself—now are that the proposed publication *The Analysis* was, in fact, registered in the name of Peter Coleman Publications Pty Limited. Far from refusing to be involved, the Leader of the Opposition has admitted that he did involve himself, that he did participate in at least one meeting with Warren, Mayne and Redford, and that he did, some time after, pass on five files or folders containing ASIO material which was described by Mr Justice Hope as security intelligence material. Yet, in his personal explanation, the Leader of the Opposition said, "I repeat, I was in no way involved."

What is the ordinary meaning of involvement? And what, one may ask, is the ordinary meaning of truth? By his own repeated and public admissions, the Leader of the Opposition misled the House in letter and in spirit. He made not less than five-misstatements in his personal explanation. The question whether the honourable gentleman misled the House is a matter that could only properly be dealt with by the House. It impinges directly on the rights and privileges of this House. In short, his personal explanation was not accurate. On the contrary, it was grossly, shamefully, misleading.

This House, in its own interests, should not let the matter rest here. The Leader of the Opposition not only misled the House in his personal explanation—the personal explanation that was to be the subject of inquiry by a select committee. He persisted in misleading the House. The very speech in which the Leader of the Opposition opposed the Attorney-General's urgency motion compounded the offence. He indulged in a violent outburst against Mr Mayne, whom he accused of "years of deceit", "years of lies". Of course, the charge is that Mr Mayne is not only a liar, but also a perjurer. The Leader of the Opposition should of course make these charges elsewhere and let the proper legal processes take place.

Mr Coleman: I should like you to make yours elsewhere.

Mr WRAN: I emphasize that the misleading nature of the Leader of the Opposition's statements in Parliament does not depend on believing Mr Mayne. It is not a question of Mayne's word against the word of the Leader of the Opposition. The evidence is all provided by the Leader of the Opposition's own words. Again and again, he asserted, "I was not involved." The Leader of the Opposition has admitted that he was involved. He said, "I was not a prime mover." The proposed publication *The Analysis* was registered in his name. He told the House, "I have never seen secret ASIO files." Mr Justice Hope found that the Leader of the Opposition was in possession of security intelligence material. The Leader of the Opposition told the House, "I have never sought to see any secret files." The Leader of the Opposition sought to have this material used to discredit Australian citizens.

He told the House, "I have never used or even seen a dossier in any meaningful sense of that word." Mr Speaker, if the Medlin exhibit 76A document I have quoted is not a dossier, a blow-by-blow account of Professor Medlin's activities, then what is a dossier?

Mr Maddison: Most of it is public knowledge, anyway.

Mr SPEAKER: Order!

Mr WRAN: All the squirmings and shoulder-shruggings of the Leader of the Opposition cannot obscure the fact that all these assertions repeated with due deliberation under the privileges of this House are in fact false, if words are to have their ordinary meaning and if truth is to have its ordinary meaning. The truth is that the Leader of the Opposition, on his own subsequent admissions, dragged out of him on television and by the press, seriously and deliberately misled this House. Finally, I should draw the House's attention to the most serious implication of this deplorable affair.

[Interruption]

Mr SPEAKER: Order!

Mr WRAN: I note that the honourable member for Vaucluse and the Amos and Andy team, the honourable member for The Hills and the honourable member for Wagga Wagga, are deliriously out of their minds at the triviality of these matters but I repeat, I should draw the House's attention to the most serious implication of this deplorable affair. The Hope commission recommended that there should be greater co-operation between the Commonwealth and the States in security matters. In the aftermath of the Hilton bombing the Prime Minister has indicated that he intends to implement this recommendation. The honourable member for Wagga Wagga even gets some satisfaction and joy out of the Hilton bombing, such is the levity that is being exhibited on the Opposition benches. In the aftermath of the Hilton bombing the Prime Minister has indicated that he intends to implement this recommendation and I have responded that New South Wales' co-operation can be relied upon.

In another recommendation, Mr Justice Hope pointed out that the national and by-partisan nature of security was such that it required that the Leader of the Opposition in the federal Parliament should receive regular briefings on matters of high national security. This of course is a well-established practice in Britain, and it was a practice adopted in 1975 by the Whitlam Government. In the event of greater involvement by the State Government in matters concerning national security, along the lines indicated by both Mr Justice Hope and the Prime Minister, it would certainly be my wish and intention to follow, as a matter of principle, these precedents. I would want the Leader of the Opposition, whoever he may be—they come and go—to be closely briefed on such matters. Yet we have the situation where the present Leader of the Opposition has shown himself, by his own admission, willing to receive, pass on and publish security intelligence material for his own purposes—in this case, for the purpose of discrediting Australian citizens whose only offence is that their open and public political activities and attitudes do not meet with the approval of the Leader of the Opposition. I suggest that this places a heavy question-mark over the Leader of the Opposition as a fit and proper person to be privy to matters of a security nature.

Mr Justice Hope found that ASIO had acted improperly in passing security intelligence material on to the Leader of the Opposition. The Leader of the Opposition has admitted on reflection that his own conduct was improper. This much is clear: the present Leader of the Opposition has shown himself in the past willing to use security intelligence material for personal and political purposes—sheer political ends, unrelated to the genuine national security. His conduct in the past raises the most serious questions about his likely conduct in the future. But in this instance it is not a question whether I as Premier could trust the present Leader of the Opposition. The question now before us is whether this House can trust the word of the Leader of the Opposition. The evidence is irrefutable: he did mislead the House seriously, deliberately and repeatedly. He made at least five misstatements of fact in his personal explanation on 7th February. He repeated those misstatements in the debate on 9th February. He does not deserve the trust of this House. I commend the motion to the House.

Mr COLEMAN (Fuller), Leader of the Opposition [3.59]: The Premier's speech was a deliberate mixture of lies, distortions and misrepresentation—a rancid little speech which was a disgrace to him and to the Chamber. I listened to it with a certain disgust. Before I come to the substantive issues, might I say how extraordinary it is that the time of the Chamber should be wasted on matters of this kind, which have already been dealt with by the public. It is interesting that the Premier is unwilling to face the music. I want to expose him as a liar and a hypocrite, but he

leaves the Chamber. At least we can have the record show that. At least the Premier ought to remain and hear what I have to say.

Mr Punch: He ran out like a coward.

Mr SPEAKER: Order! I call the Leader of the Country Party and the Leader of the Opposition to order. The Leader of the Opposition will endeavour to use parliamentary language. He called the Premier a liar.

[Interruption]

Mr SPEAKER: Order! It has been a standing practice of this Chamber that that phrase is unparliamentary.

[Interruption]

Mr SPEAKER: Order! I warn the honourable member for Vacluse, who already has a number of calls to order recorded against him, that I shall have no hesitation in directing that he be removed from the Chamber if he continues to conduct himself in this manner. I remind the Leader of the Opposition that the phrase "a liar" is unparliamentary. I have asked that it be withdrawn when it has been directed to members of the Opposition. I ask the Leader of the Opposition to withdraw it as directed to the Premier.

Mr Coleman: May I seek your guidance, Mr Speaker? As I conscientiously believe that what I said is correct, am I forced to withdraw that conscientious belief?

Mr SPEAKER: A member may express himself in many ways if he believes that something which a member is saying is untrue. The phrases "a liar", "you are a liar" and "you are lying" are unparliamentary. This has been accepted in all parliaments throughout the Westminster system. I have directed the Leader of the Opposition to withdraw the words "is a liar".

Mr Punch: On a point of order. It is my impression that some time ago, in the course of a long and tedious speech, the Premier referred a number of times to the Leader of the Opposition as a liar.

Mr SPEAKER: Order! If he did so, it went over my head.

[Interruption]

Mr SPEAKER: Order! I have asked the Leader of the Opposition to withdraw a remark that I believe is unparliamentary. If he fails to do so I shall have to charge him under the standing orders.

Mr Viney: On a point of order——

Mr SPEAKER: Order! I have directed the Leader of the Opposition to withdraw a remark. I ask him to do so now.

Mr COLEMAN: In conformity with your directions, Mr Speaker, I withdraw the remark. However, I hope I may say the Premier is a coward without having to withdraw that, for having delivered that abominable, rancid speech he then rushed from the Chamber like a rat. I do not say that he is a rat; I simply say that he rushed out like a rat.

Mr F. J. Walker: How about getting back to the motion?

Mr COLEMAN: I shall return to the motion. How extraordinary it is that we have to discuss this sort of matter when we have some forty to sixty—whatever it is—bills before the House; when we have been given notice of the guillotine on an

important consumer protection bill; when we have a list of bills **involving** dental technicians, hospitals, safety, dams, universities, superannuation and so on. This gives some idea of the **absurdity**—

[Interruption]

Mr COLEMAN: If the honourable member for Hurstville can muster the brainpower to say something, he will no doubt be given an opportunity. The Premier has fallen on his face several times with this matter. First of all, with the extraordinary cant and hypocrisy for which he is renowned, he called for a select committee of this Parliament. He described this as a time-honoured procedure on a matter affecting one of its members. As the Hon. M. F. Willis in another place pointed out, this time-honoured procedure has been used only once before. That was in 1891 when a committee was set up to inquire into an application for a free pass to be made available to Mr Black, M.P., for his wife. The Premier failed in his attempt to get that select committee. He did not have the numbers on the floor of the House. The honourable member for South Coast voted against it and the honourable member for Cessnock did not attend for the division. I should like to believe that his absence was deliberate, but, be that as it may, the Premier failed in that attempt. He then said that the Government would set up a judicial inquiry into this matter. The *Sydney Morning Herald* editorial of 10th February, said:

Is the inquiry likely to be anything but a waste of time and public money? Almost certainly not.

It concluded by saying:

It is unnecessary. It is a misuse of power. It smacks of petty vindictiveness.

The *Newcastle Morning Herald and Miners Advocate* said *in* an editorial:

It is to be hoped that the Government has learnt a lesson from yesterday's **events**—

that is the failure of the select committee—and the editorial concluded by saying: that it is better to accept a defeat in good grace than to seek a win at any **cost**.

The News Limited *Sunday* said:

Swallow your pride and forget it, Nifty.

and Shifty, of course; he has plenty of **shifties** with him.

[Interruption]

Mr SPEAKER: Order!

Mr COLEMAN: In due course we saw a rash of headlines such as "Wran backs down". We read editorial opinions, such as that of the *Sydney Morning Herald*, that the judicial inquiry was an even worse idea than that for the select committee. It was, and was widely seen to be, a cheap political trick.

Mr F. J. Walker: On a point of order. In due course no doubt the Leader of the Opposition will be seeking the courtesy of the House to extend his time so that he might fully develop his case. He has yet to come to the motion before the House. Every bit of material that he has delivered so far has been irrelevant to the motion. If the indulgence of the House is to be granted to him, I consider that he should start **speaking** to the motion.

Mr **Coleman**: On the point of order. I am backgrounding, in a couple of minutes only, the story of today. This motion is the result of the Government's failure to have a select committee set up, and its **backdown** on the judicial inquiry. The background I am giving is obviously essential to an understanding of the matter.

Mr **SPEAKER**: In view of the phraseology of the motion, I think the Leader of the Opposition is entitled to make a statement on matters that have already occurred. I believe he is developing his arguments against what has been said in the debate by the Premier.

Mr **COLEMAN**: Finally on this matter—the last quotation from the various editorials—I quote again from the *Newcastle Morning Herald and Miners Advocate* of 15th February:

The Premier's backdown—that is on the judicial inquiry—tends to confirm that he reacted less than prudently last week when he promised a judicial inquiry after his plan to hold a parliamentary inquiry, **Labor**-dominated, had foundered in defeat. He should now let the matter rest. Another revival would be contemptible.

That is the revival that we have had today. It is, of course, contemptible, as was the Premier's speech. I refer now to the facts of the matter. I have referred to them previously, as honourable members know, but I shall refer to them briefly again. In 1966 when I was editor of the *Bulletin* we decided in that magazine to publish an article on ASIO. We looked up ASIO's number in the telephone book under Commonwealth Departments at the front of the book. We rang the ASIO office and asked if they could provide us with any public material that would be relevant to an article that we were publishing called "A dossier on ASIO. Mr Sam Lipski wrote the article. Two officers from ASIO came to our office and provided various bits of publicly available information that was incorporated in the article. It is a good article, and is critical of ASIO in many ways. It was considered good enough to be incorporated in a University textbook edited by Professor **Mayer**. One of the people who came to the office was the sinister Mr **Redford**. In the *Bulletin* of 21st February, 1978, there is reference to Mr **Redford**. The article reads:

ERN **REDFORD**, mentioned in the **Coleman** affair in the N.S.W. Parliament, was as close as ASIO ever got to a PR man. His job was to publicize not the organization he was working for but the **affiliations** of people involved in demonstrations, particularly against American consular buildings and company offices.

He went about his PR duties in a conscientious rather than an inspired way, handing out photostats of newspaper cuttings about radicals and of articles they had written. Ironically, after he finished this job he was transferred to Adelaide; it is thought he headed the small ASIO squad there.

Redford also used to hand out unclassified background articles on fringe groups such as the Australian Nazi Party and splinter communist groups. Written in academic-essay style, these were penned by ASIO's chief theoretician and in-house philosopher, Bob Swann. Swann was prolific. Gough **Whitlam** tabled in parliament a list of nearly 50 articles which Swann had prepared. It was always suspected that the Melbourne Press got preferential treatment with these.

That is the sort of thing that the sinister Mr **Redford** was engaged in. It was, as it were, semi-PR type activity that many journalists and many editors knew of. In a

column in the *Daily Mirror* on 23rd January this year, Mr Brian White **referred** to his obtaining **this** sort of information for use in interviews. He wrote:

Because most journalists would take background information from a dog or a tree if they could talk, it wasn't hard to agree.

There were many other media contacts with these **ASIO** people and the sinister **Mr Redford**. Mr **David McNicoll**, when writing on 7th February in the *Bulletin* referred to a set of editors going to Melbourne. He said:

When Brigadier Spry was head of **ASIO** he once invited some newspaper editors to a conducted tour of the **ASIO** building in Melbourne. It was a fascinating afternoon, and gave us a considerable admiration for **ASIO** efficiency, at that time. It might be the moment to raise some of the shades and let the Press have another look.

That is the sort of activity in which Mr **Redford** was engaged. It is the sort of thing to which I referred in my personal explanation on 7th February, when I mentioned the infamous statement by the Premier of South Australia that I had obtained South Australian special branch **information** through **ASIO**. I described those allegations as false and infamous. I also stated:

As Editor of the *Bulletin* I met some **ASIO** officers, as did other editors and journalists, and saw some **ASIO** material of an entirely non-secret nature, such as collections of newspaper clippings and semi-academic analyses of current ideologies—some dozens of which Mr **Whitlam**, as Prime Minister, made public.

I examined this material as any journalist or editor would. I have never seen or sought to see anything of a secret nature, let alone of a personal nature. I have never seen or sought to see anything that can be called a file or a dossier in the usual meaning of those words **as** used in these controversies. I have never in my parliamentary or journalistic career drawn on any material that is secret or personal.

I went on to refer to having made various criticisms of **ASIO**. I said that I was pleased that some of them had been incorporated in the report by Mr Justice Hope. I **said** that I had been a foundation member of the Privacy Committee of New South **Wales**, and that I had helped to draft the legislation under which it was operating to protect the citizens of this State. Indeed, it is making inquiries into the New South Wales police special branch. I foreshadowed and fully supported these inquiries when I was on the Privacy Committee.

As I said in my personal statement, in 1971 I was approached by a company director who said that he was considering publishing a magazine or newsletter which would draw on, among other sources, the sort of non-secret **ASIO** material that I have mentioned and the *Bulletin* has described, and which Mr **Redford** was to supply. He invited me to assist him. He showed me some material, which consisted mainly of the things to which Mr **Mayne** has referred. I refused to be involved. I was in no way involved in further discussions. That is a fact. Of course, lies have been told about this, but that is the fact. A Sydney journalist, Mr Robert Mayne, expressed great **enthusiasm** for the venture and spent some months on preparations for the publication.

I now come to the key sentence in the report of Mr Justice Hope. I cannot call the Premier a liar; I can only say that he deliberately distorts the facts. It is a serious matter to distort the report of Mr Justice Hope, the Royal commissioner; but the Premier, like his colleague in South Australia, omitted the key sentence. He has a penchant for doing that. I cannot stress too much this sentence by Mr Justice Hope:

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

Of come, it **was** evidence that satisfied him. But there is a footnote to Mr Mayne's allegations, incorporated in the paragraph I have quoted. Mr Justice Hope went on to say:

The material provided was apparently drawn from information available in the public arena.

Let us get that clear. The honourable member for Hurstville might not be able to absorb it. Whether it was in small newspapers, university newspapers, communist newspapers, Trotskyite newspapers or any other newspapers, it was available in the **public** arena. The honourable member for Hurstville should try to get those words into his head, so that he might possibly understand them.

[Interruption]

Mr SPEAKER: Order! I ask the honourable member for Hurstville to desist from interjecting when the Leader of the Opposition is speaking. Except for one or two instances, the Premier was heard in silence. I hope that the Leader of the Opposition also will be able to address the House in silence.

Mr COLEMAN: Thank you, Mr Speaker. That is Mr Justice Hope's comment on any of these matters—whether it be Mr Redford dealing with a large number of journalists, whether it be me, Brian White, David McNicoll, or the various editors who went on the tour of ASIO; or whether it be the allegations by Mr Mayne. The point is that the next sentence, referring to allegations by Mr Mayne, refers to "material in the public arena". That statement was made by Mr Justice Hope. The **Premier**—this great Queen's Counsel, who is experienced in analysing evidence, and knows when he is distorting evidence, obviously knew that he was distorting it. The **Attorney-General** might smile in admiration of the Premier's distortions and his deliberate misleading of the House. How could anyone mislead the House more than that? He **quoted** from Mr Justice Hope's report but left out the key sentence? In his speech the Premier misled the House in **many** other ways.

I shall come now to Mr Robert Mayne, who made various statements. The Premier quoted some of them, and some were published in articles in the National Tiner; further, some were given to the **Royal** commission. In essence, Mr Mayne stated, in extra detail, that I was a prime mover in this **proposal**; that I was involved in this proposal; and that I passed on to him files, as part of a sort of continuing process. **The** facts are, as I have stated, that I was not a prime mover; that I said I did not want to be involved; and that, in passing the files back, either to him or to the publisher **Mr** Warren, I was doing it as part of my **dissociation** with the matter. I had nothing more to do with it. Even Mr Mayne, who continued dealing with this for months, if not for years, never saw me again. I saw him, I believe, only once; assuming that he is right about calling at my place, it would be twice. It is astonishing that the Premier and **others** rely on Mr Mayne's statements. I said that I returned the files as part of my lack of association with the idea and my lack of involvement in this enterprise, and returned them to the publisher.

Then Mr Mayne made a statutory declaration saying that I had telephoned him. That is a lie; I did not. He said he called at my place and gave certain details. I have to say, in all fairness, that it jogged my memory. This small matter was of no importance to me. He came and went; and I was not interested and not involved. I have a fairly busy life, and I did not think much of it again.

Mr Ryan: Why did you have them at home?

Mr COLEMAN: **Because** I had been given them to look at, you see.

[*Interruption*]

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

Mr COLEMAN: If **that** is the level of cross-examination that the honourable member for Hurstville can achieve, no wonder he tried to get a free car from the Hurstville council.

[*Interruption*]

Mr SPEAKER: Order!

Mr COLEMAN: The honourable member for Heffron had better keep quiet. I have a few statutory declarations that he would be interested in.

Mr SPEAKER: Order!

Mr COLEMAN: Mr Mayne made those statements, with a large number of extra details, such as my telephoning him, my being involved, and my passing them on. The Premier referred to those matters. Mr Mayne talked about a long lunch, when in fact I left the lunch early. He also talked about walking up Macquarie Street **with** me; he did not do so in fact. I did not telephone him. There were these allegations **and** innuendoes about my being engaged in this enterprise, and passed on to him these secret dossiers.

It is not in the least surprising that Mr Mayne has stated that he was disturbed, apparently, at the possibility of a judicial inquiry. Of course, even the honourable member for Hurstville might have an intimation that this gentleman may not be a good witness under cross-examination. The man on whom all these people rely, such as the Premier of South Australia, the Premier of New South Wales, and **others—Mr** Robert Mayne—according to the *Sydney Morning Herald* on 16th February "said yesterday he thought the issue should be dropped". He said that he was pleased the Premier had decided not to hold a judicial inquiry. He said that he was not anxious to be further involved. Of course he would not be anxious to be further involved; he would not have stood up at all to cross-examination. I say without undue emphasis that this gentleman has been lying. It is true that I should have nailed those lies years ago. The fact is that I treated them with contempt. It was not to be thought that two Labor Party Premiers would be so stupid and so misguided or so vicious as to take them up some years later. I cheerfully admit it was a mistake not to have nailed them at the time. Of course, it became a kind of lifetime career for Mr Mayne until it reached the point of a possible judicial inquiry, when he said that he was not anxious to be involved and was anxious to have the whole idea dropped.

Then it was taken up further by Mr Dunstan, and that led to a personal explanation by me in this House. The Premier of South Australia said that I had access not only to **ASIO** dossiers but also to South Australian special branch files. Like the Premier of this State, who is unwilling to be present **in** the House—he has gone into his hole—he also quoted the Hope Royal commission report's references to the Mayne allegations without stating that Mr Justice Hope said that the material was from information available in the public arena.

Finally we come to the Premier's speech on 14th February. It was very similar in context to the speech he made today, following—as he touched on today—his earlier statements in this House of a paranoid nature. Honourable members will remember the reference to persons being pursued by private detectives, to little committees being set up to discredit people, to rumours, and so on. Goodness knows what he means. He said this in reference to me. If he has any information about private detectives

or detectives of any sort, I wish he would tell us what he knows. If he has any information about committees being set up to discredit anybody, I wish he would favour us with that information.

Mr Lewis: And say it outside the House, too.

Mr COLEMAN: Yes, that would be helpful. If the Premier is going to make disgusting and cowardly attacks, it might be in the interests of Government supporters to encourage this leader of theirs, this Champagne Charlie of the Australian Labor Party in New South Wales, to make his statements where we can take appropriate legal action. But he is a gutless fellow. I cannot call him a liar, but I hope I can say he is a gutless fellow.

Let us refer to the allegations he made both on 14th February and today, which he says involved me in admitting the essential truth of Robert Mayne's allegations, allegations made by the man who wishes to have the whole matter dropped because he **does** not wish to be further questioned or examined on it. The Premier says that I have admitted under intense television interviewing that I met Mr Redford, Mr Warren, and Mr Mayne. To me, that is particularly stupid. I have not admitted any such thing. I stated it in the House before this matter was raised, and I have said it at other times. But particularly rancid is the Premier's attempt to use the references to my having contact with ASIO agents. Let us just look at this because it gives a **good** example of the Premier's distortion, of the Premier's—I cannot say lying, but distortion of the truth: and, of course, it would be deliberate. In the interview on 9th February on "A Current Affair" the interviewer said to me, "Have you been in frequent touch with ASIO agents?". This was early in the interview, and that should be made clear. I replied, "No, well, never in touch with an agent in any sense, in any normal usage of that word". That was true. I would not know what an agent looked like.

Mr Ryan: Is not Mr Redford an agent?

Mr COLEMAN: No, he is an officer of that department. I take it that even the boofhead member from Hurstville takes the idea that an agent is a person who is engaged in undercover activity, whereas a fellow who wanders round newspaper offices handing out articles to anyone who will look at them cannot be called an "agent".

Mr F. J. Walker: Who gave the Leader of the Opposition all this material?

Mr COLEMAN: I shall come to that. I will take you into the story on that, because that was one of the further disgusting lies of your leader—the liar—because he said I wrote that in an ASIO office in Melbourne. He must know that that is false. But there is no end to his rancid lying: he will say anything. We know why he will say anything—because he is in a state of some confusion, he is desperate, and he is rattled. But I think an honourable gentleman should draw the line somewhere. There are some distortions that one should retreat from. But not this Premier. No, having said I had never been in contact with an agent in any sense of the word, then later in the interview I say—and there are two of us speaking at once, the interviewer and me answering, with the transcript showing "(Speaking together)"—the interviewer says, "I mean, you were in contact with an ASIO agent?" and I am answering at the same time before he had finished speaking and used the word "agent". "But of course I was . . . that's correct. There is no difficulty about that".

Motion (by Mr F. J. Walker) agreed to:

That the honourable member for Fuller, Mr Coleman, be allowed to continue his speech for a further period of fifteen minutes.

Mr COLEMAN: Speaking at the same time in answer to the question, "You were in contact with an ASIO agent?" I said, "But of course I was. There's no difficulty about that. So I knew those people and I have no apology to make for knowing those people." The Premier takes that as my saying in answer to the question, "You were in contact with an ASIO agent?" "Yes, there is no difficulty about that". There were two people speaking together, I having said earlier that I have no contact with an ASIO agent and would not know what one looked like. To deliberately take that, when two people are speaking together, as meaning something else is a particularly low level of behaviour.

He then said it was proposed to bring out the newsletter. I did not admit that: I stated it. Mr Warren asked me whether I was interested, and I said I was not. I "admitted" that I had in possession ASIO material. I stated that I had access to the sort of material that was readily available in the public arena, and that is what Mr Justice Hope said.

Mr Petersen: It was not readily available.

Mr COLEMAN: It was in the public arena. Then I "admitted" I handed them to Mayne. Of course I handed them to Mayne as part of my dissociation from these things, or if not to Mayne, to the publisher.

Mr F. J. Walker: You could not remember.

Mr COLEMAN: Is it not extraordinary that you are inquiring in relation to this minor matter whether I returned them to the publisher or to the editor? Is it not amazing? Some years ago a matter of no importance to me, a matter of a public nature, not secret material, was being dealt with. The Premier said I have admitted that this was not proper. Again, having read the Hope report, I accept his argument, in particular that ASIO should abandon its earlier practice of having media contacts and should not get involved in special political controversies because it is important that organizations of that kind have good relations with all political parties. To say that an acceptance of that argument is an admission of improper behaviour is a distortion of the position. On 14th February the Premier followed up with a big lie when he said:

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.

Once again, the Premier quoted from the words of Mr Justice Hope ignoring the key sentence that this material was in the public arena. What a dishonest thing to do. Constant emphasis has been placed on the word files. Constant implication and innuendoes have been made about access to personal and secret materials. All this material is in the public arena. One should also consider the previous Medlin material, which I certainly do not recall. The only thing I know about Professor Medlin is that from time to time I published his poetry in the magazine *Quadrant*. I know very little about his political activities. Having glanced at the material given to me by this person, I returned it to him or his publisher. I doubt whether I even read it.

Mr Akister: You just glanced at it.

Mr COLEMAN: I glanced at it but I doubt whether I examined it. Now I shall deal with these so-called series of admissions, which are really only statements I have made. They are certainly not admissions.

[*Interruption*]

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

Mr COLEMAN: Honourable members ought to consider the reasons behind the Premier's attitude, apart from the political embarrassment he is in constantly, day after day. We know from the fiasco of the proposed select committee and the judicial inquiry, and now the fiasco of this motion, what to expect from the Premier. The motion is a **McCarthy-type** stunt, an attempt to smear. **McCarthyism** was not concerned with anti-communism. Communism was used as a pretext or a dirty word to smear people, just as the Premier uses **ASIO** to smear people. The whole purpose of the operation was to use unsubstantiated allegations—usually, as in this case, very old ones—to discredit people on the basis of phoney inquiries and motions about their integrity. The eventual outcome is of no concern to **McCarthyites**; they want **only** to smear people, to throw mud in the hope that some of it will stick.

This motion represents a **McCarthy-type** operation. Those who support the Premier have involved themselves in it. It is natural for the Premier to want to smear **ASIO** and security organizations; that attitude is close to the heart of people in the **Labor Party**. Senator Lionel Murphy started this about five years ago with his infamous raid on **ASIO** headquarters. Then we had Premier Dunstan's dissolution of the Special Branch in South Australia, followed in New South Wales by the Young **Labor** movement wanting to do away with the Special Branch in this State. We are now subjected to this smear campaign being conducted by the Premier—and that is a serious matter. The *Australian* had this to say in its editorial of **14th October**:

The special branches, **ASIO** and Australian security generally have become a portmanteau political issue which is being used by some for political purposes—in particular by Mr Dunstan and Mr **Wran**.

Referring to the **Hilton** bombing, the editorial stated:

As well, yesterday's bombing will hopefully discredit or silence those other shadowy and sinister figures who have been using the political **dogfight** over security to denigrate the security forces and (much more important and potentially damaging) to persuade Australia that it does not really need a security shield.

The Premier and his supporters are anxious to do the sort of thing that has been successfully done in the United States of America where for years attacks have been made on the CIA. This month's edition of *Time* magazine contains the following report:

The result has been inevitable—sagging morale, deteriorating ability to collect intelligence, and declining quality of analysis. Increasingly, this has worried Government policy framers, who are all too well aware of the need for prime intelligence sources and evaluations.

The CIA has been more or less knocked out, and it is the intention of the **Labor Party** to knock out **ASIO** and other security organizations, such as the Special Branch. I am astounded by the Premier's remarks about the Special Branch. Honourable members will be aware that for some time I was responsible for it. At that time I formed a high opinion of that organization, particularly over its handling of right-wing extremists who were collecting guns and its handling of left-wing extremists who were thought to be involved in letter bombings. Moreover, I was impressed with the Special Branch's handling of demonstrations, about which the honourable member for Illawarra would be aware.

This motion is obviously a part of the Premier's lying campaign. **The** motion has sinister connotations for the security organizations of this country. **The** motion is contemptible. One has only to consider the canting hypocrisy of the Premier who got up here and said, "As all **fairminded** people would agree, it is in the public interest that the matter be cleared up one way or the other lest it be allowed to degenerate into a political mud-slinging match." What canting hypocrisy. The Premier has been preparing for this occasion for months. I repeat, in summary, that I have not made the sort of admissions that the Premier **claims**. What I stated in my personal explanation was correct. I was not involved in this Mayne enterprise. I was not a prime mover in it and the only information I saw was material that was available in the public arena. Even the summaries of newspaper clippings about the **Medlin** affair are—every one of them—available in the public arena. They range from extracts from the daily press to student papers, Trotskyist newspapers, Marxist papers and other material.

The Premier has sneaked out of the House like a rat. He has the distinction of having reduced this House to his own squalid level. It should be **noted** and remembered that, having told so many untruths, having deliberately distorted the Hope report, having constantly omitted reference to the fact that Mr Justice Hope found, when referring to the Mayne allegations, that the material was in the public arena, and having further accepted every word that Mr Mayne said, the Premier has told yet another lie. Despite the fact that Mr Mayne now says that he wants to drop the matter, that he does not want a judicial inquiry and is not anxious to be further involved, the Premier has put forward a further lie—that one particular document was written in **ASIO** headquarters in Melbourne. Why should anyone tell such an incredible lie? That indicates the mood that the Premier is in. That leaflet, which was based on a range of publications issued at that time, is basically documentary.

Mr F. J. Walker: Where did you get that?

Mr **COLEMAN**: You should ask Mr Gould. I got a lot of this material from Mr Gould, so you should ask him. I come back to the basic point: I did not mislead the House. By contrast, the Premier has misled the House; he has told untruths here. He has gone on in a canting, hypocritical way. Moreover, has had added to the untruths that he told earlier. Everything that I said in my personal explanation about my non-involvement and about my not being a prime mover in this situation is correct. Although Mr Mayne continued his connection for many months and possibly years, even he did not see fit to offer any evidence that I saw him, on his say-so, more than once for lunch and once when I returned the files. That is what he said.

Mr Einfeld: That is what you say.

Mr **SPEAKER**: Order! I call the Minister for Consumer Affairs and Minister for Co-operative Societies to order.

Mr **COLEMAN**: As far as my disconnection, disassociation or refusal to be involved is concerned, I returned material to the publisher or to the editor. The editor said that I returned it to him. Mr Mayne kept up his association for months, attending **ASIO** farewell parties **and** so on.

Mr **Whelan**: How do you know?

Mr **COLEMAN**: Because he said so. **If** the honourable member read the evidence rather than giggling in ignorance he would learn that Mr Mayne kept up the association for many months. He said so also in his statement in the National **Times**. The Premier sees fit to rely on **him**. I do not **think** any reasonable person would do so. Certainly Mr Mayne does not want to be relied on. He does not want to be involved; he wants to see the matter dropped, and he said so in the *Sydney Morning Herald*. I am

not surprised that he wants the matter dropped. The fundamental fact is that the Premier deliberately, knowingly and wilfully omitted quotations from the Hope report referring to information available in the public arena.

Mr HATTON (South Coast) [4.42]: A censure motion is one of the most important motions to come before the Parliament, especially when it involves a Minister, Leader of the Opposition or somebody in a position of power within the Parliament and recognized by the community as holding a position of power. I know that the censure motion has been used over the years as a party-political ploy by both sides of the House. It should be decided on points of fact. If the Parliament cannot rely on the truth of statements made, in a sober atmosphere and with pre-meditation and due care, then democracy is not going anywhere.

It is not right that the debate should be confused by the general question of security and intelligence. Surely by agreement we can put the general question beyond doubt. By agreement we should resolve that it is vital that any nation should have an effective security organization; that the State should co-operate with such an organization; that it is necessary to keep accurate and relevant files on questions of security where real risk is involved; that there must be surveillance; and that ethical and professional standards accepted within the democratic society must be observed. I shall quote but one part of the Hope report:

If ASIO becomes involved directly in the public dissemination of security intelligence it is likely to be accused of taking a bipartisan political position. It is most important that ASIO be above approach in that regard. In many respects its effectiveness depends on it having the confidence of all the main political parties.

I believe that, in the light of the commission headed by Mr Justice Hope and his recommendations, ASIO should and will have the confidence of all major political parties, even if there have been some doubts in the past.

I shall keep strictly to the point at issue: Did the Leader of the Opposition knowingly mislead the House? It is a matter of record that he made a personal explanation on 2nd February, not as a result of criticism within the Parliament or of charges laid by anyone in this Parliament, but as a result of charges laid by the Premier of South Australia. The personal explanation was not made as a result of any pressure. The Leader of the Opposition had plenty of time to think about what he was saying. That is tremendously important because a lot of things are said in this House in the heat of the moment and in emotive circumstances. Sometimes we regret them and could be accused of misleading the House. However, we are not dealing with such a case today. In reply to a question asked on 8th February by the honourable member for Bumjuck, the Premier said that he would consider the matter of a judicial inquiry.

It is a matter of record that on 9th February my vote defeated the Government's move to set up a select committee in this Parliament to inquire into whether the Leader of the Opposition had misled the House, allegations of his dealings with the Australian Security Intelligence Organization and similar matters. I do not regret my decision, which I consider to be right. When the Opposition said that it would withdraw from such a select committee of inquiry it would be a pointless political exercise to have one side of the Parliament sit in judgment on the leader of the other side. The same day the Premier announced that a judicial inquiry would be held. Then came the tragic incident at the Hilton Hotel. The Premier said that he would not go ahead with the judicial inquiry but that at a later time, when things had settled down, the House would be given an opportunity to debate the issue. It was then that I realized my key role.

We are all over 21 years of age, and we all know the numbers game and the politics in this place. We know also how you, Mr Speaker, would not relish being put in the position of having to use your casting vote on a censure motion against an honourable member. The assessment that I made in that key position was absolutely vital. It is of no consequence to me whether the Leader of the Opposition survives as leader or even whether the motion is debated in the House. It is of no political advantage to me and has no electoral effect. It has no effect on my majority or on my relationships with my constituents. No malice is involved. I was dragged into the matter by events. Naturally the Premier wanted to know which way I would vote if the matter came before the House and what my thoughts were. I told him that I would ask that he delay the matter coming before the House so that I could make my own assessment. This was done.

In the past week or so I have researched this matter most carefully to establish the facts to try to determine whether the Leader of the **Opposition** misled the House. On 14th February I wrote two letters, one to the **Premier** and the other to the Leader of the Opposition. To the best of my belief, they were delivered by hand on 15th February. The letter that I wrote to the Premier was in these terms:

In view of your announcement in the House today that the Parliament **is** to pursue the question **as** to whether the Leader of the Opposition misled the Parliament in his personal explanation last week, I would appreciate it if you would make available to me any relevant material which would allow me to make an independent assessment, if and when the matter comes before the Parliament.

I am writing a similar letter **to** the Leader of the Opposition asking for the same co-operation in what I believe is a most **important** matter.

The letter I wrote to the Leader of the Opposition was as follows:

In view of the announcement by the Premier in the House today that the Parliament is to pursue the question as to whether you have misled the House in your personal explanation last week I would appreciate it if you could forward me any relevant material which would allow me to make an independent assessment, if and when the matter comes before the Parliament.

I am writing a similar letter to the Premier asking for the same co-operation in what I believe is a most important matter.

The Premier had showed me the statements by Robert Mayne and an extensive newspaper file. Also I had obtained some newspaper cuttings, for example, from the **National Times** and from Brian White's column "There's a spy in your group". In response to my letter the Premier supplied me with copies of newspaper files and Mr Mayne's statement. I told him that it was obvious there was more in it than met the eye and I wanted time. I have not yet received a reply from the Leader of the Opposition. I have spoken with Robert Mayne personally for some one and a half hours. I have spoken to him on the telephone several times. By meeting him face to face I tried to assess him as a person.

I sought the help of **Russel Farran** of the National Library in Canberra to obtain some papers from the Royal commission. Mr **Farran** obtained photostats of Mayne's statements from the National Library. He also spoke to Jane Lee, librarian in the Department of the Prime Minister and Cabinet, because I sought to get the folios that were referred to in Robert Mayne's statements. He suggested that I speak to the

secretary of the Royal commission, Mr **Brownbill**. A message from my relieving secretary, Mrs Robyn Fisher, sent by her on 23rd February, 1978, to the National Library, **was** in these terms:

Files on Royal Commission on Intelligence and Security are in the possession of Mr Brownbill, Secretary to the Commission. He is with the Department of the Prime Minister and Cabinet. Cabinet is making a decision as to what to do with the files. Files now held and locked in vault. Mr Brownbill—724659 Canberra.

I spoke to Mr Brownbill. He said that the exhibits were under orders of the **Royal Commission Act** not to be published, but that those orders were cancelled in some cases and permission was given. He said that my request was the first since the commission finished and that because of the controversy he would have to get permission of the **Prime Minister and Cabinet** in Canberra. I wrote accordingly. In a letter of 23rd February, 1978, to the secretary of the Department of the Prime Minister and **Cabinet**, I said:

Dear Sir,

As you are aware, there has been a controversy over apparent conflicting statements made in a personal explanation to the N.S.W. Parliament by the Leader of the Opposition, Mr Peter **Coleman**, B.A., **M.Sc.(Econ.)**, and statements made by Mr Robert Mayne in a Statutory Declaration and evidence he gave before the Royal Commission into **ASIO** presided over by **Jusice Hope**. (See Evidence Robert Mayne hearings 14th July, 1975, pp. 388–396.)

In his appearance before the Royal **Commission** Mr Robert Mayae was asked to identify certain folios as those which were alleged to be the subject of discussions between himself and the Leader of the Opposition and others.

The Leader of the Opposition stated in a personal explanation in the Parliament and on numerous occasions to the media that the contents of the folios contained no secret matters or matters of a personal nature and, in fact, were mostly newspaper clippings and general ideological analyses. In view of this I ask that copies of as many of these folios as possible be made available to me and to the N.S.W. Parliament to clarify the situation.

I have approached the Secretary of the Commission, Mr Brownbill, who indicated that as mine was the first enquiry for papers of this nature the question as to their release would have to be settled by the Department of the Prime Minister and Cabinet and, on his advice, I am making this request.

There are procedures in the Parliament which would allow documents to be presented to the Parliament to be seen by parliamentarians only and, therefore, not released for general publication should that procedure be deemed necessary as a condition of the release of the material.

As the documents are vital to the whole issue to come before Parliament, possibly as early as next Tuesday, February 28th, I ask that they be made available either directly to me or to the Parliament as a matter of urgency.

At 4 p.m. on Thursday, 23rd February, 1978, I sent by hand by attendant Ron **Woodward** the following letter to the Leader of the Opposition:

Dear Mr **Coleman**,

Further to my letter of 14 February in which I indicated that I would be endeavouring to make an independent assessment on the controversy surrounding your personal explanation **concerning** allegations made by the **Mr Hatton]**

Premier of South Australia and Mr Robert Mayne, I **am** now **seeking** your assistance.

I will be going to Canberra tomorrow to collect transcripts of evidence given before the **Hope** Royal Commission, but I have been unable to view the "files" of Messrs Medlin, Freney, Gould and Langer, despite the fact that Justice Hope indicated that at least two of these (Medlin and Freney) had been inspected by the gentlemen concerned and they had agreed that they need not remain secret.

I have **contacted** Mr Brownbill, the Secretary to the Royal Commission, and he has referred me to the Department of the Prime Minister and Cabinet.

Attached is a copy of a letter that I have written to the Secretary of that Department, and which I will be taking by hand to Canberra tomorrow, 24 February.

In view of your statements that the **files** contained nothing that was not readily available, I seek your co-operation in using your good offices with the Prime Minister to obtain their release to me before the Parliament resumes next week. I feel that the release of these files can do much to clarify the whole unfortunate **affair**.

Last Friday morning at 11 o'clock—and it will be noted that I am being precise, for this is a matter in which we must be precise—I telephoned from Queanbeyan to the Department of the Prime Minister. I spoke to Mike **McNamara**, the executive assistant to Sir **Alan** Carmody. That morning I had to attend a regional advisory committee meeting. I read the substance of the letter to the secretary of the Prime Minister's department to me and told him that I would be calling at the department at about 4 **p.m.** that **afternoon**. This I did. When I arrived I was handed the following letter, which I quote in **full**:

**THE DEPARTMENT OF
THE PRIME MINISTER AND CABINET**

Canberra, A.C.T. 2600

Dear Mr **Hatton**,

I refer to your telephone conversation of 23 February, 1978, with Mr Brownbill of this Department about access to some unpublished records of the Royal Commission on Intelligence and Security (RCIS).

The Government has decided to publish only those reports that the RCIS recommended for publication. Access to any other RCIS records can only be granted by the Government for official purposes of the Commonwealth having regard to requirements of security and **confidentiality**.

I doubt whether your request would meet such conditions and accordingly cannot make the papers you have requested available to you.

I am advised that transcripts of the public hearings of the RCIS are publicly available from the Australian Government Reporting Service.

Yours sincerely,
(A. T. **Carmody**)
Secretary.

I think the question to be answered here is why **was** I denied access to **those** folios by the Department of the Prime Minister and Cabinet, especially in the light of the Leader of the Opposition's statement that the facts are as follows:

As Editor of *The Bulletin*, I met some ASIO officers as did other editors and journalists, and saw some ASIO material of an entirely non-secret nature such as collections of newspaper clippings and semi-academic analyses of current ideologies—some dozens of which Mr **Whitlam** as Prime Minister made public.

I suggest to you, Mr Deputy-Speaker, that the Leader of the Opposition or somebody else telephoned Canberra and said "Do not give those files to **Hatton**" or words to that effect. I cannot see any other explanation.

Another aspect is that the Leader of the Opposition lampooned Robert Mayne for not having these files. After he wrote the *National Times* articles in 1973—this is what Robert Mayne told me in explanation of why he did not have the files and it can be easily checked—the folios were in the *National Times* safe. Later the former federal Attorney-General Lionel Murphy expressed interest in them and Robert Mayne gave them to him. I conferred with the present editor of the *National Times*, **Evan Winton**, who, upon my inquiry, checked with **Ann Summers** that the photostats were not kept. It is a matter of record that Robert Mayne told the Royal commission that the Attorney-General had the folios and the **commission** staff obtained them from the Attorney-General's Department and that **Max Suich**, editor of the *National Times* in 1973, suggested to Robert Mayne that he might care to give evidence to the **Hope** Royal commission. Mayne wrote to the commission and subsequently appeared before it and identified the folios. One question remains to be answered. When the Leader of the Opposition was lampooning Robert Mayne for not having these folios, did he in fact know when he said that that Mr Mayne could not have had the folios or that there were no files kept. On 9th February, 1978, the Leader of the Opposition said, referring to Mr Mayne:

But he has never produced them. The reason why he has not produced them—and it is incredible that this gentleman, having engaged in some years of deceit in this way would not have kept photocopies of them—is that if he did produce them it would be plain to everybody that they did not contain anything of a personal or scurrilous nature.

Later on he said:

How amazing it is that this man has not produced those files or photocopies of them to show the tremendous evil that he suggests has been done. In any case, if by any chance he does have the files, let us hope he produces them quick and lively so that we can learn the truth of the matter.

I believe we could have had all the files produced quick and lively if the Leader of the Opposition had agreed to assist me last Friday in obtaining them.

With the aid of two reporters I have been able to contact **Denis Freney** and **Robert Gould**, both of whom were completely unknown to me beforehand because I have not been involved in this sort of thing. As honourable members will recall, in five of the files mentioned in the statutory declaration and the sworn evidence of Robert Mayne there are details—and I prefer to call them dossiers—on **Daniel Francis O'Neill**, **Brian Herbert Medlin**, **Denis William Francis Freney** and **Albert Langer**. It should be noted also that there were more than five folios. I had a telephone conversation with **Brian Medlin**, **Denis Freney**, and **Robert Gould**, and I met in discussion on Monday of this week **Denis Freney** and **Robert Gould**. From **Denis Freney** I obtained a considerable number of documents bearing the stamp of the **Hope** Royal commission. It is true that the files do contain masses of newspaper references and

Mr Hatton]

general ideological analyses, but they contain other material also. These were obtained, even though I could not obtain them, by Mr Freney. He wrote to the Royal Commission on Intelligence and Security in Canberra, and I quote from the letter to him in reply. It is as follows:

Dear Mr Freney,

Thank you for your letter of 15th July, 1975.

Seven manilla folders containing papers were identified by Mr Robert Mayne at the hearing of the Commission in Sydney on Monday, 14th July, 1975.

Mr Dowd: The Attorney-General will give the honourable member his copy, if he cannot read what he has in front of him.

Mr HATTON: As far as I am aware I am the only one who has copies. I could be wrong on that. The letter continues:

They became exhibits, and they and their contents are described in the enclosed enclosure.

I shall read that also in a moment. The letter continues:

At present, exhibits 74A, 76A, 78A and 79A are subject to directions that they shall not be published and I cannot allow you to inspect them while such directions are in force. The Commissioner has sought the views of the persons the subjects of those exhibits as to their publication.

As you have agreed to the publication of exhibit 77A, the Commissioner has rescinded the direction he made when you appeared before him on 14 July, 1975, that the contents of the exhibit shall not be published. I enclose a copy of the papers which make up exhibits 77 and 77A for your information.

In view of the fact that there has been a considerable amount of objection in the Parliament to putting these documents in *Hansard*, I shall have to read them, and that will take a considerable time—or perhaps I could make them available. I listened carefully to the objections to having the documents incorporated in the record of debates, and for the life of me I cannot see how anyone who wants to get to the truth of the matter would accept them as valid. I will say this: overwhelmingly the folders contain material such as ideological analyses, newspaper files, and the like. There is no shadow of doubt about that. That can be seen from the lists, and to that extent the Leader of the Opposition is telling the truth. I continue reading from the letter as follows:

The Commissioner will allow you to inspect the other exhibits described in the annexure. They are held in Canberra, and arrangements for inspection can be made by telephoning me on 062 733766.

You requested that the Commissioner subpoena your ASIO file, and that it be made available for your inspection, and that Messrs. Coleman, Mayne and McMahon be required to give evidence.

In his opening statement on 5 March 1975, the Royal Commissioner set out the procedure to be followed in relation to summonses to give evidence or to produce documents. I am enclosing a copy of that part of the opening statement.

The Royal Commissioner also said:

"The question whether cross-examination of a witness at a public hearing will be permitted will be considered if and when any request for

cross-examination is made and in respect of that witness; but without pre-judging any particular case I may say that I consider that adversary procedures are not suitable for most, if not all, parts of this inquiry."

Two applications to cross examine Government employees have been made and both have been refused. The Royal Commissioner has explained in each case that, as under any Royal Commission, he is required to inquire into the matters the subject of the Commission, to inform himself as best he can in relation to the material relevant to the inquiry and report upon it to the Governor-General. His powers include power to require, of his own motion, the attendance of witnesses and the production of documents. He is satisfied that, so far, from the many sources available to him, he is obtaining the evidence relevant to the terms of reference that **will** enable him to report on those terms.

You also requested that all persons giving evidence as a result of your submission be asked to do so in public rather than in camera. Again I refer you to the Royal Commissioner's opening statement. He said:

"Necessarily, much of the work of the Commission must be conducted in camera and much of the evidence given cannot be publicly disclosed. There are a number of reasons for this. One important reason is to protect the privacy of individuals and groups who give evidence before the Commission in confidence. The Commission wishes to encourage all individuals and groups who have submissions to make and evidence to put before the **Commission** to do so. The **confidentiality** of this material and the privacy of those who provide it **will** be preserved."

He went on to say:

"Where considerations of personal privacy, the needs of the intelligence and security services and the public interest do not necessitate secrecy, hearings of the Commission . . . will be open, and material put before the Commission will be made public."

Yours sincerely,
(G. M. **Brownbill**)
Secretary.

Why did I not get that response? Mr Freney **could** go to the commission, deliver a letter, and be allowed to look at the files. This material could be made available to him, yet months later I go to the commission and I do not get the same response. I go to the Prime Minister's Department and I do not get a response. At the same time I ask the Leader of the Opposition to assist me, and I do not get a response.

Mr **Mulock**: It had become too hot by then.

Mr **HATTON**: We can draw whatever conclusions we wish from the facts. Another letter from the Royal commission to Mr Freney, dated 20th August, 1975, is in the following terms:

Dear Mr Freney,

I refer to our meeting this morning. As your requested, I enclose one copy of each of the following documents:

This is what Mr Freney was able to get:

Exhibit 76A

Single-page document, "**Medlin**, Brian Herbert (Professor)"

Exhibit **79** (Part)

Photo-copied paper, "A Note on Terrorist Activity"

Exhibit **81** (Part)

Photo-copied paper, "Politically motivated incidents of violence"

Photo-copied paper, "A note on possible V.M.C. operations during June **1971**"

Photo-copied paper, "National Socialist Party of Australia"

Photo-copied paper, "Recent National Socialist Party of Australia activities"

Photo-copied paper, "The National Socialist Party of Australia (N.S.P.A.) "

Photo-copied paper, "Trotskyism in Australia", June **1972**

Photo-copied untitled three-page paper beginning "The Australian free enterprise system . . ."

Photo-copied paper, "The cost of Spock", Vanguard

Motion (by Mr **Einfeld**) agreed to:

That the honourable member for South Coast, Mr Katton, be allowed to continue his speech for a further period of fifteen minutes.

Mr **HATTON**: The letter continues:

Photo-copied paper, "A note on the 'New Left' in Australia"

Photo-copied paper, "A Note on Political Fragmentation, and its significance for extremist political developments in Australia", April **1972**

Photo-copied paper, "Communist Party of Australia (Marxist–Leninist)"

Photo-copied paper, "Socialist Party of Australia (SPA)"

Photo-copied paper, "Communist Party of Australia (CPA)"

Photo-copied paper, "Trotskyist organisations in Australia--Socialist Workers' League (S.W.L.) "

Yours sincerely,
Ian **Cunliffe**.

I shall now deal with exhibit **81**. I also have a copy of an order form filled in by **Denis** Freney. I was impressed by the mass of material given to Mr Freney. I was also impressed by the small amount of co-operation I received in an earnest attempt to make my own independent assessment. In his evidence Robert Mayne referred to folios. Robert Mayne confirmed this evidence to me personally. He said that in addition to anything he said in his sworn evidence the Leader of the Opposition had seen these documents. Exhibit **76A** relates to **Brian Medlin**. Exhibit **77A** refers to **Dennis** Freney. Exhibit **81** is a **manilla** folder containing certain newspaper cuttings and other documents. Exhibit **81** is a voluminous exhibit. I propose to examine this material in the light of what the Leader of the Opposition said.

The Leader of the Opposition said:

I examined this material as **any** journalist or editor would. I have never seen or sought to see anything of a secret nature, let alone of a **personal** nature. I have never seen or sought to see anything that **can** be called a file or a dossier in the usual meaning of those words as used in these controversies. I have never in my Parliamentary or journalistic career drawn on any material that is secret or personal.

The Oxford Dictionary defines dossier **as** a bundle of papers referring to some matter.

I propose to deal now with exhibit **76A**. The Premier has saved me the trouble of reading this material by having it incorporated in **Hansard**. I should like to know what exhibit **76A** is if it is not a dossier. That document contains no newspaper cuttings. Also, it has no documentation from public sources although other parts are riddled with it. Exhibit **77A** should be made part of the record. That document, which refers to Dennis William Francis Freney, is in these terms:

Born 10-9-1936—Sydney.

(Joined C.P.A. in 1953. Expelled in 1957) (see Tribune, 27-5-70).

1. Provisional Secretary of an "independent" commission of inquiry, formed by a number of academics in Sydney and Melbourne in 1968 to investigated alleged acts of torture in Vietnam.

I intend to make this material available to members of this House, and for that reason I shall not read every item. The matter contained in some of these items consists of observations that were made of Mr Freney at various demonstrations. I challenge anyone to show me how information like that would have been readily available to the public. Item 13 of the document is in these terms:

Participated in demonstration in Sydney Stock Exchange on 2-6-70.

Item 14 is as follows:

Participated in demonstration outside Ibrox Park Boys' High School on 18-8-70 (over discipline issues).

Item 15 of the document reads:

Participated in demonstration against P. M. Gorton at Sydney Town Hall on 4-8-70.

Paragraph number 16 states:

Participated in demonstration in Sydney at Commonwealth Centre on 3-7-70.

I wish to correct one statement. When I said that I challenge anyone to show me how that information would have been available to the public, I meant in the sense of it being made known to the public. Item 18 of the document is in these terms:

Participated in demonstration at Special Federal Court, Sydney on 1-10-70 in support of Mike Jones who was being tried under the National Service Act.

Paragraph number 23 reads:

Member of anti-apartheid demonstration at **Randwick** Council Chambers on 2-3-71.

Item 25 of the document reads:

Member of a "Sit-in" demonstration at Nabalco offices, Sydney, 3-5-71 (over Gove Peninsula situation).

The next observation, which is numbered 26, reads:

Member of anti-apartheid demonstration at offices **of S.A.A.**, Sydney, 29-4-71.

Paragraph number **27** is in these terms:

Member of anti-apartheid demonstration at **Milner** Field, Eastwood, 27-6-71.

Mr **Hatton**]

Item number 28 reads:

Member of anti-apartheid demonstration at Sydney Cricket Ground,
15-5-71.

Would anyone dare to suggest that every one of those incidents is reported in some public document, no matter how obscure and available it is in the public arena? Who would deny that what I have read does not constitute a dossier?

I propose now to read from the 13th February issue of the *National Times*. This report was not written by Robert Mayne; it was written by David Hickey and Anne Summers. The writers of this article talk about the conflicting statements by the Leader of the Opposition. They say:

None of this information, and other examples in the file, were reported in the press, according to the *Sydney Morning Herald* clippings library. That suggests that the information was supplied either by informers or agents.

That is not my opinion; that is the opinion of people **who** are qualified to speak on this subject. Part of exhibit **79** contains a note on terrorist activities. This document appears to make a general comment on the ideology of the left and the right. For that reason I do not see the need to read it in full. I believe that it is in conformity with what the Leader of the Opposition said. Exhibit **81** is a most voluminous document which refers to a considerable number of papers, but I propose to refer to only a few of them. For example, on page 4 under the heading "Third Phase" the following passage appears:

There is reason to believe that, about March or April **1970**, Maher and **Blume-Poulton** were involved in the burning of a number of schools in Victoria.

I should like to know where that incident was reported, or if it was reported anywhere. Item 22 of the same exhibit reads:

One member said in March that he had a large quantity of gelignite together with fuses and detonators which he and two others had stolen. Others have claimed to have in their possession at various times, **radio-controlled bombs**, or pistols, a Bren gun, and quantities of plastic explosives.

Paragraph number 23 of the exhibit is in these **terms**:

On 6th March, **1970**, an A.L.A. member was reported to have said that he could obtain an automatic weapon. On the same day one point 303 **rifle**, one **9 m.m.** Owen Machine Carbine and one **9 m.m.** F.L. sub-machine gun were stolen from a display conducted by the Monash University regiment.

And so the document goes on. The material contained in the next few paragraphs was inside gossip in an organization **that** was obviously reported on by somebody who was spying upon it and observing it. I challenge anybody to show me where that material would be freely available in any public document.

I should like to know also where the matters set out on page 5 of this document, about political **affiliations** of members of the A.L.A. appeared in print. The document concerning the National Socialist Party named certain individuals, including **James** Robert Falconer. I challenge the Leader of the Opposition to show where this man's name has been made public. I have a particular reason for issuing that challenge. Page 4 of the exhibit refers to Trotskyism in Australia and the socialist review conference held in June, **1972**. I am told by David **Holmes**, spokesman for the group, and a member of the national committee, that the names of these people were

never published. He referred me to the conference held in January, 1972, on "The Socialist Review". He said that admission to the conference was by invitation; that there would have to be somebody there or a copy of the minutes—an internal communication. It is claimed that this was in the public arena, but it is not freely available. I *think* that this matter is tremendously important. Page 4 of the document shows all of these things beyond doubt.

The *Sun* newspaper of 10th February, 1978, and the *Daily Mirror* of the same date contain a reference to "Willesee at Seven". As these matters have been quoted by the Premier, I shall save time by not repeating them. It has taken me days and nights of research and trips to Canberra to get what I believe are substantially the facts. I do not appreciate being taken for a ride. I believe it is inexcusable that this Parliament has been misled. Where are we going, if we cannot believe that the Leader of the Opposition is telling the truth in a premeditated statement? What about the defaming and discrediting of people? Surely that is not a proper activity for a member of Parliament to get involved in. I have had the experience of being unwittingly involved in such a situation. The Leader of the Opposition said that Robert Mayne wants the issue to be dropped; he does not want to take it before a judicial inquiry. I shall tell the House why he does not want a judicial inquiry. He has been put through the wringer over this matter. His wife has been caused a great deal of suffering over it and she does not want any more of it. Mr Mayne has been employed by the Wine Board for about six months. The whole matter is most embarrassing to ~~him~~. My assessment of the man is that he would be pleased to go before any judicial inquiry.

Robert Mayne is now the national promotions manager for the Australian Wine Board. In my opinion, he stood up and told the truth. He appeared before the Royal commission of his own volition and gave sworn evidence of his own volition. The Leader of the Opposition did not do that. Having met Mr Mayne, I believe him to be a straightforward and honest citizen. What did he have to gain by making these statements? Nobody has been able to tell us that. He had a lot to lose. There is an oblique reference in the Royal commission open hearing at page 394 where His Honour says "You deal with the parts that you want to deal with in public?" Mr Mayne said:

Some time afterwards, not too long after getting these two last files, I went to see Warren in his Sydney office which is 31 Macquarie Place and I spoke to him about the files that he had given me. My feeling at the time was I now had what was obviously a great newspaper story and I wanted to publish this. I told Warren this. He said certain things to me which made me go away and think about this and in fact at the time I did not write the newspaper article I intended to write.

His Honour asked: "What was the general nature of the things that he said to you?" and Mr Mayne replied:

They related to a relative of mine and after considering what Warren said to me I went away and I considered I would be unwise to place my relative in jeopardy.

That is a very interesting statement. What reason would he have for making that statement? Soon afterwards the Commission went into private session. That is significant. Robert Mayne does not deserve to be defamed and condemned. The least I can do as a member of Parliament is, within the Parliament, to defend him.

On 9th February, 1978, the Leader of the Opposition said that Mr Mayne "was engaged in a systematic several-years-long **operation** of lying and deceit in talking to ASIO people, going to their farewell parties, generally ingratiating himself with ASIO, **Mr Hatton]**

and collecting the sort of information which, with a change of federal Government, he suddenly decided to expose." This is the sort of defamation he used to try to get himself out of a difficult position. He has defamed a private citizen in this Parliament. That was not the first time he defamed him. On the programme "Willesee 24 Hours" on 9th July, 1974, when under pressure about the apparent conflict between his helping to establish the Privacy Committee in New South Wales and the involvement alleged by Mr Mayne, the Leader of the Opposition said words to the effect that he was not going to dignify such a creature, referring to Mr Mayne, by discussing his views and absurd allegations. The fact is that the Leader of the Opposition walked out of that interview. That saved him, I believe, from a writ; nevertheless the station did apologize and there was an out-of-court settlement.

I am not talking about a slip of the tongue, a statement made under emotion or in an atmosphere of tension. It was a premeditated—I am not permitted to use the word—so I will say it was untrue. Members should vote as their loyalties dictate. If they dispute the facts I have put forward to this Parliament—if they can do that—let them do their own research, let them look at the long list of coincidences that are so prominent. In the speech by the Leader of the Opposition on 26th June, 1967, Denis Freney was prominently featured, and Gould was prominently featured in the 1970 "School Power" written by the Leader of the Opposition and produced by the *Moree Champion*. Sullivan, who produced the *Moree Champion*, was going to publish the ASIO material. The "School Power" draws extensively upon obscure publications from all over the Commonwealth of the type listed in the folios and supplied by ASIO. Surely it will not be accepted in the Parliament that the Leader of the Opposition's behaviour in this matter was of the standard expected of a member. Is it not coincidence that Freney's and Gould's—two of the five files—happen to pop up all the way through. All of this occurred in 1968, when the Leader of the Opposition became a member of Parliament.

So, ignore the sworn evidence given freely by a citizen. Ignore the coincidence of the building renovations known to Mr Mayne; this later caused the Leader of the Opposition to change his statement. Ignore all the equivocations, admissions and retreats made in public by the Leader of the Opposition. Members will have to do all this if they intend to vote other than for this motion. For a member of this Parliament to be associated with ASIO materials and individuals, to deny it and to be caught out on it, and to be involved in an untruth—is this something that this Parliament accepts? I regard this as an important matter. I had a dummy security file circulating on me in 1968. I could make it freely available. I know the feelings of Robert Mayne because I experienced similar feelings in my case. I lay awake at night wondering who had received this rotten material, and what it would do to my wife and children. Members should not laugh about this. They have not had the experience of knowing that hundreds of these documents had been put out in their area, not knowing who had received them and what they were thinking, and not knowing enough to be able to—

Mr Coleman: What about the lies you are accepting about me?

Mr HATTON: At least, Mr Speaker, what has been said by others and by me has been said in the open. It is not circulated in that fashion. The Leader of the Opposition talks about unsubstantiated allegations and smearing people. This causes me to laugh in the light of the material that I have examined in the past nine or ten days. I say in all sincerity as a private member with nothing to gain in this debate, as somebody who has researched this matter very carefully, that I believe the situation to be so serious that the Leader of the Opposition ought to do what Mr Lynch did and stand down as leader.

Mr PUNCH (Gloucester), Leader of the Country Party [5.27]: Seldom have I heard a more pathetic performance than the one we heard in this House this afternoon. In the nineteen years that I have been a member of this Parliament I have never known a weaker performance than that given by the Premier. He fumbled and bumbled his way through a long, boring, untruthful and bitter diatribe. He gave tedious repetition of events that have been well known to the media and the public for many years. He waved documents about, said how secret they were, yet everybody in the media knows that every item in the one document that he read through at great length was known to the public. It was all common knowledge, but the Premier sought to show that it was secret. He brought it forward as great evidence against the Leader of the Opposition. I put it, Mr Speaker, that the media noticed—as indeed all members of the House noticed—that the Premier ran away from the Chamber like the coward he is as soon as the Leader of the Opposition began to speak. The Premier got up, as he has before, and went running out of the Chamber because he could not bear to stay and listen to his whole weak argument torn to bits, as indeed it was by the Leader of the Opposition.

Everybody in this House has come to realize that the Premier is pretty good at dishing it out. He is very good when he is on top, but when he is subjected to a little criticism there is nobody weaker in Australian politics. He has shown that in the past six weeks. He has been like a cur with his tail between his legs when the Leader of the Opposition and other members have attacked his credibility. Now he has none. This afternoon a panic-stricken and petulant Premier performed in this House in a very weak manner.

Mr Mallam: What about the money you got from Mr Gale?

Mr N. D. Walker: We will pull out the file that got the CIB on to the honourable member for Campbelltown.

Mr SPEAKER: Order! I request honourable members on both sides of the House to refrain from interjecting. The Leader of the Country Party is entitled to be heard in silence.

Mr PUNCH: I can hold my head as high as anyone else in this House, which is more than the honourable member for Campbelltown can do. I have no intention of lowering myself to answer any statements that he may make as they are never truthful. Today the House heard another speech by the honourable member for South Coast. Frankly, I have seldom heard such a self-righteous, sanctimonious burble of garbage as the House heard from him this afternoon. He adopted a holier-than-thou attitude—I am the great statesman; I am the only one in the House to sit down and analyse the matter; I am better than anyone because I have analysed the facts. That was his attitude. We have heard him say that sort of thing before. At one stage he referred to a folder with information in it and he referred to 1972. This whole issue is about a folder that was seen in 1971. What was in it then or later I do not know; they may be different things.

The House observed the shallowness of the arguments of the honourable member for South Coast. He has shown again his true colours and where his political beliefs lie. He spoke about voting for what **one** believes in. I say to him that he should consider his own conscience when he votes later today on this motion. I ask the honourable member for South Coast to look at himself in the mirror. He should vote according to his conscience and not according to what his leader might do; not on the debate here but on the way he interprets the matter and analyses it. He should vote according to his conscience. If all honourable members were to do that the Premier and the honourable member for South Coast would be the only two members voting on the Government side of the House.

It is obvious to everyone on both sides of the House that what originally started out as a political witch hunt against the Leader of the Opposition is now becoming an attempted face-saving exercise by the Premier. He had to back down on his plan to order a judicial inquiry. It was his third defeat in three weeks, making him a **third-time** loser. Since that time three weeks have elapsed, and he is a third-time loser the second time around. At the rate he is going he will be losing a lot more before he is much older. He is pursuing his present course merely to try to avoid losing face with the electors, with whom he is losing popularity rapidly, like his trendy twin from South Australia, whose popularity dropped from 70 per cent to 50 per cent in a month. This afternoon the Premier, in his usual egotistical way, referred to popularity polls of himself and the Premier of South Australia. The Premier of South Australia is not too happy about them at the present time, and the New South Wales Premier's popularity will be lower soon by his trying to save face, not only with the electors, but also with his own **Labor** supporters. He has taken a desperate action.

When the Premier was originally defeated by a vote of this House he tried to save face by claiming that he had arranged for Government supporters to be absent. However, the statement published next day by the honourable member for Cessnock gave the complete lie to the Premier's statement. Who misled the House? Who did it deliberately at that time? The House could well be considering today a motion of censure against the Premier for his misleading the House on that occasion. Nevertheless he conducts this political witch hunt in the forlorn hope that the Leader of the Opposition may have misled the Parliament. It is a complete farce. The Premier is doing far more harm to himself than to the Leader of the Opposition. He has enhanced the reputation of the Leader of the Opposition in the eyes of the public by his petulant pursuit of action of this kind.

The Premier has brought about a comedy of errors. Instead of the Leader of the Opposition attracting criticism by the Premier's statements, the Premier has indicted himself by his every word and action. He was quoted as saying that it would have been better not to have ordered a judicial inquiry. The truth is that he was placing the judiciary in an impossibly embarrassing position by trying to use it for his own political purposes. I pointed out to him that he probably would not have got one because no judge would have accepted the task. Further the Governor might not have approved the establishment of a judicial inquiry as Parliament had spoken on the subject and rejected it. Although the Premier said a judge would have been available, he neglected to mention the criticism and reluctance expressed within legal circles. I question the truth of the Premier's statement that a judge would have been available. I do not think a judge would have been available. Again the Premier was not telling the truth when he made those statements to the press at that time.

The whole campaign has been nothing more than a **Wran-Dunstan** axis. There is no doubt that Mr Wran and Mr Dunstan have been working in concert on this matter. For example, the Hope report on **ASIO** was taken out of the parliamentary library by the Premier a day or two before the matter was raised in the South Australian Parliament. According to the *Sydney Morning Herald* and to the Parliamentary Library, the report was in the hands of the Premier at that time. When the Leader of the Opposition tried to obtain a copy of the report so that he could have some copies made of it he was told that the Premier refused to release it back to the library, which would permit others to have a **look** at it. The Premier held on to it. From where did Mr Dunstan get his advice? He got it over the telephone from the Premier of New South **Wales**, who asked the Premier of South Australia to raise the matter in that State. Obviously the Premier fed that information to his trendy twin down south.

Significantly, the basis of the motion today is similar in purport to the terms of the Premier's initial urgency motion, which was defeated in this House. He should have accepted defeat and dropped the issue altogether at the time that Parliament voted against it. His obsession resulted in his lack of political judgment when under pressure. Obviously, at that time and again now the Leader of the Opposition is worrying him tremendously. After the Premier's repeated defeats and backdowns, even many Labor supporters, who are now cackling like a flock of fowls, must agree with what I have said. They know as well as I do that the Premier is losing his control over many Labor Party members in this House. It is general knowledge that many Australian Labor Party supporters here now realize that the Premier cracks under pressure. Surely this present issue is a further example of his well-known and well-published backdowns.

I remind the House of the Stamp Duties (Amendment) Bill. Certainly the Attorney-General would remember it. The Premier carried on about what he was going to do about death duties. His legislation would have made it almost impossible for people to inherit anything. If that was not a backdown, I do not know what it was. I remind the House also about the famous Anti-Discrimination Bill, when the Premier thumped the table and put on his best Sir Laurence Olivier act. He said, "We will stay here over Christmas, if necessary, to deal with this bill". But next day he backed down again, like the cur that he is. I remind the House about the Legislative Council reform legislation. The Premier was going to play merry hell, until the meeting of managers at which the Leader of the Opposition in the Legislative Council ran rings around him. That is confirmed by a statement of the Attorney-General to a number of lawyers. He said that he had not seen a better negotiator than Sir John Fuller, who ran rings round the Premier at the manager's conference. What happened there should be made known. The Premier has become the niftiest back-off man in the Parliament for a long time. There is a song called "Rack off, Normie"; we will change that to "Back off, Newie," because the Premier backs off when the pressure is on him.

The tactic of denigration and smear against the Leader of the Opposition is the culmination of a pattern of guttersniping by the Premier since he has been in this Parliament, and particularly over the two years that he has been in power. The power of the Premiership and the police ministry has apparently gone to his head. He is starting to believe his own publicity that he puts out from his great propaganda machine. He, like discredited ex-President Nixon, is coming to think that he can act how he likes, say what he likes and use Parliament to suit his own personal political motives. Never before in this or any other parliament have we heard any politician of any party carry on such a low, untruthful, personal vilification campaign as the Premier has over the past two years. Honourable members here have seen it on several occasions. I believe it was raised again in a news release by the Premier today. He has used the tactics of the ethnic smear against me and other members of the Opposition, saying that we have made statements against persons of Italian descent. He knows, as I know and other people know, that that is an absolute falsehood. It is a deliberate misuse of his position, and a cheap misuse of the ethnic situation for purely political purposes.

[Interruption]

Mr PUNCH: Perhaps the Premier will tell honourable members what he said. The Italian community has good reason to be offended by what he has said.

Mr SPEAKER: Order! The Leader of the Country Party has not at any stage come to the question before the Chair, the matter that we are debating. For most of the time since 5.27 p.m., when he began speaking, he has engaged in an attack

upon the Premier. The Premier is not being censured here today. There is no reason why the Leader of the Country Party cannot seek to reverse some of the criticisms and bring them home to the Premier, but the question before the Chair is that the Leader of the Opposition deserves the censure of this House for a number of reasons. The Leader of the Country Party should be attempting to counter some of **the** matters raised already in debate in the House and endeavouring to speak in support of the Leader of the Opposition. There is no question before the Chair censuring the Premier.

Mr PUNCH: In my argument I have at all times followed the line of debate of the Premier. I have been attempting to defend the actions of the Leader of the Opposition, who, I believe, has behaved with propriety at all times in his position. I have been attempting to show that the tactic of smear by the Premier and today's censure motion against the Leader of the Opposition or anybody else is a tactic that he has followed in this Parliament frequently. All I am trying to show is that his own smear campaign on **the** Leader of the Opposition, on me and on others is something —

Mr F. J. Walker: Come to the point.

Mr PUNCH: I am coming to the point.

Mr F. J. Walker: Defend him.

Mr PUNCH: It was the Premier who in this House stood and defended Mr **Grassby** who let a lot of criminals into this country against departmental advice. It was the **Premier**—

Mr F. J. Walker: Speak in defence of the Leader of the Opposition.

Mr PUNCH: I am speaking in defence of the Leader of the Opposition in this Parliament. I am supporting **him**. If it is all right for the Premier to get up and smear everybody, his whole credibility is at stake. That is **all** I am trying to show in this debate this afternoon. I remember—and I am sure all honourable members will remember—the time when the Premier defended **Domenico** Barbaro, an Italian criminal who was declared by the Italian **courts**—

Mr F. J. Walker: On a point of order. The Leader of the Country Party is defying your direction to him to speak to the motion, Mr Speaker. He continues to raise matters outside the motion. He continues to raise matters that you told him were outside it. I think he should be directed to return to the question before the Chair and try to defend the Leader of the Opposition.

Mr Punch: On the point of order. Surely in defending the Leader of the Opposition, who has been attacked, I am entitled to debate the credibility of the Premier. It is his credibility that is at stake. The Premier is the one who raised the matter. If I can show, as I am attempting to show, that his credibility is zero, surely that must react on the **motion** before the Chair.

Mr SPEAKER: Standing Order 152 is quite specific. It states that no member shall digress from the subject-matter of any question under discussion. I draw the Leader of the Country Party's attention to the fact that not once since 5.27 p.m. has he spoken to the motion before the House, not once has he countered any argument raised by any member on the Government benches or any other speaker in this debate so far. He has spent the whole of his time levelling an attack on the Premier by raising many matters concerning the Premier. I pointed out to him that the Premier is not under censure here today. For the benefit of the Leader of the Country Party I shall read the question before the House. It is in these **terms**:

That this House deplores the conduct of the Leader of the Opposition, Member for Fuller in making false and misleading statements to this Parliament, by way of personal explanation on the 7th February, 1978, and in his reply to an urgency motion moved by the Attorney-General, on the 9th February, 1978, and resolves that the Leader of the Opposition deserves the censure of this House.

I believe the Leader of the Country Party should now come to the question before the Chair and endeavour to speak to that motion and to counter or support any arguments raised by any other members in the House on that matter.

Mr PUNCH: I have been attempting to do that. I ask for your guidance, Mr Speaker, in this regard. Surely it is not outside the rules of debate that you have just referred to for me to refer to the Premier and his activities and what is behind this whole matter today—that is, a statutory declaration by one Robert Mayne against the Leader of the Opposition on which the Premier has now moved this censure motion, on which the Premier tried to set up a judicial inquiry and on which he **attempted**—unsuccessfully—to set up a select committee of this House.

Mr SPEAKER: The Leader of the Country Party has asked for my guidance. I direct his attention to Standing Order 157 which states that the attention of the House may be called to continued irrelevance or tedious repetition on the part of an honourable member. He has spent the past twenty minutes attacking the Premier. I think he has made his point that there is some question of the credibility of the Premier. However, there is no question before the Chair concerning the Premier: it concerns the Leader of the Opposition.

Mr PUNCH: Thank you, Mr Speaker. The strangest aspect of this whole episode relates to the statutory declaration of Robert Mayne. It involves **the**—

Mr F. J. Walker: What about the evidence on oath?

Mr PUNCH: —~~the~~ statutory declaration from Robert Mayne on which the Premier attempted to take certain action. Today we have the Premier moving a motion of censure against the Leader of the Opposition solely on the basis of the statutory declaration of a journalist whom I have never seen. I do not know whether he is a red-hot journalist or a poor one. I do not know whether he is a good type of fellow or a bad type of man. I know nothing at all about him. However, the position is that this question has been raised and discussed at great length in several debates on the basis of this statutory declaration. Honourable members will recall the question asked by the honourable member for Heffron initially of the Premier. I find it strange that it was the honourable member for Heffron who first raised it. Perhaps he did so at the Premier's instigation. Again it raises the question of the credibility of the Government.

Mr F. J. Walker: On a point of order. The Leader of the Country Party is now raising the credibility of the honourable member for Heffron. The question before the House is the credibility of the Leader of the Opposition and whether or not he told lies to this Parliament. The credibility of other honourable members is not in question. It may well be if the Leader of the Country Party moves a substantive motion, but at the moment there is only one substantive motion before the House. It relates to the Leader of the Opposition and whether or not he misled the House. I submit that it is incumbent **upon** the Leader of the Country Party to attempt to defend his leader.

Mr Maddison: On the point of order. It is clear that this debate is politically motivated, and always has been. I feel desperately sorry for you, Mr Speaker, in having to adjudicate in this tense and emotional situation. I submit that when a debate is politically motivated, the motives of the Government, the Premier, and anybody else associated with the matter, are relevant.

Mr SPEAKER: The Leader of the Country Party is in order in making passing reference to any events that led up to this debate. I am sure the honourable gentleman will not dwell on any matter concerning another honourable member.

Mr PUNCH: We have seen the Premier moving in this Parliament today to censure the Leader of the Opposition, and we have seen him try to establish a judicial inquiry into the activities of the Leader of the Opposition. He has been willing to do both of those things on the word of one man. The Premier has in his personal possession five statutory declarations from five popularly elected aldermen of a council in Sydney outlining not a minor matter, but serious allegations of conspiracy and bribery directly involving a member of this House, the honourable member for Heffron. Those statutory declarations make serious allegations relating to the Premier himself when he was Leader of the Opposition, to two members of the Labor Party in the Legislative Council, the Hon. J. P. Ducker and the Hon. Kathleen Anderson, and to the former general secretary of the Australian Labor Party. If it is good enough for the Premier to seek an inquiry and to push for parliamentary action on a matter concerning the Leader of the Opposition on the word of one man, on a matter of semantics, based on one uncorroborated statutory declaration, it is good enough to expect him to do the same thing with respect to the honourable member for Heffron.

Mr F. J. Walker: On a point of order. The Leader of the Country Party is now attempting to raise a matter that has been dealt with by a magistrate, who dismissed the charges made in the statutory declarations referred to. That is now part of history. It occurred in the term of the former Government. It has no relevance to the present Government or to the question whether the Leader of the Opposition misled Parliament. I submit that the Leader of the Country Party is deliberately flouting your ruling and is endeavouring not to defend his leader—who is undefendable—but to introduce other matters in an effort to denigrate the Premier and supporters of the Government.

Mr Dowd: On the point of order. It is open to an honourable member in this Parliament of free speech to allude to statutory declarations, as the Leader of the Country Party has done. We are talking here about untested allegations concerning the Leader of the Opposition. They are evidence, but as the Premier well knows, they are evidence-in-chief only, and have not been subjected to cross-examination. I submit that it is proper for an honourable member to point out the absurdity of relying on such a statutory declaration when the Government is preventing statutory declarations concerning another honourable member from being dealt with properly by a court. There has been no court adjudication of Mr Mayne's evidence, and it has not been subjected to cross-examination. The Government is taking points of order to prevent the Opposition from debating the matter properly.

Mr Mulock: On the point of order. The honourable member for Lane Cove is dealing with semantics when he contributes to the discussion on the point of order as he has done. The issue before the House is not simply whether the statements made in the statutory declaration are correct, but whether there is a conflict between them and explanations given in the House by the Leader of the Opposition, and given by him subsequently, and whether the statements of the Leader of the Opposition misled the House. The Premier, in moving the motion, pointed out clearly that the Leader of the Opposition has the onus of proving that what he said was true.

Mr Maddison: Why is the onus on the Leader of the Opposition? The onus is on the Government.

Mr SPEAKER: Order! I call the honourable member for Ku-ring-gai to order.

Mr Mulock: The honourable member for Ku-ring-gai should not get excited. The onus is not on the Government for the simple reason that the Premier spelt out what he said were the misleading statements of the Leader of the Opposition, and it is those that we are debating. It is not a question of proof. It is a matter for the Parliament to decide.

Mr SPEAKER: Order! I ask the Minister of Justice and Minister for Housing not to debate the matter but to state his argument on the point of order.

Mr Mulock: But for the manner in which members of the Opposition were interjecting I should before now have said that the real point at issue is whether the Leader of the Opposition did mislead the House. It is not a question whether Mr Mayne's statement is true in substance and therefore should be relied upon, as would happen in a court of law. The honourable member for Lane Cove says that Mr Mayne's statutory declaration was put forward as evidence-in-chief. As such it remains unchallenged. The man who verified it most is the Leader of the Opposition himself.

Mr Whelan: On the point of order. Mr Speaker, you have referred to Standing Order 157 on two or three occasions when giving rulings on points of order taken on the oration by the Leader of the Country Party this afternoon. That standing order refers to irrelevancies and tedious repetition. I suggest to you that what we are hearing from the Leader of the Country Party is a perfect example of that which the standing order is designed to prevent, namely an attempt to waste the time of the House so that other honourable members who are keen to contribute to the debate on this important issue whether the Leader of the Opposition should be censured for making false and misleading statements will be prevented from doing so. Not once since the Leader of the Country Party began his speech at twenty-seven minutes past five o'clock has he alluded to the matter before the Chair. I ask you to direct him to address himself to that question.

Mr SPEAKER: Order! I remind the House that in a debate such as this it is fair that honourable members be permitted to make passing reference to matters that may have implications in the question under consideration at the time. I emphasize that the Leader of the Country Party should not dwell at length on a matter involving another honourable member and statutory declarations made about him. He has referred to that in passing, and he should now come back to the question before the Chair.

Motion (by Mr Bruxner) agreed to:

That the honourable member for Gloucester, Mr Punch, be allowed to continue his speech for a further period of fifteen minutes.

Mr PUNCH: I was making the point that the Premier is displaying a warped approach to this question when he has five statutory declarations from popularly elected aldermen and refuses to act on them, but does act on one uncorroborated statement by an unknown journalist. That is the strangest circumstance. One becomes aware of the Premier's biased and bigoted attitude from his failure to act on five statutory declarations, which were tabled in this House some time ago, setting out what happened in the Botany bribery case and involving the honourable member for Heffron and, indeed, the Premier himself. It is interesting to note that in respect of a single statutory declaration the Premier is willing to act even though the man who made it, Mr Mayne, does not now want a judicial inquiry. I wonder why. I think

I know why. I **think** he might be scared of the truth. I doubt whether he wants to go before any tribunal. He wants to get out of it. That is why the Premier raises the matter here.

The Premier should be the last to talk about having access to or using files. There is a memorable case on record, reported in the *Sydney Morning Herald* by John O'Hara on 17th May, 1976, which was just after the Wran Cabinet was sworn in. John O'Hara reported as follows:

Within seven **hours** of the swearing in, by **6 p.m.** one new Minister was saying, "We'll give them the works now. Frank Walker (the young new Attorney-General) has called for all the personal **files** on the former Ministers".

That typifies the attitude of the Government, and that is why the Attorney-General has tried to prevent me from speaking by taking points of order. In particular, it shows the Government's attitude to the use of files. We have seen the way the Premier delights in the vilification of me and other honourable members on this side of the House. He has a smirk on his face. It does not worry me whether the Premier makes such charges, because I can stand up to investigation. I doubt that he can say the same thing. I do not think he could stand up with a clear conscience, look at himself in a mirror, or subject himself to a full open inquiry, as I or any of my colleagues could do. I do not think the Attorney-General would stand up to that sort of test either. It **ill** becomes them to talk about misuse of files.

People in the press gallery and people in Parliament House know that the Premier publicly abused John O'Hara for his disclosure. He did it in front of **Mr O'Hara's** colleagues of the press that day, and exerted pressure to put an end to his covering of State Parliament. This resulted in the loss of probably the best parliamentary roundsman the House has ever known. Indeed, with the cheap jibes made daily or weekly in this House, one wonders what sorts of files the Premier does maintain. Honourable members from both sides of the House should see the motion for what it is—part of a shabby, political vendetta, and a face-saving exercise on behalf of the Premier. They should vote against it and put a stop to this type of unparliamentary, guttersnipe behaviour. Many members of the Country Party in this House would want to support the action of the Leader of the Opposition and attack the Premier for his tactics in relation to it. Like the members of the Liberal Party, the members of the Country Party stand behind the Leader of the Opposition. I can only repeat what I said for the sake of the honourable member for South Coast a short time ago, that when **each** of us votes today, we should examine our own **conscience**.

Mr WRAN (Bass Hill), Premier [6.2], in reply: This debate has been conducted with a degree of objectivity by some honourable members. If I were the Leader of the Opposition, the last person I should want to support me would be the Leader of the Country Party, whose entire speech was laced with adjectival expressions such as low, rat and cur. His speech was not conducive to a high standard of debate. I am certain that if the Leader of the Country Party ever gets out into country New South Wales, those who are about to give **him** a hiding at the ballot-box will be pleased to hear of his performance in this debate. He heaped irrelevancy upon irrelevancy. However, I **think** that there are one or two matters to which I should reply. The first concerns a reference to Mr John **O'Hara**. The incident to which the Leader of the Country Party referred never took place. There was no conversation between me and Mr O'Hara in this respect. I am flattered by the Leader of the Country Party's assertion that Warwick Fairfax, James **Fairfax** and **Rupert Henderson** of the board of the *Sydney Morning Herald*, David Bowman

and other editorialists were so persuaded by my views that they acted on my say-so to the injury of their long-time roundsman in the State Parliament. Nothing could be more fanciful and further from the truth.

At my behest when Mr O'Hara left here he was accorded a small reception which was attended by most of my staff and various members of the Government. Over the years we found him to be a straight shooter and a decent man in every respect. It is a pity that the Leader of the Country Party, in attempting to defend the indefensible, saw fit to bring up Mr O'Hara's name. I notice in the Speaker's gallery the former member for Hurstville, the greatest communist **smearer** who ever came into this place. I rather suspect that he had a hand in some of the speeches made in this debate for they had a certain ring, a certain panache that is familiar to us. It is a pity when we are dealing with a serious matter, an unsavoury affair that does not reflect well upon the parliamentary institution, when Parliament has been misled, that the name of a decent person like John O'Hara should be brought into this debate merely because someone wants to settle an old score.

What the Leader of the Country Party did was not meant to be harmful to me; rather it was intended as a dirty, snide attack on a respected journalist, who could almost be said to have been a long-time servant of this House. Let us ignore party-political matters. One honourable member was even inventive enough to suggest that this was a politically motivated debate. The fact is that all debates in Parliament are politically motivated—that is what Parliament is about. Let us put the Labor Government to one side; let us put the men of conscience in the Liberal Party and the Country Party to one side; let us merely examine what the only true Independent member in this House has said.

[Interruption]

Mr WRAN: The jackdaws opposite laugh. May I say that the Opposition embraces the Independent member for South Coast when he votes with it but suddenly, when he votes against the Opposition, it is suggested that he pays lip service to the Labor Party. The Opposition must believe that the public has a short memory. When the urgency motion for establishment of a select committee was moved a few weeks ago, the honourable member for South Coast voted for the Opposition. His vote was instrumental in the defeat of that urgency motion. When that urgency motion was defeated and the House moved on to other business, the Leader of the Opposition telephoned the honourable member for South Coast and congratulated him on his independence and integrity. I am not here to defend the honourable member for South Coast. The motion before the House is a motion of censure upon the Leader of the Opposition. In the several years that I have been a member of this Parliament, I have not heard a more forthright, a more courageous, a more objective and a more independent appraisal of the situation than the House heard today from the honourable member for South Coast.

Mr Moore: You probably wrote his speech for him.

Mr WRAN: The honourable member suggests that I wrote his speech for him. **Does** he suggest that I wrote his speech when he joined the Opposition a few weeks ago and voted against the Government?

[Interruption]

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

Mr WRAN: The simple situation is that the one independent member of this House went to a lot of trouble. He approached the Leader of the Opposition and said: "They say you are lying. They say you misled the House. They say you got

the files, you published them, you used them. They say there was personal information in them. Will you give me the material and let me assess it?" The honourable member for South Coast did not get one word of the material. He then went to the Prime Minister and sought access to the exhibits and files to which he referred but the Prime Minister refused his request. We know that the Opposition would have hot-footed it to the telephone to make sure that the Prime Minister refused the honourable member's request. There was no chance of anybody getting any files from Canberra. However, the honourable member, at his own behest, then went to the people concerned.

The simple situation, leaving everything else aside, is that any reasonable person who has had the privilege to listen to the debate will agree that the honourable member for South Coast has dealt with this question in a fair and objective way. Speaking for myself, I am voting with the member for the South Coast, who has said that he will be voting for the motion.

I think it is proper for me to make reference to another matter, though it has nothing to do with the motion. The Leader of the Country Party never stops talking about his integrity and conscience, but he is wont to get down into the gutter and smear people. He made an outrageous attack upon the honourable member for Heffron, against whom there was a conspiracy by the former Government to involve him in something of which he was completely innocent and in respect of which he was found to be innocent by a court of law. It is curious that the best means the Leader of the Country Party can find to defend the Leader of the Opposition is to suggest some malpractice by the honourable member for Heffron. When one has friends like the Leader of the Opposition one does not need enemies. I put it to the House that the case against the Leader of the Opposition is overwhelming. One has only to look at the material that was adduced by me and by the honourable member for the South Coast to be satisfied that it is well beyond doubt that the Leader of the Opposition has, time and time again, put the noose round his own neck. What happened—it happens to all people at some time or other—was that he had a small success, became over-confident, went out of the House and started talking his head off. The more he talked the more he gave himself away, the more he admitted things, and the more he made it clear that he had lied to the House. This is a simple matter within small parameters but the debate has proceeded for some hours. The issue is clear. I urge members of the House, irrespective of their political affiliations, to search their consciences and to vote accordingly. The result is inevitable. They will vote for the Government on this motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

Mr **Bannon**
Mr **Barnier**
Mr Bedford
Mr Booth
Mr Brereton
Mr **Cahill**
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr **Crabtree**
Mr Day

Mr Degen
Mr Durick
Mr **Einfeld**
Mr **Flaherty**
Mr Gordon
Mr Haigh
Mr **Hatton**
Mr Hills
Mr Hunter
Mr **Jackson**
Mr Jensen

Mr **Johnson**
Mr Johnstone
Mr **Jones**
Mr Keane
Mr Kearns
Mr **McGowan**
Mr Maher
Mr **Mallam**
Mr **Mulock**
Mr **O'Connell**
Mr **Paciullo**

Mr **Petersen**
Mr **Quinn**
Mr **Ramsay**
Mr **Renshaw**
Mr **Rogan**
Mr **Ryan**

Mr **Sheahan**
Mr **Stewart**
Mr **Wade**
Mr **F. J. Walker**
Mr **Whelan**
Mr **Wilde**

Mr **Wran**

Tellers,
Mr **Akister**
Mr **Face**

Noes, 46

Mr **Arblaster**
Mr **Barraclough**
Mr **Brewer**
Mr **Bruxner**
Mr **Cameron**
Mr **Caterson**
Mr **J. A. Clough**
Mr **Coleman**
Mr **Cowan**
Mr **Dowd**
Mr **Doyle**
Mr **Duncan**
Mr **Fischer**
Mr **Fisher**
Mr **Freudenstein**
Mr **Griffith**

Mr **Healey**
Mr **Jackett**
Mr **Leitch**
Mr **Lewis**
Mr **McDonald**
Mr **McGinty**
Mr **Mackie**
Mr **Maddison**
Mr **Mason**
Mrs **Meillon**
Mr **Moore**
Mr **Morris**
Mr **Murray**
Mr **Mutton**
Mr **Osborne**
Mr **Park**

Mr **Pickard**
Mr **Punch**
Mr **Rofe**
Mr **Rozzoli**
Mr **Schipp**
Mr **Singleton**
Mr **Taylor**
Mr **Viney**
Mr **Webster**
Mr **West**
Sir **Eric Willis**
Mr **Wotton**

Tellers,
Mr **Boyd**
Mr **N. D. Walker**

Question so resolved in the affirmative.

Motion agreed to.

[Mr Speaker left the chair at 6.18 p.m. The House resumed at 7.30 p.m.]

ASSENT TO BILLS

Royal assent to the following bills reported:

Cattle Compensation (Amendment) Bill

District Court (Amendment) **Bill**

Gaming and Betting (Greyhound Racing Control Board) Amendment
Bill

BILL RETURNED

The following **bill** was returned from the Legislative Council without amendment:

Parliamentary Remuneration Tribunal (Amendment) Bill

PESTICIDES BILL

In Committee

Consideration resumed (from 28th February, *vide* page 12076).

Clause 20

[Cancellation of registration or approval]

Mr MOORE (Gordon) [7.32]: This clause provides a right under certain circumstances to cancel the registration of pesticides. The Opposition does not object to that right to cancel being vested in the registrar but seeks to know why the matter is excluded from the appeal provisions of the measure.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [7.33]: The matter is perhaps covered by clause 58. The only exception to appeal is the cancellation. The reason is that when the registrar takes the serious action of cancelling a registration the material, which must be presumed to be dangerous, cannot be permitted to be freely available pending the appeal. When registration of a pesticide is cancelled, application may be made the next day for reregistration. If it is not reregistered the matter is subject to appeal. There is an appeal provision. The exclusion means that a pesticide considered dangerous by the-registrar may not be sold in the interim period. That is the simple but important explanation.

Clause agreed to.

Clause 30

[Supply and possession of pesticides]

Mr MOORE (Gordon) [7.35]: The Opposition has circulated an amendment which it wishes to put on record. At page 30, after line 12, it seeks to insert the words, "(a) the pesticide was registered pursuant to this Act at the time when it came into his possession or custody." The intention of the Opposition is that it should not be an offence for a person to possess a pesticide if at the time it came into his possession it was lawful for him to be in possession of it notwithstanding that it may later be deregistered. There is no intention to move an amendment to clause 31, which prevents a person using that pesticide once it is in his possession. If at the instance of deregistration a person has innocently left on a shelf in his shop or in his farmshed a quantity of that pesticide, pursuant to subclause (3) of clause 30 he will immediately commit an offence merely by having it in his possession, even if he does not use it and had lawfully obtained it.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [7.36]: The Government would not accept such an amendment as that proposed, although it may be well-intentioned. When a dangerous pesticide is deregistered, all persons must dispose of it in accordance with the instructions contained in paragraph (c) of subclause (1) of clause 21. It is important that the pesticide be disposed of promptly so as to prevent harm. In the main, that harm is concerned with the person who possesses it. The clause is designed primarily to protect the person who may possess it, not to persecute or prosecute him. Wide publicity would be given to the circumstances that surround the deregistration of the pesticide. It is in the best interests of users to dispose of it safely. It would be unconscionable if it were still available for use for the original purposes if it is dangerous. The Government will not permit the person who possesses such a pesticide to continue to use it, or to have people employed by him use it. For those reasons the proposal would be unacceptable.

Mr MOORE (Gordon) [7.37]: I appreciate what the Minister has said. The use of a deregistered pesticide is referred to in clause 31. The Opposition's concern is that at the instant a pesticide becomes deregistered pursuant to subclause (3) of clause 30, a person who has the pesticide in his possession, even if it is sitting on a



shelf in his stockroom or in a similar place, will immediately become liable to prosecution for possessing it. We agree that he should not be permitted to use it in any way. If he did, he would be liable under the provisions of clause 31. We are concerned about the person who makes a bona fide purchase of the pesticide and has the unlikely experience that an officious inspector may want to get **him**. Undoubtedly such a person has the pesticide in his possession, but he may not know it is deregistered. He may not be in a position to know between the time it is deregistered and the time when he reads that it has been deregistered.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [7.40]: I want to explain that there is a certain amount of trust in all these matters. If a person could show that he honestly did not know that a pesticide was deregistered, the penalty would be very minor if, in fact, any penalty at all were imposed by a magistrate. The point is that so long as the pesticide is kept and it is known, it can be used. There are not always inspectors around to prevent its being used. If a person decided to use it on Monday week, there would not be an inspector there to see it. However, if it has been pointed out to the person that he must dispose of it, there is no probability of danger to anyone. The clause is not designed to persecute people who innocently keep a pesticide. I am quite sure that if a matter went to the court as a result of the action of an officious inspector who, perhaps, had a personal dislike of the person concerned, it would not be of any consequence. The alternative to the clause is very much more serious.

Clause agreed to.

Clause 32

[Preparation, use, etc., of certain pesticides]

Mr MOORE (Gordon) [7.42]: The Opposition wishes to point out the absurdity of a provision in a law that requires a person either to read or to have read to him the instructions contained on any label before preparing for use, using, keeping or disposing of a registered pesticide. Taken at its most absurd, on a strict construction that means that a shopkeeper in a suburban area selling small 2-ounce bottles of Clarke's blackberry poison, which have a label on them that would almost defy a lawyer to make sense of, would be required to read to himself the full text of the label each time he sold a bottle of it, and to make sure that his employees read the full text of the label before they sold a bottle of that preparation. Even my small suburban hardware store, which sells five or six bottles of various herbicides or pesticides each weekend, would have the same obligation.

It is absurd to suggest that the shop assistant or the manager at that store must read the full text of every label on every sale. If he does not do that he is liable, pursuant to clause 32, to an individual penalty of \$500, or if the offence is committed by a corporation, a fine of \$2,000 each time. That means that as a result of the sale of a 75c or 80c bottle of pesticide, my suburban hardware store is liable to a fine of \$500 or \$2,000 on a Saturday morning, probably for a gross profit of 9c or 10c. It is absolutely absurd that every storeman loading on board a truck a bulk consignment of bottles of Clarke's blackberry killer be required, because he is disposing of that pesticide, to read every label on every one of the thousands of bottles that make up his truckload. For that reason the Opposition will oppose the inclusion of the clause in the **bill**.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [7.45]: The matter raised by the honourable member for Gordon is technically correct, but the technicalities of this measure are designed to prevent abuse and harm, not to prosecute the local hardware store for selling Clarke's blackberry killer.

Mr O'Connell: Lane's blackberry killer.

Mr DAY: I do not care whose it is. The fact is that unless there were obvious abuse of the spirit and intention of clause 32, there certainly would not be any prosecution. It is a matter of commonsense that one must make provision for people who wilfully and knowingly sell pesticides without adopting the precautionary requirements of clause 32. I suggest to the honourable member for Gordon and members of the Opposition that the spirit and intent of the clause should be what guides them, rather than the technical interpretation of it.

Mr MOORE (Gordon) [7.46]: The Opposition agrees entirely with the Minister as to the spirit of the law and the way the Minister believes the law ought to be enforced. But, unfortunately, a court interpreting the law is obliged to take heed only of the words of the Act and it is not permitted, even should it desire to do so, to listen to the Minister's dissertation on the spirit of the law or my agreeing with him. For that reason the Opposition, although it appreciates and agrees with the spirit as expressed by the Minister, still disagrees with the clause.

Clause agreed to.

Clause 37

[Offence to cause risk]

Mr SCHIPP (Wagga Wagga) [7.47]: At the introductory stage of the bill some concern was expressed about a provision that would cover drift from aerial spraying. That matter could come within the confines of clause 37, which deals with the offence of causing risk of injury by pesticide to a person or another or to a property. I believe this aspect was one of the reasons for the public meeting that was held at the Wentworth Hotel recently and it has caused some controversy within the Livestock and Grain Producers' Association as a result of the various interests of members of that association. I believe we have probably reached the stage where some consideration must be given to an aerial spray Act. As honourable members know, an Act of that nature was passed in this House in 1969 but it has never been put into effect because of the economic considerations involved.

I have spoken to the Minister on this matter and he has told me that he is examining the Acts that apply in Victoria and, I believe, also in Queensland, and that there has been some resolution of the problem of high insurance costs that applied in 1969. Apparently there is now a way around the problem. The Minister has intimated to me that for between \$400 and \$600 a property-owner can insure for about \$40,000 to \$50,000. That is not an inconsiderable sum, but it is not beyond the capacity of people to pay to insure themselves. On the subject of aerial spraying, it is interesting to note that in the Namoi Valley there is a gentleman's agreement and a set of guidelines have been reached. I believe this is a result of property-owners realizing the risk to their own industry if they do not recognize the danger that they can cause to others. I propose to read part of the gentleman's agreement.

Mr **Ramsay**: There are no gentlemen on your side.

Mr **SCHIPP**: In view of what happened in the House this afternoon, we now know on which side of the House the gentlemen are. **Part** of that agreement is recorded in the October, 1977, edition of *Muster*, the journal of what was the Graziers' Association of New South Wales. The details are as follows:

1. Prior to the spraying season early advice should be tendered to neighbours to allow suitable arrangements to be made where considered necessary. The duration of the spraying period and the type of chemicals to be used should be indicated.

2. All aircraft must have positive chemical shut-off units to ensure that no leakages occur when turning or ferrying over non-target areas. Release of any material from aircraft tanks must not be carried out over non-target areas.

3. **Conditions** of spraying.

- (a) If spraying must be carried out whilst the airstream is moving toward the non-target area a buffer zone of at least 300 metres must be sprayed with a non-DDT based registered insecticide which growers must have available on site to be used if conditions so require.
- (b) Each grower should provide aerial operators with **specific** guidelines for spraying these buffer zones.
- (c) Spraying should be carried out in conditions when air movement is favourable and continuous and between 3 and 15 knots and whenever possible moving away from the non-target area.
- (d) Spraying in winds less than 3 knots, or inversion conditions, particularly in hot, low-wind midday conditions, is to be avoided because thermal current pick-up may occur and carry the chemical beyond the target zone.

4. The use of smoke pots or smoke generators on hazardous perimeters of the spraying area should be used as an indicator of wind and current movements.

5. Close communication should be maintained with local entomologists as it may be possible to utilise non-DDT based registered chemicals early in the season when *H. Punctigera* is dominant.

6. Applications of DDT should be kept to a **minimum**.

7. Due to the increased pressures on chemical applications imposed by the above guidelines, early notification to all parties is essential and the increase in the time period available for application will enable aerial operators to choose the best conditions available for the particular operation.

I raise those points because the Minister said he would look at the matter, and Mr **Watts**, Director of Agriculture, said in a letter that they would be dealt with in a **bill**. I realize that as they are of major significance separate legislation will be necessary. I urge that such legislation be introduced.

Clause agreed to.

39. (1) A person shall **not**—
- (a) disseminate any false or misleading information about a pesticide;
 - 5 (b) by reference to this Act or the regulations, or in any other manner, comment upon or explain any matter in a registered label for an approved container for a pesticide if that matter is thereby expressly or impliedly contradicted or qualified; or
 - (c) expressly or **impliedly claim**—
 - 10 (i) that a pesticide is approved or (except in giving or **relying** on a guarantee under section 40) guaranteed under this Act or the regulations;
 - 15 (ii) that a pesticide is approved or recommended by **the** Government, a Department of the Government, a governmental authority or an officer or employee of such a Department or authority;
 - 20 (iii) that a pesticide is safe, harmless, non-toxic, non-poisonous or non-injurious; or

Mr O'CONNELL (Peats) [7.53]: Since the bill was presented the Minister and the Government have determined that clause 39 could be improved by an amendment, which I now move:

That at page 34, line 19, after "(iii)" there be inserted the words "without any qualification, or with a **qualification** that is, in the opinion of the Registrar, unjustified".

The amendment, if accepted, **will** have the effect of making subparagraph (iii) of paragraph (c) of clause 39 (1) provide that a person shall not expressly or impliedly claim without any qualification, or with a **qualification** that is, in the opinion of the registrar, unjustified, that a pesticide is safe, **harmless**, non-toxic, non-poisonous or non-injurious. Many of us felt that the clause as it stood was reasonably self-explanatory but could be interpreted to mean that no pesticide of a toxic nature could be sold as one that was virtually harmless in certain circumstances. We wish, by the inclusion of the qualification, to indicate that in certain circumstances a pesticide can be used without harm or fear if certain precautions are taken. **Subparagraph (iii)** will more particularly describe the situation relating to and covering the use of a pesticide in a manner that will be readily understood by all persons who might use it. The purpose of the amendment is to ensure that what is intended is understood by people who might buy the product.

Mr MOORE (Gordon) [7.55]: The members of the Opposition welcome the amendment. It takes up an objection that we raised in a number of amendments that we circulated some time ago. We are pleased that the Government in **an oblique** fashion has seen the merit of one of those amendments, and we raise no objection to the proposal.

Amendment agreed to.

Clause as amended agreed to.

Clause 58

Page 54

SS. (1) A person who is aggrieved by—

- 10** (a) a decision or an order of the Minister;
 (b) a decision of the Registrar (other than a decision relating to cancellation of the registration of a pesticide); or
 (c) a direction or requirement of an inspector,

15 made or given under this Act, may appeal against the decision or order to the District Court.

Mr MOORE (Gordon) [7.56]: Yesterday when honourable members were debating this bill I invited the Minister's attention to a House of Lords decision in 1967 in the matter of *Padfield and Others v. Minister for Agriculture, Fisheries and Food and Others*, which is reported in 1968 Appeal Cases at page 997. I said that I intended to include in *Hansard* some pearls of wisdom from Lord Justice Denning. I must resist the temptation to be lengthy in this respect. Earlier in the debate I mentioned the objection that members of the Opposition had, on the ground of denial of natural justice of the right to be heard and the right of access to the court to the exclusion from those matters that might be appealed against under clause 58 of a decision of the registrar relating to the cancellation of the registration of a pesticide.

The Minister, when dealing with clause 20, said that should a pesticide be deregistered, a person could immediately apply for its reregistration. Unfortunately, unless there is a right of appeal and a right of a stay of proceedings until the hearing of such an appeal, all sorts of penal sanctions under clauses 30 and 31 and other clauses come into play while the application for reregistration is being heard. As the Minister himself pointed out, if the reregistration application is refused, the refusal may be the subject of appeal. It seems to me to be an absurdity that a series of offences can be created while a decision is being reached, that decision later being appealable, when the original decision that would have been the subject of an immediate appeal to the District Court is not appealable and a whole series of potentially criminal sanctions come into being. It seems to be absurd to say that one should go through a number of litigious or quasi-litigious proceedings to arrive at the position where there is a right of appeal when, by deleting from clause 58 words that the Opposition proposes be deleted, the same result could be achieved. Therefore I move:

That at page 54, lines 11 to 13, the words "(other than a decision relating to cancellation of the registration of a pesticide)" be left out.

That would avoid all of the litigation that the Minister wants to create, and all of the aspects of criminality being established by clauses 30 and 31, and allow matters to be decided sooner, and appealed against immediately. In the opinion of members of the Opposition such a course of action is desirable. It is desirable also that discretions vested in the Minister or in public servants be the subject of appeal.

At page 1006 of the report Lord Denning, in *Padfield and Others v. Minister of Agriculture, Fisheries and Food and Others*, states that a number of principles ought to be applied when considering ministerial discretions—applying the term to the present

case—and he asked the rhetorical question: How far can the Minister reject the complaint out of hand? Is the Minister at liberty in his unfettered discretion to withhold the matter from the committee of investigation and thus refuse the farmers a hearing by the committee? What has happened in this instance is that a whole chain of litigation will be set up to the same end, and at great expense to the people involved in this area. Moreover, it will result in a potential great criminal risk to people who have certain substances in their possession. For those reasons the Opposition believes that the words to which I have referred ought to be deleted from the measure.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [8.1]: The Government will not accept the amendment. Though all these legalistic interpretations may have some merit in the eyes of people who care to delve into these sorts of questions, the fact remains that the Government is concerned about danger to the users of pesticides. That is what the bill is about. If the registrar decides that the registration of a pesticide should be cancelled, any reasonable person would regard the continued use of that substance as being unacceptable during the period in which the matter is being determined by a court of appeal. If the registrar decides that a certain pesticide should be deregistered, he would come to that decision only because he considered that its continued use would constitute a serious danger to the users of the substance or to some members of the public. In these circumstances the deregistration of such a substance should not be inhibited by some legal manoeuvre. The person who produces or sells such a pesticide can apply immediately for a reregistration order. If the registrar refuses reregistration, as he undoubtedly would in those circumstances, the matter is then made the subject of an appeal and the question can be resolved at law.

Surely it is more important to the farming community and to domestic users of certain pesticides to be protected from danger than to worry about the legalistic interpretation of the rights of some person. The paramount consideration is to protect people. I can understand the honourable member for Gordon's concern about legalistic definitions. However, I ask honourable members to accept the spirit of the bill, which is not designed to deny anybody their legal rights. It is designed to protect people from chemicals which have proved to be extremely dangerous in some circumstances.

Amendment negatived.

Clause agreed to.

Clause 73

[Regulations]

Mr SCHIPP (Wagga Wagga) [8.5]: I ask the Minister to clarify the position about the consultative committee, which was discussed by the industry group which met at the Wentworth Hotel a couple of weeks ago. I should like the Minister to state whether the committee will be formed and how it will operate.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [8.6]: I indicated at the seminar to which the honourable member for Wagga Wagga referred that if there appeared to be real merit in the establishment of such a committee, I should be pleased to consider it.

Mr Schipp: It has not been agreed to?

Mr DAY: Although the establishment of the committee has not been agreed to, the suggestion has not been discounted. The officers of my department are willing to talk to representatives of primary producer organizations to see whether there is any real merit in the establishment of such a committee. The Government would not

establish such a body just for the sake of establishing it. If such a committee were to achieve some clearly identifiable purpose, I should not oppose its formation, but at this stage no decision has been reached on the matter. I am aware that discussions have taken place about the committee and I understand that the people who have proposed such a course are having some second thoughts about it. I undertake to the honourable member for Wagga Wagga and the House that if there appears to be some real merit in the proposal I shall certainly consider it.

Clause agreed to.

Adoption of Report

Bill reported from Committee with an amendment, and report adopted on motion by Mr Day.

CONSUMER PROTECTION (AMENDMENT) BILL

Second Reading

Debate resumed (from 28th February, *vide* page 12118) on motion by Mr Einfeld:

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

Upon which Mr **McDonald** had moved:

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

Mr **DUNCAN** (Lismore) [8.8]: In taking this opportunity to speak on this **bill**, I do so as one who is not overenthusiastic about consumer affairs legislation. I say that, not because I do not recognize the need for such legislation, but because basically I feel that governments, when dealing with a new area upon which we entered in 1969, should approach the field cautiously and with a great deal of responsibility. I am concerned about how far we should go in this area. How far should one go without assessing the gravity of the problems in the community, at the same time being sure that we do not impose unnecessary controls, restrictions and **punitive** regulations upon industry and businesses, perhaps creating a situation of using a sledge-hammer to crack a nut? With this thought in **mind** I state at the outset that in this respect I do not offer criticism of the Minister for Consumer Affairs and Minister for Co-operative Societies. My point is that we need to be looking cautiously at how far we should go in this field.

I was disturbed by some Government supporters who contributed to the debate at the introductory stage. The points they made could well have been repeated by the Minister in his second-reading speech. The Government supporters to whom I refer spoke of fraud and deception practised by businessmen, retailers and dealers throughout the State. Against the background of that criticism, the *Daily Telegraph* of 16th February published an article under the following headline, "\$10,000 fine for shop rip-offs." The use of colourful language of that sort makes many consumers feel that business people, in the country **and** the city, are corrupt, fraudulent and deceptive. I represent a country electorate and I am sure that the picture is not so bleak there as many people would have us believe. I deplore the attitude expressed by some Government supporters in this debate.

At the introductory stage the honourable member for **Burrinjuck**, in his anxiety to **castigate** Country Party members because they had not dared to speak at that stage, intimated that both businessmen and farmers would be brought under the

umbrella of this legislation. He said that the farmers were being exploited and were at the mercy of unscrupulous businessmen and dealers. That might be the opinion of the honourable member for **Burrinjuck**, who has not spent as much time in the country as I have. I have depended on farm income all my life. Although there are instances of dissatisfaction by country people in respect of the purchase of goods and services, it is my view that business **will survive** as long as there is honest and fair dealing by retailers, dealers and agents.

Mr Ramsay: There are a lot of crooks among them, too.

Mr DUNCAN: The honourable member for Wollongong tells me there are a lot of crooks in the country. Let me tell him that country dealers must be reputable, **honest** and fair if they want to survive. They must build up a sense of good **will**. Any hint of shady dealing would be all over the district in twenty-four hours. Most country business people are respected, straightforward and fair. In my view, country areas can be proud of them, I reject out of hand the rather generalized criticism by the honourable member for Wollongong.

When considering consumer protection legislation, we must keep three things in mind. First, governments must resist the temptation to impose punitive and costly restrictions on business. In the present economic climate, when we are trying to create employment opportunities, we **realize** the problems of business people. Not only do they provide employment; also they pay wages, **17½** per cent holiday pay, long-service leave and payroll tax. Their businesses are continually controlled. When enacting consumer protection legislation we must not hamstring them. We depend on them to provide job opportunities, whether in the city or country.

Second, we must realize that no matter what laws we make in this place, some people will attempt to get round them. That is human nature. There are always people who will attempt to undo any legislation. We cannot **afford** to go too far. We need to legislate for the responsible majority. If we do not, then as sure as night follows day, we shall impose impractical and unnecessary burdens upon reputable business people.

Third, I think there is always a temptation for governments, regardless of their political persuasion, to build up giant bureaucracies to administer legislation. Without criticizing the Minister, I believe there is also a trend and a temptation for Ministers to attempt to build empires of bureaucrats round them. We must be careful with consumer protection legislation. If we are not, the cost of policing the regulations could be extortionate.

Mr ACTING SPEAKER (Mr O'Connell): Order! There is far too much audible conversation. I require all honourable members to desist. The honourable member for Lismore has the call. I am sure he can do quite well without any assistance.

Mr DUNCAN: The whole thrust of the Government's publicity in respect of these amendments has been that fanners will be covered by the umbrella of this legislation. I make no apologies when I say that I agree entirely with the Minister's change of this definition. I believe that farmers should be included. In my view, business in country areas can survive only through honest and fair dealing. In the country a person's reputation travels with him. If there is a shady deal, it is not long before the whole district knows of it. I suppose any of us here tonight could think of the number of transactions we have made. I have never had to seek legal aid or go to a consumer affairs department about any of them. Generally speaking, if we purchase something, whether it be expensive or cheap, or pay for services, dear or otherwise, **if** we are not satisfied most of us would go back to that dealer

or retailer and negotiate on replacement or compensation. Almost invariably in that situation we would achieve satisfaction. My main concern about legislation of this nature is that we in New South Wales do not want to establish a practice of complaining in the first instance to the Department of Consumer Affairs. We must realize that the best practice is to negotiate first with the dealer or retailer. If a businessman wants to survive he must build up a spirit of good will within his organization.

Having said that I am one of those who are concerned how far this Government or any other government intends to go with consumer protection legislation, I pose the question whether I am satisfied with the present legislation in New South Wales. A number of my constituents have sought my assistance with consumer problems. I could not fault the function or administration of the consumer affairs legislation to this particular point. I pay tribute to the consumer affairs tribunal and to those people in the Department of Consumer Affairs for the efficient and practical way in which they have attended to any representations that I have made on behalf of my constituents. I had that thought in mind when I emphasized that I could not at this stage be critical of the consumer legislation.

I trust that the amending legislation proposed by the Minister will fulfil his hopes. With that thought in mind I should like to make some comments about specific aspects of the bill. Schedule 1 makes the basic change in the definition of consumer to include specifically farmers and businessmen. I agree without hesitation with their inclusion. I and many other members of this House have made representations to the Department of Consumer Affairs about goods that have been purchased by a farmer only to receive a reply that because the goods are used in farming practice the Department is unable to look into the problem or to give the legal advice that the farmer may require. It is unfair that a fanner, who today may be living on a shoe-string budget, can purchase a truck from a dealer and upon finding that it is faulty cannot receive the assistance that the honourable member for Wollongong, who seeks to interject, is eligible to receive if he does not gain satisfaction from a dealer from whom he purchased a new Statesman motor vehicle out of his fat parliamentary salary. The proposal to include farmers and businessmen in the Act is a worthwhile amendment.

Most people who oppose the inclusion of farmers and small businessmen in the legislation would have shed crocodile tears as a political stunt. We hear honourable members of all political persuasions say that governments should do something for farmers and the small businessmen. If we have rejected in the past the inclusion of these people in consumer legislation then we would have been shedding crocodile tears. I hope that the honesty and sense of fair dealing of which I have spoken prevails, as it has in the past and, I am sure, will in the future. However, should there be instances of fraud, deception or similar practices, I welcome the fact that the Minister is making the provisions of the legislation available to farmers and small businessmen.

I express concern about new sections 29 and 29A, which refer to double ticketing and bait-and-switch advertising. The Minister has given certain assurances that at this stage have allayed my fears. As the Minister would have said if he were a member of the Opposition, a Minister does not continue to hold a portfolio. When particular powers are given to bodies such as that proposed by the legislation one does not know what an unsympathetic Minister might do and how far he might push the legislation.

[Interruption]

Mr ACTING SPEAKER (Mr O'Connell): Order! I call the honourable member for Tenterfield to order.

Mr Duncan}

Mr DUNCAN: One might have had fears that in the case of double ticketing the retailer would not have been allowed to change the price of an article. As I interpret the second-reading speech of the Minister, there is nothing to prevent a retailer from increasing the price of an article. I understand further that he will not commit an offence provided he removes any first ticket. However, he will commit an offence if he has two tickets on an article and he sells it at the higher price. If this is the case, I can see no problem other than inevitably it will increase shopkeepers' costs as they will have additional work to do. On the subject of bait and switch I am concerned particularly about country stores. Obviously, they have not the financial capacity or the capacity to carry the same number of articles on special as their city counterparts. I should hate to think that the Department of Consumer Affairs would hound retailers who advertise, say, Frigidaire refrigerators at \$100 off, or whatever it might be, if they had that running as a special for a reasonable time. I ask the Minister to watch closely that particular clause.

Because of the short time remaining to debate the measure, I gave an undertaking that I would not speak at length. I conclude by saying that I support the legislation. I see the wisdom of the honourable member for Kirribilli, who led for the Opposition, in asking the Minister to defer the passage of the legislation for six months. Consumer organizations and retailers should have the opportunity to examine the implications of this comprehensive legislation and to make recommendations that may be incorporated in amendments. The House will recall that the Minister was a tremendous debater when a member of the former Opposition. When legislation of the nature of the bill was being debated he would point his finger at the Speaker and castigate the terrible former Government because it did not give the Opposition at that time or the people of New South Wales the opportunity to examine the matter fully and to appreciate its magnitude. I appeal to the Minister in that same vein. I ask him to show the charity that he sought from the former Government. I am sure that with any major legislation that Government afforded the Opposition that consideration. I am sure that I can show the confusion and concern of consumers and retailers in New South Wales. Today the Australian Consumers Association forwarded a letter to the Minister. Most people would recognize the worth of that association, which publishes the magazine Choice. The second paragraph of that letter states:

ACA welcomes the proposed introduction of a number of very important provisions concerning the protection of consumers. ACA is, however, very concerned at some of the provisions concerning the Consumer Affairs Council. ACA considered the submission on this matter by the Australian Federation of Consumer Organizations and endorses that submission.

That was the submission that the honourable member for Kirribilli referred to; people who had not been consulted by the Minister about this legislation. The letter continues:

ACA believes it is of very great importance that the Consumer Affairs Council should continue to be seen as an independent body able to investigate and make recommendations on any matters which it considers to be of concern to consumers.

This legislation will apparently be pushed through this House unless the Minister sees the wisdom of our amendment, which will give responsible bodies of this nature an opportunity to discuss the legislation with him.

I could perhaps take the criticism, confusion and fears of retailers a little closer to my own home territory. In the *Northern Star* of 17th March, 1978, **this** statement appeared, "Public asked to 'dob' exploiters". The article went on to say:

The Minister for Consumer **Affairs**, Mr Einfeld, yesterday asked the public to report shops which engaged in double ticketing. "I take the view that every person in this State is an inspector for the Department of Consumer Affairs," he said. "In other words we have more than four million inspectors and we want them on the job of stopping exploitation."

The reaction that came back from a responsible retailer in my area, the president of the chamber of commerce, was this: "Dobbing-in plan under **attack**". I **shall** read his statement which appeared in the *Northern Star* the next day:

"It would just be like living in Russia if everyone went around telling on one another," the president of the Lismore Chamber of Commerce, Mr B. C. Hauville said yesterday.

Mr Hauville was commenting on the statement made by the Minister for Consumer Affairs, Mr Einfeld, in which he said that he considered every person in the State was an inspector for the Department of Consumer Affairs.

Mr Einfeld introduced legislation into Parliament on Tuesday which provides **fines** of up to \$10,000 for double ticketing and other consumer offences.

Mr Hauville said that six members of the chamber had already contacted him yesterday about Mr **Einfeld's** statements.

He said that a decision on a formal protest could be lodged with the Premier, Mr Wran, after the next meeting of the chamber.

"If Mr Einfeld is serious about having four million inspectors running around telling on one another it would just be like living in Russia, and we certainly do not want that," Mr Hauville said.

"The majority of businessmen would not be able to survive in Lismore if they advertised falsely."

Mr Hauville said that in the case of a special, a country store such as stores in Lismore would not stock a large amount of the article on special.

"So obviously if the article was in demand it would soon run out," he said.

That is a statement from a fair-minded and honest retailer in my area. A letter that the Minister received today from a responsible consumer **body**—

[Interruption]

Mr **DUNCAN**: Government supporters may knock them if they like. They should go to Lismore and tell them that they are frauds and that they have the deceptive qualities with which the Government wants to brand them. I say to the House that they are not unscrupulous people; they are people who are fearful of legislation of this nature. I believe the Minister would be the first to agree that sound legislation will come from open consultation with the people concerned. For that reason I believe that no problem will arise from deferment of this legislation for a period so that responsible public debate may take place.

Mr **HATTON** (South Coast) [8.35]: I want to speak briefly on the bill. I congratulate the Minister on introducing it. I welcome this consumer protection measure. I believe it is interesting as it protects not only the man in the street but also the small businessman and the farmer. I particularly welcome that because they are **two**

vulnerable groups that are experiencing difficult times, particularly in country towns. Small businessmen are faced with rising costs, wages, competition from supermarkets and department stores, and inflation. They have enough problems. Similarly the farmers, with their falling real incomes, their marketing problems, their long hours and their rising costs need some assistance from the Government. I cannot understand anybody in this Chamber objecting to these provisions in the bill. For both of those groups the purchase of major capital equipment is a very serious step. It is an important investment for them to make. The removal of the limit of \$15,000 is a realistic approach when one considers the purchase of items like vehicles, tractors, milking machinery in its entirety, hay balers, seed drills and so on. The recognition of small businessmen and farmers as consumers is important, in particular because it opens the door to them to get legal assistance in disputed cases. Surely they need this.

From the housewife's point of view what is wrong with the outlawing of double-ticketing? I do not agree with the argument that it will cost shopkeepers by way of extra time. It will save them time. What about the enormous amount of time that is spent now in going round changing the prices on goods in shops? This provision is aimed at saving work for shopkeepers. We have heard complaints about the provision dealing with bait and switch. We all know it is dishonest to advertise goods and when the customer arrives he or she finds that the stock of that line of goods was so small that it has been exhausted but another line of goods is available, or the price has been changed. Now the stores will have to guarantee stocks. This may assist the small businessman because bait and switch is largely an enterprise of the larger businessman. It results in unfair competition against small businesses. This provision is in the federal Trade Practices Act, so how can we complain about it when we are bringing down State legislation to match that?

I believe the removal of prison terms **will** result in penalties that are more effective, more realistic and less cumbersome. I agree with the increase of penalty from \$2,000 to \$20,000. We hear a lot of bleating in this Chamber, but the honest businessman has nothing to fear. This legislation will help the honest businessman. It will remove shady practices and give the honest man a better chance to compete. In fact he will be able to hold up his head in an area where some people would bring in a bad name. I am particularly interested in real estate because of intense activity in that field in my electorate. I know of many instances in which it is quite clear that the Real Estate Institute is not effective in dealing with complaints. People are appealing from Caesar unto Caesar, particularly in relation to land purchases and **resales** when the Amco steelworks were to be established in the Shoalhaven shire. This measure will give the Commissioner for Consumer **Affairs** power to investigate complaints about real estate transactions, for these transactions will now come within the definition of services. That is most welcome. The Commissioner for Consumer Affairs will also be able to take out injunctions in the Supreme Court in respect of trading of companies that have breached the Act. This is long overdue. It will mean that they cannot continue in this dishonest practice. The concept of the commissioner not necessarily being a public servant is also a welcome provision.

I commend the plans to make the State and Commonwealth laws similar in terms of policy and penalties so that the unscrupulous cannot take refuge interstate. The provisions covering false and misleading advertising where the courts can award compensation are just and necessary. In my view, the whole of this legislation is necessary when one considers the Minister's statement to Parliament that between 1 000 and 1 300 telephone calls are received each day by his department and that it deals with something like 30 000 genuine complaints a year. Surely those figures alone justify this bill, which I welcome.

Mr N. D. WALKER (Miranda) [8.40]: Having been a retailer for twenty-five years, I am competent to speak on the measure. It is evident to me that the Minister is not particularly interested in small retailers. The bill will have far-reaching and detrimental effects on many sections of the community. It is similar to legislation brought down recently to provide for rental bonds. I know of many real estate agents who have endeavoured to get refunds of rental bonds, but have not heard from the department for six weeks. That is causing great confusion. Another matter that concerns me is the Minister's refusal to appoint retailers to the proposed committee.

Mr Einfeld: The honourable member does not know what he is **talking** about.

Mr N. D. WALKER: I know exactly what I am **talking** about.

Mr Einfeld: The honourable member is **making** a fool of himself.

Mr N. D. WALKER: I think the Minister might make a fool of himself.

Mr Einfeld: I have not so far.

Mr ACTING SPEAKER (Mr O'Connell): Order!

Mr N. D. WALKER: The Minister does not really appreciate the problems of the retailer. On their behalf I express some of them in this Parliament. They begin with high rents—perhaps as much as \$50 a foot a year—and range through holiday-pay loadings of 173 per cent to recent increases of 10 per cent in workers' compensation insurance premiums. All sections of the community are being protected except the retailer, who is most important in that no matter what goods are produced, it is he who must sell them. I read in last Friday's paper that Woolworths make a profit of 1.75 cents in every dollar. Yet the person who delivers \$10 worth of goods to a shop gets 50 cents for doing so. That shows that the retailer is not being protected by the Minister. In addition, who will pay for all the inspectors, their assistants, and the special committees that are to be appointed under this bill? I believe it will be the housewife and the retailer.

Another matter in which I am particularly interested is the overstickling of prices on magazines and books. I have spoken to the Minister about this previously. It affects booksellers and newsagents who are involved in repricing a wide range of publications. I conduct a family newsagency. I do not spend much time there, but I try to control it. That is a difficult task these days. Let me give a typical example of what happens. I have with me a publication entitled *Mad* Special. It is imported from England, and the retail price printed on it is \$1. Being sincere and fairminded retailers, we sell it for \$1.25, on the advice of the agents who supply us with the magazine. As I have spoken to the Minister about this matter previously, at this stage I am looking for an **undertaking** from him on behalf of the people who have to sell such publications.

The same thing happens with books and paperback books. An examination of the position will show that the original retail prices were determined in the place of origin, whether it be interstate or overseas, such as in Europe, the United States of America or the United Kingdom, and the retail prices in those places is almost always different from the retail price in New South Wales. The bookselling agents instruct the newsagent on the price at which the publication is to be sold here, and a label bearing that price is gummed over the original price. It would appear from a reading of the bill that newsagents and booksellers who follow that instruction in future will not be protected under the law. I have never had occasion to doubt the Minister's word, and I ask him to tell the House for the benefit of many small businessmen exactly what the position of these retailers will be in future.

I have brought with me other publications to illustrate the same point. I produce a copy of *Penthouse*, which the Minister might like to look at. It is not a restricted publication. It is on open sale. The price marked on it is \$2. We sell it for \$2.55. It might assist the Minister in some way if he looked at it.

Mr Einfeld: It is pornographic.

Mr N. D. WALKER: The Government sanctioned it.

Mr Einfeld: The federal Government, not the State Government.

Mr N. D. WALKER: There is a special body that deals with these things.

Mr Einfeld: Presided over by the president of the Liberal Party.

Mr ACTING SPEAKER: Order! The honourable member will address the Chair.

Mr N. D. WALKER: The bill has been prepared in great haste. The Government is trying to rush it through the House before the housewife, the retailer, and other interested persons become aware of its ramifications. Therefore I support the amendment of the honourable member for Kirribilli that the second reading of the bill be deferred for six months, for that would be in the best interests of the majority of the people of this State.

Mr SHEAHAN (Burrinjuck) [8.50]: As I said at the introductory stage, I welcome the bill. I have been interested to follow the debate on this measure, particularly the contributions made by members of the Opposition because it appears that they do not intend to vote against it. They are not willing to vote for the bill so they have indulged in what has become their customary trick of obfuscation by seeking to have further consideration of it deferred for six months. I have been interested in the contributions made in this debate by four Opposition members. The honourable member for Kirribilli took two hours to say what was wrong with the bill. Then he suggested it should be deferred for six months so that we could then go through it all again. The honourable member for Northcott made his usual unintelligible, hypocritical and rhetorical contribution. The honourable member for Lismore castigated me for the remarks I made at the introductory stage when I welcomed the inclusion of farmers in the definition of consumer. Having done that, the honourable member then indicated his support for that provision. The honourable member for Lismore suggested that even though the bill may be overdue—as I believe it is—it should be deferred for six months as suggested by the honourable member for Kirribilli.

I was interested to hear the closing remarks of the honourable member for Miranda, who said the bill should be deferred for six months so that we could consider what sort of adversity it would bring about. Perhaps if the honourable member could prevail upon his colleagues to expedite the passage of this measure and allow its provisions to be put into effect as soon as possible, he would be in a position in six months' time to make a constructive assessment of any ill-effects that he may be able to allege have resulted from its introduction. Deferring the bill for six months would not do anything to identify the type of adversity that the honourable member for Miranda suggests **will** occur as **a** result of the operations of its provisions.

Extension of the definition of consumer to include the farming community is something about which I spoke at length at the introductory stage. The Minister has also confirmed what I hoped at the introductory stage would be included in this measure, in that he has provided an exemption from the \$15,000 limit. The limit will not apply in respect of goods or services ordinarily acquired for farming purposes. Under the provisions of the bill, a farmer will be a consumer irrespective of the cost of goods and services involved in a particular transaction. The honourable member

for Kirribilli described such an inclusion as blatant **politicking**. He said also that it was a totally unnecessary extra imposition upon already overlegislated farmers and rural merchants. The *Hansard* galley proofs of the debate in this House yesterday show the honourable member for **Kirribilli** as saying:

The farmer, who is already restricted from free marketing by the various produce boards, will be further hampered and restricted, and these amendments will inevitably increase the price to the consumer of primary produce.

I should like to refer the honourable member's comment in this regard to any of the primary producer organizations operating in this State and see whether they would not give the lie to that extraordinary statement.

The honourable member for Northcott indicated some similar concern about the farming community. He had the audacity to suggest that his father-in-law, whom he described as a lifelong wheatgrower, would be overwhelmed by the fact that he was now going to get some protection in the purchase of expensive equipment, such as a harvester. The honourable member thought the free market forces ought to prevail to the exclusion of any possible assistance that may be given to the community from consumer protection legislation. The honourable member for Lismore did not seem to be able to make up his mind whether he was for or against the bill. After discussing the amendment for about half an hour, he admitted that legislation of this type was probably necessary because of what he acknowledged to be the incidence of dissatisfaction in the community over consumer matters. The honourable member supported the extension of the definition of consumer to cover farmers. Indeed, he described the bill as a worthwhile measure. Those remarks should be contrasted with the vicious, anti-farmer sentiments expressed by the honourable member for Kirribilli in this debate. The honourable member for Lismore said—and I thought this was touching in comparison with what was said by the honourable member for Kirribilli in leading for the Opposition—that people who were opposed to the inclusion of farmers in the bill were shedding crocodile tears about other problems in the community. I hope the Minister will be in a position to give honourable members some information on this aspect.

We have heard much from members of the Opposition in regard to suggestions made by various groups about shortcomings of the bill. I have no doubt that the publicity given to the extension of the definition of consumer to cover farmers would have been noted by the major livestock producing and grain producing organizations throughout the community. I refer in particular to the newly-formed Livestock and Grain Producers' Association of Australia. I am sure that ~~the~~ members of that organization—indeed, all rural citizens and people interested in country areas—will support this bill, as I have been pleased to do at the introductory stage and in this second-reading debate.

Mr EINFELD (Waverley), Minister for Consumer **Affairs** and Minister for Co-operative Societies [8.57]: I do not think that in all my parliamentary experience I have met a more mischievous and more mendacious person than the honourable member for Kirribilli has proved himself to be. This equivocator has deliberately misled many organizations in the community that he has approached in the past few days to ask their opinions of the bill. The honourable member has set about proving himself to be the original galigali man. He has tried desperately to find organizations that will come out and provide opposition to the bill. Both the honourable member for Kirribilli and the honourable member for Northcott made serious attacks on the farming community.

Mr ACTING SPEAKER (Mr O'Connell): Order! Is the Minister **speaking** to the amendment or in reply?

Mr EINFELD: I intend to speak to the amendment. At this stage I shall not speak fully in reply. I am dealing now with the reason why **the** bill should not be deferred for six months.

Mr ACTING SPEAKER: The Minister is dealing with the question that the words proposed to be left out stand?

Mr EINFELD: Yes. Mr Acting-Speaker, appreciating your natural intelligence and your general capacity for understanding these things, I shall explain how dangerous it is to attempt to postpone the bill for six months. I remind members of the Country Party of a few facts about this situation, and I hope they listen carefully. One organization approached by the honourable member for Kirribilli was the Livestock and Grain Producers' Association of New South Wales. It is obvious that the honourable member for **Burrinjuck** thought of that organization. The fear was expressed that as this was a comparatively new organization, some members of Parliament or other people who read *Hansard* might not be aware of the true situation.

The Livestock and Grain Producers' Association came into existence on 1st January, 1978, as a result of the amalgamation of the two major farming organizations in New South Wales, the United Farmers and Woolgrowers' Association and the Graziers' Association of New South Wales. The joint presidents of the associations are Mr F. M. Davidson, who was formerly with the Graziers' Association, and Mr M. Taylor, who was formerly with the United Farmers and Woolgrowers' Association. Mr K. E. Eldershaw and Mr H. Balcombe are vice-presidents of the association and Mr J. O. White and Mr B. F. Regan are its senior executive officers. **The** association has 28 000 members, representing 75 per cent of livestock producers and **90** per cent of grain producers in New South Wales. The association does not have a dairy membership, although it has a section covering fruit and vegetable growers.

The Livestock and Grain Producers' Association, in response **to** an approach by the honourable member for **Kirribilli**, telephoned to say that it was issuing a statement. It said, "Please go on with your legislation as quickly as possible." This is the statement issued by that organization:

The N.S.W. Livestock and Grain Producers' Association has welcomed the State Government's move to expand consumer protection legislation to encompass goods and services connected with the carrying on of a farming enterprise.

The change is part of amending legislation to the Consumer Protection Act currently before State Parliament.

General Secretary of the LGPA, Mr **Bryan Regan**, said that previous consumer protection legislation did not extend to the farming community, except for personal or domestic goods, because it was deemed to be an interaction between two business enterprises.

Mr Regan said the Association, through its funding organisations, had been seeking access for farmers to the Consumer Affairs Bureau (now to become a Department) for some years.

These representations included a submission to Professor Peden of Macquarie University who was commissioned by the State Government to examine needs in consumer protection legislation.

Mr Regan said that the amending legislation was a definite step forward for the farm community and should only be of benefit to all concerned.

He said any business or enterprise dealing honestly and fairly should not have any concern over the expanded protection legislation.

However, the Association has advised the Minister for Consumer Affairs, Mr **Einfeld**, that it is concerned over one clause of the amending Bill which seeks to limit the powers of the Consumer Affairs Council to those matters referred to it or approved by the Minister.

The limitation could restrict the Council's initiative in investigating matters and practices which it or other bodies felt were in need of attention and report.

Mr Regan said he hoped the Minister and Government would amend that particular clause but it should not be a reason to delay an otherwise welcome piece of legislation.

So when members of the Country Party vote, if they do, to delay this bill for six months they will be flying directly in the face of the organization to which they all hold allegiance, and I am going to tell that organization so. Its officers read *Hansard* galley proofs of yesterday's debate and they are aghast at what the honourable member for Kirribilli said about farmers. What they said about what the honourable member for Northcott said about farmers would not bear printing. They could not find the honourable member for Kirribilli to tell him and so they told the honourable member for Wakehurst exactly what they were going to say tonight. No one mentioned that tonight.

Mr Viney: How can one, if one does not get the call.

Mr EINFELD: That is right. The farmers' organization is delighted but not the Country Party, which wants to delay the bill. Like anybody else, they are entitled to say "We do not like what you are doing to the council". Probably they do not understand.

Mr Viney: Yes they do, because you told them.

Mr ACTING SPEAKER (Mr O'Connell): Order! I call the honourable member for Wakehurst to order.

Mr EINFELD: If they listened to the honourable member for Kirribilli they would not know anything about it, considering that he has never told them anything about what was in the bill. The honourable member for Miranda said I was not going to have any retailers on the council. The joke is that there is nothing in the bill that changes the composition of the present council, which has five consumers, five trades people, and will include at least two retailers, one of whom is one of the finest men I have ever met—Mr John McDowell, former chairman of directors of McDowell's—and the other is Mr Solomons, of the Eric Anderson organization. They are two retailers whom I know still on the council. I told the honourable member for Miranda, for whom I have some regard, not to make a fool of himself, but he continued to do so.

Mr ACTING SPEAKER: Order! I feel the Minister is now replying to the debate and not speaking to the amendment. I bring his attention to the fact that at this stage he should be speaking solely to the amendment.

Mr EINFELD: I am explaining why the bill should not be deferred for six months. I am now arguing against those people who presented cases why the bill ought not to be accepted or should be deferred for six months, which was the purport of all of the speeches made by members of the Opposition. I can easily, of course, make two speeches but I am trying hard not to do so. In view of your ruling and having gone as far as I have gone, I now signify that the Government will oppose the amendment. I shall reply further as soon as the amendment is dealt with.

Amendment negatived.

Mr EINFELD (**Waverley**), Minister for Consumer Affairs and Minister for Co-operative Societies [9.5], in reply: I want to begin this part of the debate by protesting against the accusations made by the honourable member for Kirribilli against loyal, honest and honourable public servants. Perhaps he will know better when he has been in this House long enough—and I hope he is not here that long, because he has never raised the standard of the character of this Parliament; he has only made it deteriorate since he has been here. I remind him that in this Parliament we do not attack people—and it is bi-partisan sort of agreement—who cannot defend themselves. Public servants are in a very peculiar situation: they cannot even defend themselves outside Parliament from attacks made by members of Parliament. When the honourable member for Kirribilli called officers of my department departmental lackeys he was trying to take a mean, miserable and unfair advantage of people and he proved himself to be a **Pecksniff** and a most sanctimonious and altogether priggish hypocrite of the worst type. He ought to understand that an honourable member should not attack such people. He and the honourable member for Northcott have been doing it ever since both of them have been in this House.

Mr Viney: On a point of order. The Minister in his reply is not allowed to introduce new matter. I submit that when he introduces the honourable member for Northcott and talks about him and his alleged priggish attitude ~~he~~ is out of order.

Mr Sheahan: On the point of order. The honourable member for Northcott spoke in the debate. The honourable member for Wakehurst may not be aware of that fact.

Mr Viney: Further to the point of order. I am well aware that the honourable member for Northcott spoke in the debate. My point of order is that the Minister is simply paraphrasing the clichés thrown round in this House by the Premier. They have no relevance and make no contribution to the debate.

Mr ACTING SPEAKER (Mr O'Connell): Order! There is no point of order—

Mr EINFELD: In fact, the whole of the speech of the honourable member for Kirribilli and most of the speech of the honourable member for Northcott continued a sustained attack on all consumers in the **community**. The honourable member for Kirribilli upbraided me for not discussing all these matters with consumer organizations, and then he went on to say: "These consumer organizations are dreadful. They do not represent anybody". He made an attack on consumer organizations and said they represent a very narrow group of consumers only because he wanted to attack them and attack me. The strange thing is that he said I have not consulted with organizations of any sort. Let me tell the House that I have consulted with organizations of many sorts since I have been the Minister—more than one hundred, one a week at least. I have consulted with some of them many times.

Let me name just a few organizations that I have talked to over the past **couple** of years on all sorts of consumer matters. They are the Australian Association of National Advertisers, the Grocery Manufacturers Association, the Packaging Industry Environment Council, and the Australian Chemical Specialties Manufacturers Association—many times. I have consulted with all nine oil companies in this State, the Bread Manufacturers Association, the Real Estate Institute and the Flat and Property Owners Association all many times. I have consulted also with the Financiers Association, the Auctioneers and Valuers Association, the Retail Traders Association, the Australian Retailers Association, the Pet Food Manufacturers Association, and the Chamber of Automotive Industries—many times. The list also includes the National Roads and Motorists' Association, the Health Food Retailers Association, the Australian Finance Conference, the Insurance Council of New South Wales and the Chamber of Commerce.

Those are the organizations. The honourable member for **Kirribilli** has never heard of them. He got a letter today, as I did, from the Australian Consumers Council and I wanted to say something about the Australian Federation of Consumer Organizations.

The honourable member for Kirribilli made great play of a letter he received from Mr Sperling who wrote on behalf of AFCCO, the Australian consumer protection group that consists of representatives from all over Australia. Mr Sperling, who was most anxious to send a copy of the letter he wrote to me to the shadow minister, the honourable member for Kirribilli, had a long discussion with me on Friday. I treated him with a great deal of confidence. I discussed a good many things about the bill. I shall not do it again; I shall not treat him with confidence again, nor have a long conversation with him. It was sheer impertinence for AFCCO representatives from Western Australia, Queensland, Victoria, Tasmania and South Australia, which is the one State that has any worthwhile consumer legislation that is comparable with the effective consumer legislation in New South Wales, to sit together and discuss New South Wales legislation. That is the greatest impertinence I have ever heard.

[Interruption]

Mr EINFELD: I say to the ranting hypocrite from **Northcott** that it is about time that somebody on the Opposition side of the House stood up and said that the Government is doing something wonderful for the people of New South Wales. They will not do that. The honourable member for Kirribilli said that consumers have too much protection. He said, "If we must have consumer protection legislation . . ." He said also, "If consumer protection legislation has any place at all . . ." This is the honourable member for Kirribilli speaking, the shadow minister. He said that I should take the advice of consumer organizations. The Australian Consumers' Association has not been in touch with me even twice this year. This is the consumer organization about which the honourable member for Kirribilli spoke. That association was supposed to be established to look after these things. It wrote to me today. It sent a copy of the letter to my shadow—and if I look like my shadow I'll commit suicide. The Australian Consumer Association wrote:

ACA has considered the Consumer Protection (Amendment) Bill, **1978**, introduced by you on February **15, 1978**. ACA welcomes the proposed introduction of a number of very important provisions concerning the protection of consumers.

The honourable member for Kirribilli does not welcome any of them. The letter continues:

ACA is, however, very concerned at some of the provisions concerning the Consumer **Affairs** Council.

They are concerned about the Consumer Affairs Council because Mr Sperling is its vice-president. I explained to him what the Government was doing.

Mr McDonald: He is the deputy chairman.

Mr EINFELD: That is about the only intelligent and sensible thing you have said on the bill. The ACA wrote further:

ACA considered the submission on this matter by the Australian Federation of Consumer Organisations and endorses that submission. ACA believes it is of very great importance that the Consumer Affairs Council should continue to be seen as an independent body able to investigate and make recommendations on any matters which it considers to be of concern to consumers.

Mr McDonald: So is the Opposition.

Mr EINFELD: The honourable member does not believe in anything. He said that he did not believe in consumers, although he is their spokesman for the Opposition. The letter continues:

While welcoming the other provisions contained in the Bill, ACA requests that you give consideration to making these provisions even more effective by introducing amendments to take account of the following points;

These are worth listening to as ACA wants to go further than the bill goes. These are the points made by ACA:

The remedial provisions concerning misleading advertising should be expanded so as to enable the Courts to make corrective advertising orders.

The provisions concerning dangerous products should be expanded so as to permit the initiation of compulsory recall programmes in respect of goods distributed prior to their dangerous qualities becoming known to the Authorities.

Section 56 of the Bill continues the provision that proceedings for an offence (Part V excepted) may **not** be commenced after the expiration of **12 months** . . .

The Australian Consumers' Association contends that the period ought to be more than twelve months. The bill does not make that provision. The letter mentioned injunctions. It suggests that there should not be the need to wait for an application by the commissioner as it is unnecessarily restrictive. It is not satisfied because the bill does not go far enough. Although the honourable member attacked the bill and said that consumer legislation is overdone, he admitted that with the advance in consumer protection legislation fewer companies will misbehave. He said further that inspectors are given power to search and destroy. The fact is that all the powers of investigation are unchanged. They were incorporated in the Act when the former Government was in office.

The honourable member for Kirribilli does not like new subsection (3) of section 5 which contains a presumption that a person is a consumer in relation to particular goods or services unless the contrary is established. This is word for word the provision contained in subsection (3) of section 4B of the Trade Practices Act, which was devised by the federal Government. The honourable member said also that in all business transactions commercial parties should be able to exclude the implied term and limit liability as they consider appropriate, subject to the test of fair or reasonable. This is now included in section 68A of the Trade Practices Act. The fact is that these amending provisions have absolutely nothing to do with the creation of substantive rights between parties to commercial transactions or to limit of liability. They are more properly applicable to the Sale of Goods Act, which is not amended by the bill. The honourable member for Kirribilli asserted that the Motor Dealers Act caused a rise in the price of motor vehicles. I remind the honourable member that that legislation was introduced into the Parliament by the honourable member for Maitland when Minister for Transport. The warranties provided in that Act were passed by the former Government.

[Interruption]

Mr EINFELD: How would you know those things?

Mr ACTING SPEAKER (Mr O'Connell): Order! I call the honourable member for Kirribilli to order and advise the Minister to address the Chair.

Mr EINFELD: I shall. It is nice to talk to somebody intelligent. The Government is considering whether to change the warranty levels. I hope that they will be changed in the not-too-distant future. The honourable member for Kirribilli said that there is no need for the real estate provisions as there is provision already in

the Trade Practices Act. That demonstrates his abysmal ignorance of the **ambit** of that Act which applies only to corporations. He does not appreciate that a person can be prosecuted under the Trades Practices Act and under State legislation. Section 75 of the Trade Practices Act provides that where an act or omission of a person is both an offence against section 79, that is, contravention of part V, and an offence under the law of a State or territory and that person is convicted of either of those offences, he is not liable to be convicted of the other of those offences. How would the honourable member know that? He said that all the items covered in **schedule 3** of the bill are covered by the Trade Practices Act. **As** the honourable member for Lismore said, schedule 3 includes double ticketing, which is not in the Trade Practices Act.

The honourable member for Kirribilli said also that the bill will send business broke. What is there in this bill that does that? **Is** it more expensive to advertise truthfully than to advertise untruthfully? Is it more expensive to be ethical, as traders in Lismore are? I inform the House that the traders throughout the country are as moral as traders throughout the city. **As I** have said, time and again, the great bulk of traders are moral and ethical. A small minority of traders cause the mischief. Unfortunately some are in country areas—probably they represent the same percentage there as city traders. Traders in country areas may need to retain their customers as they are more identifiable.

All I can say is that there is nothing in the bill that will damage any ethical, decent or moral trader. The **regulations** will reduce packaging and distribution costs. The honourable member for Kirribilli said that the provision dealing with double ticketing is totally unnecessary and should be removed from the bill. He quoted from **a** recent letter to the *Sydney Morning Herald*. I carefully explained at the **second**-reading stage that nothing in the bill will prevent the price of stock being increased. I think it is immoral for a retailer to buy stock at the old price, mark it up for a legitimate profit, and subsequently increase the price. I believe he should be satisfied with the profit that he has originally allowed for. I explained carefully that **if** there are two price tickets on the one article, whether they are stuck one on top of the other or are separate, the retailer will be forced to sell the goods at the lower price. There are plenty of stores that double, treble and quadruple ticket their goods; there are plenty of stores that stamp one price on top of another. There is nothing more irritating to a shopper than to find more than one price ticket on an article. If the second price ticket has been stuck on top of the first, the shopper can tear it off and find that it is now 20 cents or \$20 **dearer** than it was previously. It is an irritating situation for a shopper and can be very costly.

[Interruption]

Mr EINFELD: I shall get round to the newsagents later. I shall need a bucket and towel to cry for the retailer for whom the honourable member for Miranda cried. He looks as though he is really starving with his paper shop at Miranda. I could cry for him. He nearly made me cry for Woolworths. I was almost in tears when he was crying for poor Sir Theo Kelly. I nearly broke my heart for poor Woolworths. The honourable member for Miranda is very sad, judging by the way he speaks. He brings tears to my eyes.

Mr N. D. Walker: Do you know what you do to me?

Mr EINFELD: I know what I would like to do to you, but if I were doing it you would not be able to stay in the Chamber; you would have to rush out. I thought the honourable member for Kirribilli excelled himself with the council provisions. He said the Minister has the alternatives of eliminating the council, altering its membership or taking the snide, underhand action of eliminating consumer-business

influence and providing a ministerial-public servant takeover of control of consumer activities. The fact is that the bill does not do any of these things. The council membership is laid down in the Act. It was moved in this Parliament by Mr **Eric Willis**, as he then was.

[Interruption]

Mr **ACTING SPEAKER (Mr O'Connell)**: Order! There is far too much interjection. I am sure the Minister will conclude his speech with much more expedition and to the enjoyment of honourable members generally if there are fewer interjections.

Mr **EINFELD**: The honourable member for Northcott keeps on interjecting in a most peculiar fashion. The honourable member for Wakehurst, who in many ways is a malignant sort of fellow, is anxious to say things that do not have any real meaning. The fact is that I have not changed one word in the bill to alter the council from the way it was originally formed. When it was formed I did say in this Chamber that there ought to be representatives of organizations on the council, but the Minister of the day would not agree. He said there should be five representatives of consumers and five representatives of business interests and a chairman. That is unchanged. That is the way it is now. There has been no alteration to that.

The honourable member for Kirribilli suggested that the provisions limiting the liability of members of the council, the commissioner and departmental officers **should** be removed. How that man hates public servants. New section 17 is a redraft, without much change, of old section 17 which his own Government introduced. In any case, liability is excluded only in respect of acts done or statements made in good faith in the course of the operations of the commissioner or the council. The honourable member for Kirribilli was going to hang me yesterday. I had a sore neck during the dinner adjournment. He quoted my remarks in 1969 on an Act which set up the council. What I said then was right. The department was then a small bureau composed of about five people. It had no staff and no power to investigate. Had he gone on to examine the Act he would have found that it had the power to refer. The commissioner of the day, an important executive in a large cigarette, tobacco and diverse industry organization, would have been breaking the law had he investigated anything. He did, of course, for he was anxious to help consumers, but he did not have any rights. The council then was almost all the consumer had, even though it did not have power to handle complaints. It does not now. However, we now have a fully fledged department with a more technically qualified staff than the council has.

The honourable member for Kirribilli said it is uniquely offensive and anti-democratic that an outside body should report to Parliament instead of having the department reporting to itself. Let me say that the honourable member **complained**—and I think with some justification—that the report of the Consumer Affairs Council became available **only** the other day. The strange thing is that it was tabled in this Parliament in August last year.

Mr **McDonald**: I said that.

Mr **EINFELD**: It was available from then on if the Government Printer had printed it. If he did not print it, let the honourable member blame the Government Printer. The honourable member for Kirribilli, the honourable member for Northcott and others have talked about the great cost of consumer affairs in this State to consumers, the tremendous growth of the department and the innovations that citizens will have to pay for. I want every member of this Parliament and every

citizen of New South Wales to know that the cost per head of population in New South Wales of the whole of the annual budget of the Department of Consumer Affairs is 60c.

Mr Cameron: What about the cost to industry?

Mr EINFELD: Another member wants me to cry. I shall need two buckets and towels. I wonder who he wants me to cry for. Perhaps one of the Coles family. Opposition members were talking about the great cost to the citizens of this State. One-thousandth part of the State budget is spent on consumerism. That is what the honourable member for Northcott describes as cumbrous, bloated, elephantine and overgrown. These are long words, even for him. It costs 60c a head. Then there was reference to the ministerial direction about the council. I do not want to see the Consumer Affairs Council discussing what is wrong—

Mr SPEAKER: I ask the honourable member for Kirribilli to resume his seat as the Minister for Consumer Affairs and Minister for Co-operative Societies has the call.

Mr EINFELD: I do not think the Consumer Affairs Council should, as it did when it had nothing to do with landlord and tenant, spend months and months discussing landlord and tenant provisions. We did not have control over that matter in those days. I had not been given that matter to look after at that stage. Then a report **was** issued on that matter and the strange part of it was that I first read about it in the *Daily Telegraph*. That came from Canberra. It was a peculiar sort of confidential report from a Consumer Affairs Council, known only to the members of the council. There were not many members of the council. One of the great friends of the honourable member for Northcott, Lady Braddon, wrote a letter to me and complained bitterly about what I was going to do, but I had never even seen the report.

All I am saying now is that the Consumer Affairs Council should confine itself to consumer affairs, and the Minister will direct it so that it can. I was upset, as I suppose hundreds of thousands of people throughout New South Wales would have been, by the remarks of the honourable member for Kirribilli about farmers as consumers. He said, "Why should we single out farmers for protection?" He said, "Farmers are doing all right anyway because they have a monopoly of price fixing". I think they will be interested to hear that. I wonder what the honourable member for Lismore thought of that? I shall ensure that the farmers hear of it if the honourable member for Lismore and the members of the Country Party do not. If they want to suspend consideration of a bill for six months, they are saying, "**We** might agree with the inclusion of farmers in the definition of consumers, but we do not think farmers need protection for the next six months". The honourable member for Kirribilli tried to get support for his view from the Livestock and Grain Producers' Association, but they came out on the side of the Government and said they entirely supported it.

The honourable member for Kirribilli says that consumers, particularly farmers, are over-protected. The honourable member for Northcott joined in with one of his celebrated intellectual acrobatic acts by saying that the 30 000 complaints investigated by the department each year is a heavy load being carried by business. The honourable member for Kirribilli accuses me of treating consumers with contempt. Yet he says that consumers have too much protection. He says such things as, "If we must have consumer protection legislation", and "If consumer protection has any place at all". These are the sorts of comments made by members of the Opposition in this Parliament about the most forward-looking, progressive piece of legislation ever presented on behalf of the citizens of New South Wales.

I said in my second-reading speech that there were people who were being misled. I repeat that. I said that the Australian Finance Conference had been misled. I gave an answer to its problem, which is not a problem at all. I said that the Chamber of Manufactures had been misled. The Chamber now knows that it should not worry at all. The honourable member for Lismore said that farmers ought to be included in the **definition** of a consumer. I thank him for that. He said that we used a hammer sometimes—not me, but governments generally—to crack a peanut. He said there are not many people guilty of fraud and exploitation. I just want to remind him that the Government receives about 1300 telephone calls a day. They are not all complaints. Some are follow-up calls and inquiries, but they show that many people in the community feel they are badly done by. There would hardly be a member of Parliament—probably there would be one or two, but not many—who have not written to the department or made approaches to me asking for some support for a consumer. That is their right because every member of Parliament is an ombudsman anyhow, and ought to do that.

Mr Jackett: They are good ombudsmen.

Mr EINFELD: Lord Haw-Haw was away for a long time, but he is now back with us. The honourable member for Lismore says that **all** traders are not fraudulent and deceptive. My department has never said they were. I certainly have never said it. But I am saying clearly that there are traders in the community who do set out to exploit, cheat and take advantage of others.

Mr Viney: And they write the Minister's speeches for him.

Mr EINFELD: The honourable member for Wakehurst knows all about **Hamden** Developments (Sydney) Pty Limited. He knew what crooks they were and how they were exploiting the community. He knows that under the legislation there is now power to deal with them. He knows very well that what I say is right.

Mr Viney: What did I do? I took the matter to the responsible Minister.

Mr EINFELD: And the responsible Minister acted very well. He did his best to protect those who were being exploited effectively. I do not think country suppliers are less honest than others. They might be more honest. They have reason to be. They want their customers to be faithful to them. Nearly everybody wants to keep customers, and would not wish to take advantage of them if they could help it. The honourable member for Lismore said rightly that we ought to be careful about imposing punitive and costly penalties on business. I agree. The penalties for infringement have been increased from \$2,000 to \$10,000 purely because of inflation, but what I did on behalf of the Government was to eliminate imprisonment. The former Government provided for a penalty of \$2,000 or twelve months' imprisonment for an infringement. I will tell you what: if you had the money to pay the fine, you would much rather pay \$10,000 than go to gaol for twelve months. Mr Speaker, I know that you are not the sort of person who would be concerned about going to gaol; you are a man of great honour and intelligence. Your integrity is unquestioned. However, I am sure that anyone who tries to work out what twelve months' imprisonment would mean to him in financial terms will soon realize what I mean.

I was grateful to the honourable member for Lismore for his tribute to my department. He said that the elimination of double **ticketing** would be an additional cost to retailers. **It** does not seem to me to be a terribly costly process to tear off an old ticket and put on a new one. He said that country stores must **carry** stock for a long period and might infringe the law. **All** they will be required to do is state how many items of a particular type they have for sale, and that will be it. There are **sixty** inspectors in my department. Most of them came to us from the Weights and

Measures Branch. Some are concerned with policing the Motor Dealers Act, which was passed by the former Government. There are sixty departmental inspectors altogether. I was asked on the radio recently how I would police infringements of the Act. I said that I had four million inspectors. If a retailer in Lismore or anywhere else sets out to cheat or exploit, is it wrong for the customer to inform the department? Let me tell the honourable member something else. He said he would not like to see customers rushing to the department on the day after they found they had made an unsatisfactory deal. He ought to know that the department tells every customer who complains to it that they must first see their supplier. They come to the department only if they cannot get satisfaction from the supplier.

The honourable member for Miranda spoke about estate agents who had made application for a refund of rental bonds, but had to wait six weeks without a response. They must be the most mendacious agents of all time, because the rental bond board is paying out rental bonds, if there is no opposition from the tenant or the landlord, as quickly as cheques are paid out by any bank. They are paying them out within one minute, yet the honourable member for Miranda makes some ridiculous assertion. He does not know what he is talking about. He says that I refused to appoint a representative of the retailers to the council. I am not changing the provision. There are already two representatives on it. He called it a committee. He would not know. He told us about the problem of retailers. I got upset. I could have cried. If I had a bucket and a towel, I really would have cried about the retailers who have to pay rent, workers' compensation, and other costs. The honourable member for Miranda is one of them. He looks starved. He would break your heart every time you look at **him**.

Mr N. D. Walker: I have to do two jobs.

Mr EINFELD: Maybe. He told us about poor Sir Theo Kelly of Woolworths who makes a profit of only 1.75c in the dollar. I was almost heartbroken. I shall consider asking the Treasurer to subsidize Woolworths so that Sir Theo Kelly can survive. The honourable member for Miranda spoke so tragically that he upset me terribly. I nearly could not get up to speak in this reply. Then he told us about booksellers and about the price that is printed on publications overseas. He said that the local price had to be stuck on top of the printed price, and this was double ticketing. The practice has nothing to do with double ticketing. I have told him that before and I tell him again. It is not covered by the definition in the bill. He asked what happens if a retailer sells cigarettes at a special price and wants to put the price up later. My advice to the retailer is not to mark it in the first place so that he can put it up later.

I listened carefully to the honourable member for Mount Druitt, the honourable member for South Coast and the honourable member for **Burrinjuck**, all of whom saw the virtues of the bill outweighing any of its shortcomings. I should be the last person to suggest that the bill is perfect and that it will end further consumer protection in New South Wales—I hope it does not. New South Wales is the most advanced State in the Commonwealth. Indeed, Australia is rapidly getting to the stage of being the most advanced country in the world in protecting its consumers, despite the crying and bleating of the honourable member for **Kirribilli**, the honourable member for **Northcott** and the honourable member for Miranda, who are only worried about the sophisticated.

This bill contains nothing that will inconvenience any decent, ethical, moral tradesman, advertiser, retailer, wholesaler, manufacturer or merchant. I hope the bill will help to prevent people who cheat and exploit, who take down the unsophisticated and the unsuspecting. I commend it in the knowledge that the wisdom of those honourable members present will enable this measure to be passed tonight and have

it passed through another place as quickly as possible so that the protection that it will afford will be of lasting benefit to the four million citizens of New South Wales, all of whom are consumers.

Motion agreed to.

Bill read a second time.

In Committee

Clause 3

[Schedules]

Mr McDONALD: Mr Speaker —

Mr FLAHERTY (*Granville*), Government Whip [9.42]: I move:

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

The Committee divided.

Ayes, 44

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

Noes, 41

Mr Arblaster	Mr Griffith	Mr Osborne
Mr Barraclough	Mr Hatton	Mr Park
Mr Boyd	Mr Healey	Mr Punch
Mr Brewer	Mr Jackett	Mr Rozzoli
Mr Bruxner	Mr Leitch	Mr Schipp
Mr Cameron	Mr McDonald	Mr Singleton
Mr Catterson	Mr Mackie	Mr Taylor
Mr J. A. Clough	Mr Maddison	Mr N. D. Walker
Mr Cowan	Mr Mason	Mr Webster
Mr Dowd	Mrs Meillon	Mr West
Mr Doyle	Mr Moore	Mr Wotton
Mr Duncan	Mr Morris	<i>Tellers,</i>
Mr Fisher	Mr Murray	Mr Fischer
Mr Freudenstein	Mr Mutton	Mr Viney

Resolved in the affirmative.

[Interruption]

The CHAIRMAN: Order! I call the honourable member for Miranda to order for the first time.

Clause agreed to.

Clauses 4 and 5 and schedules 1 to 6 agreed to.

Adoption of Report

Bill reported from Committee without amendment, and report adopted on motion by Mr Einfeld.

SECURITIES INDUSTRY (AMENDMENT) BILL

Introduction

Mr F. J. WALKER (Georges River), Attorney-General [9.51]: I move:

That leave be given to bring in a bill for an Act to amend the Securities Industry Act, 1975, with respect to the application of the fidelity funds of stock exchanges and to the officers and employees of the Corporate Affairs Commission.

The bill has two principal, unrelated objects. The first is designed to overcome a problem that arose in the drafting of the 1975 Act, which effected a repeal of the Act of 1971. An amendment, agreed to by the ministerial council constituted under the Interstate Corporate Affairs Agreement, to the provisions relating to the stock exchange fidelity fund went further than the policy decision intended, and this bill seeks to restore the relevant provision to that which was agreed to by the Ministers. The present ministerial council, of which I am a member, has agreed to the enactment of this amendment on a uniform basis in the participating States.

The other object of the bill is to provide for the employment by the Corporate Affairs Commission, otherwise than under the Public Service Act, of persons to assist in the conduct of special investigations. It is contemplated that accountants and lawyers with wide commercial experience and with aptitude for investigatory work will be employed for limited periods on a contract basis. This amendment is relevant only in New South Wales. I commend the motion to the House.

Mr CAMERON (Northcott) [9.53]: The Attorney-General has said that this bill has two unrelated objects. He might have gone further and said that it has two unimportant objects. The plain fact is that the whole of the legislative programme of this Attorney-General is trivial in nature and lacks the substance and originality. It affects the whole area of legislative reform only in the most peripheral manner. It has no substance. Nothing that he proposes to the House has any real content at all. This bill, like most of the others that the Attorney-General brings before the House, is merely a matter of detail or procedure. The years of the Liberal-Country party Government were years of dramatic law reform, and substantial, long-lasting reforms were achieved. This is an area in which there ought to be substantive legal reform being effected, but, as usual, what comes from the honourable Attorney-General is so trivial as hardly to merit the attention of this House. This bill conforms with the general pattern.

Motion agreed to.

Bill presented and read a first time.

EVIDENCE (AMENDMENT) BILL
CRIMES (BANKING TRANSACTIONS) AMENDMENT BILL

Suspension of Standing Orders

Motion (by leave, by Mr F. J. Walker) agreed to:

That so much of the standing orders be suspended as would preclude the Evidence (Amendment) Bill and the Crimes (Banking Transactions) Amendment Bill being treated as cognate bills and one question being put for leave to introduce the bills.

Introduction

Mr F. J. WALKER (Georges River), Attorney-General [9.55]: By leave, I move:

That leave be given to bring in a bill for an Act to amend the Evidence Act, 1898, with respect to business records and bankers' books.

That leave be given to bring in a bill for an Act to amend the Crimes Act, 1900, with respect to the proof of banking transactions.

It has been brought to my attention as the first law officer of the Crown and as the Minister responsible for the administration of the two Acts for which amendment is proposed that certain defects exist in evidentiary procedures for the admission of documentary material to evidence in legal proceedings in this State. The problems concern bankers' records. The present provisions of the Evidence Act which relate to bankers' books—those in part IV of the Act—were designed to facilitate the proof of bank records in legal proceedings with minimal inconvenience to all. To avoid the inconvenience to banks of having to produce their original records whenever required in legal proceedings—and this, of course, is a very common **occurrence**—the Act provides, and has so ever since its enactment, that copies of bank records shall be proof of the records and of their contents.

There are safeguards, of course. The courts must be satisfied that the original records are those of the bank and affidavit evidence by bank officials will suffice for this. Anyone, whether bank official or not, may give evidence that the copies correspond **with** the originals. These provisions work quite well so far as New South Wales banks are concerned, but they have some defects in the case of interstate and overseas banks—that is, banks outside the State's jurisdiction.

In 1969 Victoria moved somewhat towards an improvement in **this** state of affairs when amendments were enacted to its evidence code to extend its provisions in relation to banks and bankers books to books and branches of banks in any State or territory of the Commonwealth. This Government proposes to extend the bankers' books part of the Evidence Act not only to books and banks in other parts of Australia outside New South Wales, but also to **oversea** banks and books. There will, of course, be appropriate safeguards attached to the legislation. I shall give further details of this bill at the second-reading stage when honourable members have had the opportunity to examine the bill.

As with the Evidence (Amendment) Bill, the Crimes (Banking Transactions) Amendment Bill concerns proposed amendments that deal with the proof of banking transactions. Section 415 of the Crimes Act, 1900, provides for the proof of a comprehensive range of banking transactions involving a banking corporation or company by oral or affidavit evidence from an officer of the bank. Again, **the** principal Act deals only with the position of banks operating within New South Wales.

The bill proposes extension of the sphere of operation of the principal Act and **the** same method of adducing evidence as is proposed by the Evidence (Amendment) Bill. Taken together, the two bills provide a complete code relating to the admissibility of bank evidence from outside the State jurisdiction in legal proceedings within the State. I commend the motion to the House.

Mr CAMERON (Northcott) [9.58]: Of course the Opposition does not oppose leave to introduce these bills, as foreshadowed by the Attorney-General. One might ask, will there be a flurry of interest and concern in the profession tomorrow over these dramatic foreshadowings of the Attorney-General? Of course not. Once again we wait for matters of substance and once again we are offered **trivia**.

Mr F. J. WALKER (Georges River), Attorney-General [9.59], in reply: I **am** spurred to make a comment in reply to the untrue remarks of the honourable member for Northcott whose hypocrisy is well known in this House. The fact of the matter is that I have already put through this House more bills than the previous Attorney-General in his entire career, bills of greater substance than he managed to produce.

Mr Cameron: What bills are you talking about?

Mr F. J. WALKER: Bills such as the revolutionary amendment to the Jury Act which abolished the outdated and corrupt system that was applied under another government. I replaced it with a system based on computers, bringing it up to date with the modern law and giving women their rightful place on juries of New South Wales. I refer to measures like the Equality of Childrens Act, which removed from our statute books the slur of the bastard in this State—although there are **still** some, Mr Speaker. Revolutionary legislation, and some forty-nine other bills of great significance have gone through this House while I have been the Attorney-General responsible for the administration of the laws of this State. I predict that in the next session those records will be exceeded with some monumental pieces of legislation which have been well considered in the past two years, well debated within the community and have received the applause of many sections of the community. In fact, I predict that I shall be the most popular Attorney-General with the commercial community in the past decade, because I would be the only Attorney-General who has not only got to understand their problems but has been willing to go out into the community and to talk to these people about their problems.

I have been the only Attorney-General capable of understanding the **problems** of the commercial community and willing to go out in the community and talk to these people rather than deal with sectional interests on the basis of the amount they contribute to the funds of Liberal Party campaigns. The Government has treated the whole business community on an equal basis and has judged these people on the merits of their claim. It has listened to them instead of ignoring them when they did not contribute to Liberal Party funds. For these reasons the **business** community of New South Wales is receiving a far better deal. That is why the popularity of the Premier is a record **78** per cent. One cannot visit any place of business in New South Wales without the director of a company saying that the Premier is doing a good job. Those words are ringing through the halls of commerce in New South Wales. The reason is the considered, calm and independent way that the Government is approaching the role of governing New South Wales.

The theory of government of the honourable member for Northcott is *laissez faire* and retention of the *status quo*. Were he the Attorney-General he would not be bringing forward any legislation of substance, as he does not believe in change. The only change he would like to see is a backward move to the sixteenth century when the burning faggots of the Inquisition would be the only light thrown on the community

of New South Wales. He is a bigoted man with most narrow views. How dare he criticize me for not producing monumental works when he would not produce legislation of **any** substance at all.

Motion agreed to.

Bills presented and read a first time together.

LOCAL GOVERNMENT (FOOTWAY RESTAURANTS) AMENDMENT BILL

Introduction

Mr HAIGH (Maroubra), Minister for Services and Minister Assisting the Premier [10.3]: I move:

That leave be given to bring in a **bill** for an Act to amend the Local Government Act, **1919**, to enable the conduct of restaurants on adjacent public footways.

The object of the bill is to enable a council or, on the failure or refusal of a council, the Minister, to grant to a person who conducts or proposes to conduct a restaurant a lease or license, solely for the purpose of a restaurant, of an area of public footway adjacent to the restaurant. Thus, in suitable circumstances, restaurants will be able to provide customers with the future amenity of enjoying their meals outdoors. I shall give honourable members further details of the bill at its second reading. I commend the motion to the House.

Mr ROZZOLI (Hawkesbury) [10.4]: The Opposition is interested in the bill because the operation of restaurants on footpaths has been the subject of legal interpretation. The question has been raised whether the power sought already exists under the Local Government Act. A strong body of opinion suggests that there is no impediment in present legislation to prevent an operation of the kind proposed by the bill. Nevertheless, I am pleased to observe the Government taking up a matter that I initiated by way of a question to the Minister many months ago. My only criticism is of the Government's tardiness in bringing forward the bill if it considered it necessary. I shall be interested to **study** the measure to ascertain in what way the Local Government Act will be amended to overcome the anomaly that is suggested to exist in present legislation.

I am disappointed that the Government has chosen to extend this type of provision only to open air restaurants. In many parts of Sydney and other areas of the State the conducting of business operations on footpaths would add colour and an amenity to the area. If the leasing of footpath areas for the conduct of business is restricted under the Local Government Act, the Government should extend the legislation so as to make available not only restaurant facilities under those circumstances, but perhaps also open-air art galleries so that works of art may be placed on a suitable footpath area for viewing and sale. This omission shows the Government's lack of imagination. Although the Government has been prompted by the Opposition to permit restaurant facilities on footpaths, it has not chosen to consider the subject in a broader concept.

The Opposition has no intention of opposing the bill. Anything that will assist restaurants to overcome the problem of conducting business on footpaths is in the interests of the community generally. That is the aspect with which the Opposition is mainly concerned. I make the comment that we do not need more statutes on the statute book than is absolutely necessary. If one body of opinion is that further legislation is not necessary, the Government may be able to find ways to assist restaurants other than by resorting to new legislation.

Motion agreed to.

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

LIQUOR (FOOTWAY RESTAURANTS) AMENDMENT BILL

Introduction

Mr HAIGH (Maroubra), Minister for Services and Minister Assisting the Premier [10.8]: I move:

That leave be given to bring in a bill for an Act to amend section 78B of the Liquor Act, 1912, to enable a restaurant permit to include an area, not being a room, in which meals are supplied.

Leave is sought to introduce this bill as a consequence of the introduction of the Local Government (Footway Restaurants) Amendment Bill, which will enable the conduct of restaurants on public footways. The object of the bill is to enable a restaurant permit issued under part IIIA of the Liquor Act, 1912, to apply to the footway area upon which the restaurant is conducted in addition to the restaurant premises. In other words, the restaurant permit under the Liquor Act may be issued in respect of the indoor and outdoor components of such restaurant premises. I commend the motion to the House.

Mr ROZZOLI (Hawkesbury) [10.9]: The Minister has intimated that the bill is consequential upon the Local Government (Footway Restaurants) Amendment Bill and it is obviously an essential consequence of it. The Opposition awaits his second-reading speech and the opportunity to examine the **bill**.

Motion agreed to.

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

ADJOURNMENT

Home Insulation

Mr HAIGH (Maroubra), Minister for Services and Minister Assisting the Premier [10.10]: I move:

That this House do now adjourn.

Mr FACE (Charlestown) [10.10]: I wish to draw to the attention of the Minister for Consumer Affairs and his department a matter of extreme concern to me. It relates to the home insulation industry in the Newcastle and Hunter region in recent times, and I understand it is a matter causing concern throughout New South Wales. In the years since I came to this Parliament an increasing number of people have preyed on other members of the community. They have sold goods at inflated prices, or used some sales gimmick. As the Minister would well know, in the years I was in opposition I repeatedly brought matters of this type to the attention of the Government. Probably one of the most serious matters was **unscrupulous** selling and lack of training in the pest exterminating industry, a complaint that fell on deaf ears until the present Government came into power. The present Government set up an inquiry into the pest extermination industry, which has proved that everything I had been saying was correct.

The insulation industry, domestically and generally, is another instance of a commodity coming on to the market which could only be suspect, in view of what I have learned about the way it is being sold and marketed. There seems to be a lack of supervision by qualified people of the installation of insulating materials. It is interesting to note that some people involved in the pest exterminating industry have been involved also in the insulation industry. A Newcastle operator, Commercial Pest Services, which was formerly Pioneer Pest Control, over which a storm erupted when a speech was made in this House some time ago, adopted practices that **subsequently** resulted in people being brought to court and charged with conspiracy to defraud elderly people. That company was the subject of a good deal of evidence in the recent pest exterminator inquiry held in Sydney and Newcastle. As I said, it has changed its name and is now involved in the insulation industry as well, to what extent I do not know at this stage. This applies to one of the major pest **exterminator** companies of this State, W. A. Flick and Company Proprietary Limited, whose role in the insulation industry is I understand only minimal. It may well be that what I am about to say should be put before the pest exterminator inquiry because it involves the pest companies to some extent. However, I feel that there may be need for a wider inquiry into the whole of the insulation industry.

I think it is proper to say, from what I divulged to the pest inquiry, that most of the complaints in the pest extermination industry could be levelled at what is called door-to-door selling or canvassing. Likewise, the bulk of the trouble reported in regard to home insulation concerns the canvassing method of selling. I think the Minister for Consumer Affairs would know, from what I have been saying in **this** House about canvassing and door-to-door selling, back to the days of "dare to **be** great" wall cladding, that I feel there is a need for further tightening-up in this regard.

Canvassing or door-to-door selling seems to be an area in which ruthless, unscrupulous confidence-tricksters prey on the old or uninformed sections of the community. No sooner do they wind up in one area of selling a particular product—or when they believe they will be found out than they merrily move into another area of fleecing the public. This could be the case with the insulation industry and its links with the pest exterminating industry, although I do not say that this applies in all cases. Information about the insulation industry has been coming in in the same way as information about the pest exterminating industry, that is to say, in dribs and drabs, over the past twelve months. It was not until just before the end of 1977 that I obtained conclusive information as a result of certain things that have transpired in the Newcastle district. A lot of information has been brought to my attention by the Building Workers' Industrial Union whose only interest was to see that people in the community are not "ripped off."

A further matter of concern to the building industry and to me, is that in the main the people installing the insulation are young people who have no formal training in building. They are not being supervised by a licensed builder. In many cases, in order to put the insulation into existing homes they are required to remove **roofing** material, tiles, structure of the building or roof. I am not suggesting that putting the insulation in is a highly technical job. I shall place in the Minister's hands tonight two and a half pages of complaints concerning one company's employees and the types of things they forgot to do and would not or could not do, in order to show that they are not being supervised in a proper manner. The removal of roof tiles and roofing materials is clearly, in my opinion, an operation that should be supervised by a licensed builder. No laws at present requires this to be done.

In other words, people placing insulation inside a home may interfere structurally with that residence, and there is no obligation on them, I understand, to have a building licence. Yet we have laws governing the building of homes, additions and renovations. I think this is a matter that the Minister for Consumer Affairs and Minister for Co-operative Societies or his department should take up forcefully with the Builders Licensing Board and the Minister who has jurisdiction over it in order to clarify the very hazy area that exists at present. I feel that, as in the pest exterminating industry, the sincere people within the insulation industry do not want it to get a bad name and would be happy to see it cleaned up and the hazy parts of its operation clarified.

In the Newcastle area the insulation industry was operating in a small way until about six years ago. Since that time a number of companies have started operating and, I am told, that over the past two years six or seven new companies have come into being. No qualifications are necessary and anyone with the most elementary knowledge of installation methods can start up a business. In addition to the well known lines, such as the Bradford insulation material, I am told that the majority of the companies use a mixture made of pulped paper treated with a combination of chemicals and, although I am not a chemist, I am told that these include boric, borax and aluminium sulphate. Although the advertising campaigns are mainly geared to sell the better known product, the salesman following up a customer invariably tries to sell the product I have just described.

This treated material is available at a cost of approximately \$24–\$26 a square and is sold to the public at a cost of between \$40–\$46 a square. The cost of the material used to insulate a ten square home would thus be between \$240 and \$260 and the final cost to the consumer would be in the vicinity of \$400 to \$460. I am told that a person who is a "hard sell" is likely to get a better deal than someone who is less sophisticated. The same type of pressure selling was used in wall cladding years ago. A base price is set for the salesman below which he must not go. It does not matter how high he goes. In other words, he picks his mark based on the buyer's gullibility, and as usual, offers special discounts for pensioners. I have one such contract in my possession. If discounts are being given, the price should not have been so high in the first place.

To illustrate this point, I have been told of a case of a pensioner living in the suburb of Merewether who was quoted a figure of some \$600 by one firm to insulate his home and when he obtained a quote from another firm he found that the job could be done for a little over \$300. When he told the first firm that he wished to withdraw from negotiations, he was treated in such an intimidating manner that he decided that he would not have any insulation from anybody. I know that one of the salesmen operating in the Newcastle district is using builders' licence number 15997, but this licence is not current. It was issued on 23rd April, 1976 to the firm of Bri-Lin Agencies Pty. Limited, of 36A Vincent Street, Cessnock, and expired on 22nd April, 1977. When this fact was brought to the attention of the Builders' Licensing Board in Newcastle, the person making the complaint was threatened with bodily injury by the person using the bogus number.

Some time ago, a representative from the Building Workers' Industrial Union was contacted by one of the insulation firms operating in the district and told that it has connections in the police department and that someone would be asked to come and talk to him. This was not explained specifically but the manner in which the message was delivered made the meaning quite clear; the person was trying to scare the Building Workers' Industrial Union off. The police would not allow themselves to become henchmen on behalf of some insulation firm. It worries me that the situation has reached such a serious and unsavoury stage. I do not take lightly threats and intimidation in matters such as these. I served notice on people who want to come to my

Mr. Face]

electorate to cheat and defraud my constituents that while I am a member of this Parliament I shall continue to speak on behalf of the people I represent to make sure they are not cheated and defrauded by people who will not occupy themselves in a legitimate way but rather occupy themselves in defrauding the public. I ask the Minister to have the matters I have raised tonight investigated by officers of the Department of Consumer Affairs, as well as any other complaints he may have had concerning the industry. If they confer with the representatives of the Building Workers' Industrial Union in Newcastle, I believe they will be able to give his officers further information.

I ask the Minister also to confer with his colleague the Minister of Justice and Minister for Housing with regard to the matters that affect the Builders Licensing Board, with regard to the use of bogus building licence numbers, and the need for qualified supervision by builders of structural changes to homes by the insulation industry. I hand this file to the Minister for investigation.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [10.19]: I have great admiration for the honourable member for Charlestown, who in my view is one of the very conscientious and specially interested members of this Parliament. He is indefatigable in attending to the requirements of his constituents and never fails to bring forward complaints that he feels are made legitimately by citizens in his electorate and in the Newcastle area generally who have suffered at the hand of those who seek to exploit or cheat them.

I never cease to wonder, despite the experiences I have and any department has, at the emergence of new people who set out to cheat, rob and take advantage of those who are more gullible, perhaps, than the normal citizen, especially after listening earlier tonight and last night to a debate in which it was said that consumers were over-protected. Although every one of us wants to protect citizens, somebody is cheated every day. The insulation problem referred to by the honourable member for Charlestown seems to be a serious one. People have suffered considerably from overcharging by Newcastle Home Insulation, who are trying to sell customers an insulation they make themselves rather than the one they advertise, because the one they make is cheaper, though they sometimes charge more for it. I am grateful to the honourable member for Charlestown for bringing this continuing problem to attention. He says that somebody is operating with a false builder's licence number. That is a serious allegation, and we shall look at it quickly. Misrepresentation of that sort is covered by section 32 of the Consumer Protection Act and also by the Builders Licensing Act. I shall do as the honourable member for Charlestown asks and bring the matter to the attention of the Minister of Justice and Minister for Housing, who administers the Builders Licensing Act. I know that he will be as energetic and keen as I hope to be in putting a stop to exploitation by bringing the offenders to book.

That these people are overcharging, and that they are using unsuitable insulation, is bad, especially if they are using it in building, which itself is a breach. If they are advertising that they give free insulation, and do not, that is false and misleading advertising. If I can prove that, I can prosecute. I assure the honourable member for Charlestown in response to his earnest presentation of a case that is undeniable and exposes those who have been trying to take advantage of others, that we shall use every rigour of the law and give every attention we can to the task of bringing to book anybody who is seriously and obviously out to take advantage of others who listen to their blandishments. If all people were as wise as you, Mr Speaker, they would not buy such things from these sorts of people. But there is only one of you and there are hundreds of people in Charlestown, many of whom are elderly, less intelligent and less educated than you, and are likely to fall for the sorts of tricks some salesmen attempt. I shall do everything in my power, and my officers will do everything they can to deal with the matter raised by the honourable member for

Charlestown. I shall inform the office of my department in Newcastle, which is doing magnificent work there, and advise it to pay attention to the complaints made by the honourable member. I shall report to him as soon as possible on the action I have taken and the action the Minister of Justice and Minister for Housing has taken in trying to reach these people and penalize them for any unfair or improper actions of which they are guilty.

Motion agreed to.

House adjourned at 10.24 p.m.

QUESTIONS UPON NOTICE

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

TWEED HEADS HOSPITAL

Mr BOYD asked the Minister for **Health**—

(1) **Has** he indicated that the reason for not proceeding **with** hospital extensions at Tweed Heads **is** the lack of funds?

(2) **If** so, how does he **justify this** statement when \$83.5 million remained unexpended **in** the General **Loans** Account document, at **30** June, 1977, relating to **his** portfolio?

Answer—

(1) Whilst it is true that I have indicated to local organizations that future development of the Tweed Heads District Hospital will be subject to the availability of funds, I have also indicated that a reason for not proceeding with hospital extensions at Tweed Heads District Hospital is determination of a catchment area for the hospital which, when determined, will enable the future development of the hospital to be better planned.

(2) In order to clarify the position regarding the availability of loan funds for expenditure on hospital works, it is necessary to draw out the distinction between the funds appropriated by Parliament and the cash allocation determined for such purposes.

The lattermentioned figure, which appears in the Loan Estimates under the heading "Estimated during the year 1977" represents the amount available to be spent in the financial year in question from the General Loan Account and is determined having regard to the overall level of funds made available to the State by the Australian Loan Council for that year. So far as the Health Commission of New South Wales is concerned the amount provided for the current financial year is \$88,962,000 but, this is to be augmented by the application of funds to the extent of \$15 million from the Hospital Fund balance at 30 June, 1977.

The amount of \$83.5 million referred to, on the other hand, represents the **unspent** balance at 30 June, 1977, of the funds appropriated by Parliament for expenditure on hospital capital works. Unlike the cash allocation, the amount

appropriated by Parliament in terms of the General Loan Appropriation Act is not provided for a specific financial year. The period of its operation is governed by the provisions of section 36 of the Audit Act and is from the date of the Governor's assent to the Bill until 30 June of the financial year in which it **h** passed plus a further two financial years. In certain circumstances it may be extended beyond this period.

In practice, the amount proposed to be appropriated or voted in a particular year is determined having regard to the unspent balance of amounts previously appropriated, the expenditure requirements for the current financial year, i.e., the cash allocation, and the amount required to enable works to continue after the end of the financial year and until the next Appropriation Bill is passed, which usually is not until about November.

Thus the balance of \$83,598,708 on previous votes at 30 June, 1977, together with the amount of \$60 million proposed to be appropriated in the 1977 General Loan Account Appropriation Bill, represent in aggregate the amount expected to be required to provide for General Loan Account expenditure on Public, State and Psychiatric Hospitals and other Health Services for a period of approximately 17 months, i.e., from 1 July, 1977, to about November, **1978**.

GARDEN ISLAND

Mr BARRACLOUGH asked the Premier—

- (1) Did he state that as Premier he wants the Department of Defence **to** transfer the Garden Island complex to **Jervis** Bay?
- (2) How many **workers** are employed on Garden Island?
- (3) **Has** he any proposals for the re-employment of Garden Island workers **if** the Department of Defence agrees to his suggestion?

Answer—

- (1) In the context of a proposal that the complex might be expanded, and in that context only, I indicated that the complex would be better located at **Jervis** Bay: but at no time suggested that it was practicable to do so having regard to present developments and commitments. An important commitment **obviously** is the interests of the complex.
- (2) Some 3 456 non-Service staff are understood to be employed on Garden Island.
- (3) Irrelevant in the light of the answer to (1) above.

SALARIES OF STATE EMPLOYEES

Mr **HATTON** asked the Premier—

- (1) Is it proposed to establish a committee to set firm guidelines, applying to all State employees, covering:
 - (a) rentals of government owned dwellings;
 - (b) telephone concessions;
 - (c) **oversea** travel;

- (d) car concessions;
- (e) salaries and gradings;
- (f) other emoluments?

(2) If so, will these guidelines, when formulated, be made available to the Parliament?

Answer—

(1) The State Public Service and Government **instrumentalities** are at present subject to a review by Professor P. Wilenski, whose studies include the need for establishing appropriate machinery to co-ordinate the activities of **all** departments of the Public Service, statutory bodies and **Government instrumentalities**. In these circumstances, the Government does not consider it appropriate at this stage to establish such a committee to cover matters (a) to (f).

Nevertheless, a small committee has been established, comprising officers of the Public Service Board, the Treasury, and the Department of Public Works, to investigate economy in the use of telephones, electricity and gas by public servants.

The situation in respect to the specific matters raised is **set** out hereunder:

- (a) **Rentals** of Government owned dwellings insofar as they apply to officers of the Public **Service** and the Teaching Service are covered mainly by **two** statutory bodies, namely, the Public Servant Housing Authority and the Teacher Housing Authority. The Government is undertaking an investigation of the standard of **rentals** determined **throughout** the remaining areas of Government.
- (b) Strict guidelines are applied throughout the Public Service in relation to **those** officers who are **entitled** to claim some concession in respect of use of their **telephones** for official purposes. These guidelines are laid down by the Public Service Board.
- (c) No employee of the State Government is permitted to travel overseas on **official** business without the approval of the Premier. In respect **of** persons in the Public Service approval is also required of the Public Service Board. The strictest control is maintained on overseas **travel** by the reference of all cases to the Premier.
- (d) Within the Public Service the use of motor cars is regulated in **accord-**ance with guidelines laid down by the Public Service Board both as to those who have access to departmental motor vehicles and in relation to the use of and rates paid for use of officers' private vehicles on official business. In this regard the Public Service Board is at present carrying out a review of the practices adopted throughout **all** Government organizations in New South Wales. It is the Government's intention that the guidelines operating throughout the Public Service, with any amendments considered necessary, should be applied throughout Government **instru-**mentalities.
- (e) The Public Service Board has the responsibility for determining salaries and gradings for **staff** employed under the Public Service Act and for a number of other **groups** such as Police, Parliamentary Staff, Ministerial Employees.

In respect of other areas **of** the Government service, successive **Govern-****ments** have required Statutory Bodies to consult with the Board **on**

standards of salaries and **working** conditions. In general, Statutory Bodies are required to conform to the standards applying in the **Public Service**. In the event of the Authorities and the Public Service Board being in disagreement on any major aspects of **working** conditions, Authorities are required to raise the matter with their Minister who in turn is to refer it to the Premier so that the matter may be resolved at Government level.

The Statutory and Other Offices Remuneration Tribunal determines the salaries of all members of the Judiciary and all Statutory and other office holders in accordance with the Statutory and Other Offices Remuneration Act, 1975. This Tribunal provides consistent determinations throughout all Government Authorities. The standards established by this body are treated as guidelines by the Public Service Board in determining the salaries of Permanent Heads and other senior officers within the Public Service who are not subject to the Tribunal's **determinations**. This system appears to satisfy all requirements.

- (f) Other emoluments such as expense allowances for members of the Judiciary and Statutory office holders are determined by the Statutory and Other Offices **Remuneration** Tribunal. In relation to the **Public Service**, other emoluments are laid down by the Public Service Board. The Board also determines whether or not officers who act as members of any Statutory Committees should be entitled to payment of any fees which may be payable to members of the Committee who are not employed in the Government Service. Where appropriate, the **Board** determines a total remuneration for such officers which takes into account their involvement in these activities.

(2) Any report furnished by Professor **Wilenski** will be laid before Parliament. When the various reviews have been concluded the Government will be in a position to lay down appropriate guidelines.

HEALTH SERVICE COSTS

Mr **HEALEY** asked the Minister for Health—

- (1) What is the cost of fee for service for doctors, expressed as a percentage of total health costs, for New South Wales?
- (2) What is the cost, similarly expressed, of the cost of administration of health services?
- (3) What is the cost of goods and services, similarly expressed?
- (4) What is the cost of cleaning services, similarly expressed?
- (5) What is the cost of purchasing and operating motor vehicles, similarly expressed?

Answer—

The replies to the above questions have been based on information available from sources in the 1976–77 financial year accounts. Included in total health services costs are all operating payments:

Second, Third, Fourth and Fifth Schedule hospitals
Health Commission Administration (including Aboriginal Health)
Community Health Centres (excluding voluntary Community Health Centres)

Dental Services
Ambulance Services (including Air Ambulance)
Miscellaneous "C" Items
Miscellaneous Boards

Costs associated with private medical or hospital services are not included.

(1) 1.04 per cent—included as Fee for Service for doctors, are all payments made to Visiting Medical Officers by hospitals approved to make payments under the Fee for Service arrangements. These hospitals can be Second, **Third** or Recognized Fifth Schedule Hospitals. It does not include doctors being paid a fee in Non-recognized Fifth Schedule hospitals.

(2) 3.47 per cent—includes the cost of Health Commission Administration (including Aboriginal Health) but not administration costs in Second, Third or Fifth Schedule hospitals. Specific details in respect of Second, Third and Fifth Schedule hospitals are not readily available. The Health Commission Administration costs cover salaries and consumable items such as rent, power, fee for services rendered, postage, etc.

(3) 25.58 per cent—included in Goods and Services are all payment items excluding salaries and wages and directly related salaries and wages items such as overtime, long service leave, etc. Goods and Services includes payments for superannuation, visiting medical officers (sessional contract, fee for service), administration, replacement, maintenance and repairs, and the normal consumable payments such as food, drugs, medical and surgical supplies, power, domestic and special services for all cost centres listed in total **health** costs above.

(4) 10.87 per cent—included are the domestic and cleaning charges, mainly consumables, but including contract laundry and linen work for all hospitals, Community Health Centres, Dental Services, Ambulance Services, Miscellaneous Boards and Health Commission Administration. The amount included is \$28.3m which would need further refinement to provide a more accurate breakdown of cleaning services. Also included are the salary and wage components of house keeping and cleaning of all hospitals amounting to \$81.4m.

(5) 0.49 per cent—included are the operation and replacement costs of motor vehicles in all hospitals, Community Health Centres, Dental Health, Ambulance Services, Miscellaneous Boards and Health Commission Administration. While the capital costs of purchasing ambulances (\$615,000) and the Community Health Centre motor vehicle purchases have been included, capital costs associated with hospital motor vehicle purchases have not been included due to a lack of available statistics.

SILVERWATER SPECIAL PROJECTS CENTRE

Mr **McDONALD** asked the Minister for Services and Minister Assisting the Premier—

(1) Was the Special Projects Centre at Silverwater opened especially to provide Sandra **Willson**, then a prisoner, with an opportunity to adjust to outside living and work conditions?

(2) Was the woman prisoner who had been living at **Haigh** House with **Sandra Willson** informed on 14 October, 1977, that she was not allowed to go on work release?

(3) Was the woman prisoner who replaced Sandra **Willson** in the cottage told she would be going to work immediately? Has she, as yet, not been allowed to **go** and been given no definite date?

(4) Has the Department of Corrective Services been discriminating against female prisoners in regard to equal opportunity, treatment, privileges, and facilities?

(5) Will Haigh House be permitted to continue as a permanent facility for the rehabilitation of female prisoners?

Answer—

(1) The Special Projects Centre at Silverwater was opened to meet the immediate need for providing Ms. Sandra **Willson**, who had served a long period both in psychiatric hospitals and prison, with the opportunity of re-adjusting to outside living and work conditions. At the same time it was contemplated that it would provide opportunities for other women to participate in a pilot project and to evaluate the potential of expanding such a pre-release programme in the future.

(2) The woman who had been living at the Special Projects Centre with Ms. **Willson** was informed on 14 October, 1977, that she was not allowed to go on to work release until she had completed her year's secretarial course at **Meadowbank** Technical College.

After sitting for her end of year exams, she commenced outside employment on Work Release I on 7 December, 1977.

(3) The woman prisoner who replaced Ms. **Willson** in the cottage was told she would be interviewed by the Commonwealth Employment Officer together with the other resident in the Centre with a view to finding suitable employment for them both. The women commenced working on 7 December, 1977, and have continued in the same employment since

(4) The Department of Corrective Services has not been discriminating against female prisoners in regard to equal opportunity, treatment, privileges and facilities. However, the effect of staff ceilings and budgetary restraints in the past have resulted in a smaller range of programmes being available for women. Moreover, difficulties of initiating new programmes for women are created in view of the very small numbers of women in prison compared to men.

(5) The special programmes for women will continue. These will not necessarily be limited to the Special Projects Centre at Silverwater.

CONCORD GARBAGE COLLECTION

Mr MAHER asked the Minister for Services and Minister Assisting the **Premier—**

What has been done to reduce the noise level from garbage collection services in Concord between the hours of 4.30 **a.m.** and **6 a.m.**?

Answer—

This matter has been brought to the attention of the Concord Council. I understand the Council has examined the problem but because of contractual commitments the time of commencement of the service cannot be varied. However,

in order to alleviate the problems, arrangements have been made to vary the route followed by the garbage truck and exercise greater care so that residents will not continuously be disturbed by the service.

INFECTIOUS HEPATITIS

Mr MAHER asked the Minister for Health—

Since 1967, how many cases of infectious hepatitis have been reported annually in the municipalities within the Drummoyne Electorate?

Answer—

Figures below indicate the number of cases of infectious hepatitis notified in the Drummoyne Municipal area since 1967.

It should be noted that figures are not available for the part of Haberfield which is included in the Ashfield Municipal area, or the part of Concord in the Concord Municipal area.

1967—	1	7 cases
1968—	10	cases
1969—	10	cases
1970—	10	cases
1971—	8	cases
1972—	3	cases
1973—	4	cases
1974—	3	cases
1975—	2	cases
1976—	9	cases
1977—	11	cases

ROYAL ALEXANDRA HOSPITAL FOR CHILDREN

Mr MAHER asked the Minister for Health—

(1) Are many of the power points in wards in Wade House, Royal Alexandria Hospital for Children, Camperdown, out of order?

(2) Can they be repaired forthwith?

Answer—

(1) The Inner Metropolitan Health Region has investigated this matter and according to hospital records no power points in wards in Wade House, Royal Alexandra Hospital for Children, Camperdown, are out of order.

(2) Yes, if it is found in the future that any power points are faulty, they will be repaired forthwith.

MURWILLUMBAH—MOBAL ACCIDENTS

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

(1) How many accidents, major and minor, have occurred at the "Five Ways" on the Pacific Highway between Murwillumbah and Mobal, during the last two years?

- (2) How many people have been injured in these accidents?
- (3) What remedial action is contemplated by his department to reduce the traffic hazard on this section of the highway?

Answer—

- (1) There were eight recorded accidents at or in the vicinity of the junction of **Dunbible** Road and the Pacific Highway (otherwise known as the "Five Ways") between 1st January, 1976, and 20th January, 1978. However, only three of these actually occurred at the junction.
- (2) One on 27th August, 1977, three on 19th October, 1977, and nine on 12th January, 1978. Only the **first** injury occurred at the junction.
- (3) The road pavement has been widened and **resealed** to improve **skid** resistance.

LOCAL GOVERNMENT EMPLOYMENT SCHEME

Mr FISHER asked the Minister for Local **Government—**

- (1) How many councils rejected the Government's offer under the Special Council Employment Scheme because the council was unable or unwilling to match the Government's contribution?
- (2) Which local government councils rejected the offer?
- (3) What amount of money was involved?

Answer—

- (1) Seven (7) councils. A further twenty-eight (28) councils did not reply to the circular inviting applications. Approximately half of these were in areas where the level of unemployment was such as to have made a grant unlikely.

(2)

Shires

Copmanhurst
Illabo
 Kempsey
Lachlan
 Wollondilly

Municipalities

Grafton (City)
 Mullumbimby.

- (3) Kempsey Shire submitted a tentative application (later withdrawn) for assistance seeking a grant of \$192,973. Mullumbimby Municipal Council recently advised that it was unable to match a grant of \$32,300 made available to it.

The value of projects which may have been contemplated by councils which did not submit an application cannot be estimated.

PRIVET

Mr **MOORE** asked the Minister for Decentralisation and Development and Minister for Primary **Industries**—

(1) Has the Noxious Plants Committee considered a report by Dr **Adamson** from Macquarie University about the declaration or non-declaration of privet as a noxious weed?

(2) What recommendations has the committee made to him on this and related subjects of urban control of exotic plants?

(3) What steps does his government propose to take to control, eradicate or limit the deleterious exotic plant population in major urban areas of New South Wales?

Answer—

(1) The Noxious Plants Advisory Committee has considered the report by Dr **Adamson** from Macquarie University concerning the declaration of privet as a noxious plant. It has made certain recommendations to the Government on this matter.

(2) The Noxious Plants Advisory Committee has recommended and the Government has approved that the declaration of privet as a noxious plant be deferred pending an investigation by an expert group into all aspects of the problem of exotic plants in urban bushlands.

The terms of reference for the group are:

- (a) To foster and co-ordinate research **programmes** by groups who have interest and expertise in the general area.
- (b) To develop (i) training programmes to increase the knowledge of the appropriate staff of local government and other bodies involved in native **bushland** management, (ii) extension programmes to create greater public awareness of the problems involved in the reclamation and preservation of native **bushland** areas.
- (c) To investigate the financial limitations to the development of programmes for the reclamation of urban native **bushland** areas with respect to weed invasion and control.
- (d) To examine the need for legislative changes.
- (e) To seek clearer definition of the allergenic plants likely to cause **community** health problems, and to liaise with the Health Commission of New South Wales in **defining** the need for government action.

(3) The formation of the expert working group is a positive first step towards overcoming the problem of exotic plants in bushlands.

The intentions of the Government in this matter are fourfold:

- (a) It will encourage suitable programmes which will reduce the threat to natural bushlands **from** invasion by exotic **plants**.
- (b) It will make the community aware of the nature of the problem, and of the fact that a soundly based long-term policy will provide the **best solution**.

- (c) It will ensure the expert working group initiates action in the areas of research and **community** awareness of the problem.
- (d) It will carefully consider longer term action when the findings of the expert **working** group are available.

LINDFIELD TRAFFIC SIGNALS

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

- (1) Has the intersection of Lindfield Avenue, Havilah Road and **Balfour** Street, Lindfield, been considered for installation of traffic signals?
- (2) Has Ku-ring-gai Municipal Council requested such installation?
- (3) If such installation has been requested and refused, what are the reasons for this?

Answer—

- (1) Yes.
- (2) Yes.
- (3) Traffic volumes, delays and accident history did not support a need for signals at the present time. However, the position at this intersection will be kept under review.

FORTUNE TELLING

Mr **MOORE** asked the Minister for Consumer **Affairs** and Minister for Co-operative **Societies**—

With regard to an advertisement in "**The** Sunday Telegraph" of 20 November 1977 by "Astroflash", M.L.C. Centre, Martin Place, Sydney, requiring the payment of \$16 in advance for astrological services, will he have the officers of his department investigate this organization and make recommendations to him and the House as to what restrictions, if any, are needed on such organizations to prevent consumers being "ripped off"?

Answer—

"Astroflash Australasia" is a business name owned by **Wankie** Holdings Pty Ltd and registered with the Corporate Affairs Commission.

Officers of the Department of Consumer Affairs have investigated the operations of Astroflash and report that the firm has been trading in Sydney since May, 1977. The firm uses a computer to produce a "Character Study" together with a person's "Provisional Horoscope" for the following six months. Approximately 10 000 such horoscopes have been produced to date.

The computer programme and name Astroflash have been obtained under licence from Astroflash **Ordinastral**, a **firm** based in Paris. This **firm** is said to have been operating for ten years in various centres including **Amsterdam**.

The advertisement to which the honourable member drew attention has been reviewed in the light of section 32 of the Consumer Protection Act, 1969, the

provisions of which relate to the publishing of false and misleading advertisements but it has been established that the firm's computer does indeed produce individual horoscopes in the form of a 16 to 20 page booklet as claimed in the advertisement.

It is noted that the address of Astroflash is disclosed in the advertisement and prospective purchasers can visit the premises where they can inspect samples of the booklets produced. It is understood also that mail order sales account for only 10 per cent of the firm's business and the Department of Consumer Affairs has not received any complaints against Astroflash which would suggest that the firm's customers do not receive their horoscopes.

Complaints received by the department concerning astrology generally are minimal which confirms the view that astrology appeals to a certain sector of the population who do not consider themselves to be "ripped off."

Accordingly, I can see no reason at this stage why special measures should be introduced to control the operations of firms such as Astroflash. Naturally, my department will continue to monitor the advertising of such companies and investigate any complaints which may be received.

TRAFFIC BREACHES AT GRANVILLE

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

(1) On what occasions have inspectors of the Department of Motor Transport visited "The Big Chief" Drive-In Restaurant on Parramatta Road, Granville, to check vehicles for their roadworthiness?

(2) At what hour of the day have these inspections taken place?

(3) Were such inspections requested by the police?

(4) If no such inspections have occurred, will he immediately institute a series of such inspections, on a random basis, during the evening trading hours at this restaurant?

Answer—

(1) Officers of the Department of Motor Transport have not visited "The Big Chief" Drive-In Restaurant on Parramatta Road, Granville to inspect the roadworthiness of motor vehicles.

(2) See (1) above.

(3) See (1) above.

(4) Enforcement of the requirements of the Motor Traffic Regulations in respect of motor vehicles and their drivers is primarily a function of the Police. However, Inspectors of the Department of Motor Transport do inspect vehicles presented at motor registries for registration and for the clearance or otherwise of "defect notices" issued by police. Inspectors also carry out checks of vehicles for sale in motor dealers' yards and in connection with the supervision of the Authorised Inspection Station Scheme.

A press report last November referred to incidents at the restaurant and indicated that the activities of some drivers have already attracted the attention of police who, in informing the Motor Traffic Regulations, do issue "defect

notices" on vehicles found to be defective. Such vehicles would later come under the scrutiny of Department of Motor Transport Inspectors for clearance of the "defect notice".

It is considered that random evening inspections of vehicles, as suggested, are best left in the hands of the police.

ROSEVILLE TRAFFIC LIGHTS

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

When are lights to be installed at the intersection of **McLauren** Parade and the Pacific Highway, **Roseville**?

Answer—

Work is expected to commence at this site in June, **1978**.

LABORATORY TESTS ON ANIMALS

Mr MOORE asked the Minister for **Health**—

- (1) What is the form of this test?
- (2) Where is it being used in New South Wales and for what purposes?
- (3) How many animals are being used at each location **annually**?
- (4) What criticisms have been levelled at the scientific accuracy of such tests?
- (5) What organizations are researching alternative **methods** of testing the hypotheses currently tested by the LC-50 **method**?
- (6) Could alternative tests cause less **use** of laboratory animals?
- (7) What funding is received by what organizations **from** the New South Wales Government for the development of such alternatives?

Answer—

(1) The LC-50 test determines the concentration of the substance being tested which is required to kill 50 per cent of the test animals. It is used to determine the toxicity of the substance by inhalation, the oral toxicity in certain species by administering the substances in the feed for short period and, in the case of fish, the concentration of the chemical which, if carried into waterways, is likely to harm fish.

(2) and (3) I am not aware that any LC-50 experiments are being undertaken in this State. LC-50 data are not regularly determined for new chemicals and where they are considered necessary by Australian authorities, for example, as an indication of toxicity by inhalation or the effects on fish, overseas data are accepted.

(4) I am not aware of any criticism of the accuracy of the tests. They are scientifically accurate and reproducible.

(5) I am unaware of any research in this country into alternatives to the LC-50 test.

(6) Testing laboratories throughout the world would welcome alternative tests which would not involve the use of laboratory animals. Analytical tests are used wherever possible because they are cheaper and much more convenient than animal tests but acute toxicity in animals cannot be measured by analytical tests.

(7) Since there is little, if any, LC-50 testing carried out in Australia because of its cost and because Australian authorities are prepared to accept LC-50 data derived overseas, there would be little point in this Government providing funds on the large scale necessary to develop alternative forms of testing.

It should be noted that the relevant legislation is contained in the Cruelty to Animals Act which is administered by the Department of Services. Laboratory tests involving the use of animals is not principally a matter for the Health Commission.

MERIMBULA SOIL CONSERVATION

Mr **COLEMAN** asked the Minister for Conservation and Minister for Water Resources—

(1) What surveys have been undertaken by his department on the **problems** of siltation of the lake at **Merimbula** caused by soil run-off from urban and **non-urban** water catchment areas?

(2) If no such survey has been done, will he initiate one as a **matter** of urgency?

Answer—

(1) There has been no survey of this nature undertaken for **the** catchment area of Merimbula Lake. The Soil Conservation Service has recently completed a more generalized survey of lands within the Imlay Shire in which Merimbula Lake and its catchment are situated. This survey has been carried out to provide guidelines for erosion control measures which should apply to areas of timber cut for woodchips. The report of this survey is in press.

(2) A survey to evaluate the significance of soil erosion within the catchment area of Merimbula Lake as a contributing factor to **siltation within the lake** would be feasible. I have arranged for this **survey** to be undertaken by the Soil Conservation Service, to be completed by August of this year.

BRUNSWICK HEADS SUBDIVISION

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

(1) Has the Department of Lands subdivision at Brunswick Heads been finalized?

(2) If so, what is the reason for the further undue delay in leasing this land to the public?

Answer—

(1) **Yes.**

(2) Negotiations for the extension of electricity to the subdivisions have delayed release of the land. Availability of the land will be notified in the Government Gazette on 31st March, 1978.

LAND ACQUISITION

Mr **MOORE** asked the Minister for Consumer Affairs and Minister for Co-operative Societies—

(1) What area and value of land was acquired by what department or instrumentalities under his control for what purposes in 1976 and 1977?

(2) If no such statistics are recorded, why not?

Answer—

(1) Nil.

(2) See (1).

PRISONER CATHERINE HUGHES

Mr **MOORE** asked the Minister for Services and Minister Assisting the **Premier**—

(1) Did the Minister of Justice and Minister for Housing refer to him in September or October, 1977, an eight-page statement from a prisoner named Catherine Hughes, for his reply to Hughes, concerning matters involved in his administration?

(2) If so, why has he not replied to the matters raised or even acknowledged receipt of this material?

Answer—

The following information is submitted in regard to the question asked by the honourable member.

(1) Yes.

(2) The matter was conveyed to me on 17th October, 1977, and on 31st October, 1977, I instructed the Commissioner of Corrective Services to relate certain information to the prisoner Catherine Hughes. Many of the matters associated with the correspondence were of a personal nature and it would not be appropriate for me to elaborate further.

RENTS

Mr **BOYD** asked the Minister for Consumer Affairs and Minister for Co-operative Societies—

(1) Is he aware that some rents in the metropolitan area have increased by as much as 21.9 per cent in the last week?

(2) Can he personally assure that these increases are not a direct result of his previous legislation relating to bond moneys or his proposed amendments to the Landlord and Tenant Act?

(3) If not, will he inform the House (a) the yearly percentage increase in rents in the eastern suburbs during the last five years; and (b) his estimate of expected increases during the next two years?

Answer—

(1) No.

(2) There is no reason whatsoever for the "Rental Bond Legislation" to cause any increase in rents. Landlords are still entitled to bond moneys in order to defray the costs of damage to their premises. Any landlord increasing rents, and saying that this is being done because of the "Rental Bond Legislation", is not being honest but merely using the legislation as an excuse. If a landlord were to be asked to justify an increase for this reason he would not be able to do so.

(3) As to future increases, it would hardly seem appropriate to speculate ahead, particularly as the answer is primarily dependent on the state of the economy generally and this falls within the province of the Federal Government.

There are no known officially published statistics on rentals in particular areas and which could be considered accurate or conclusive. However, some indication of rent increases can be obtained from an index compiled by the Australian Bureau of Statistics. The index measures quarterly changes in the price levels for rentals in the Sydney area and changes in the index are used by the Bureau when determining the Consumer Price Index. Percentage increases disclosed by the Bureau's index appear on the following schedule. It is interesting to note, in comparing the December quarters over the **past** five years, that the December, 1977, quarter in which the Rental Bond Board commenced receiving bonds recorded the lowest percentage increase for five years.

PERCENTAGE INCREASES IN RENTS IN SYDNEY—PRIVATELY OWNED DWELLINGS:

(a) *December Quarters*

<i>Quarter</i>						<i>Percentage Increases</i>
December, 1973 .. .. .	..	..	..	..	..	2.35
December, 1974 .. .. .	..	..	..	..	..	3.57
December, 1975 .. .. .	..	..	..	..	..	3.22
December, 1976 .. .. .	..	..	..	..	..	3.40
December, 1977 .. .. .	..	..	..	..	..	2.15

(b) *Calendar Years*

ended December, 1973 .. .. .	..	..	..	..	7.83
ended December, 1974 .. .. .	..	..	..	..	11.96
ended December, 1975 .. .. .	..	..	..	..	13.76
ended December, 1976 .. .. .	..	..	..	..	12.10
ended December, 1977 .. .. .	..	..	..	..	9.69

CAMPBELLTOWN LAND

Mr MALLAM asked the Minister for Lands—

(1) What is (a) the amount and (b) zoning of land owned by departments and services under his jurisdiction in the Campbelltown Local Government Area?

(2) What is the total amount of rates paid on this land?

Answer—

The Department of Services does not come within the jurisdiction of the Minister for Lands. The answer given refers to vacant Crown land within Campbelltown city boundaries.

(1) (a) About 175 hectares.

(b) Residential—1 215 square metres. Non-urban—About 57 hectares. Water Catchment—About 49 hectares. Regional Open Space—About 58 hectares. Existing Recreation—About 11 hectares.

(2) Nil.

LAND VALUATION

Mr BOYD asked the Minister for Lands—

What allowances, if any, are made by the Valuer-General's Department in assessing unimproved capital value of land on flood plains, for value accruing through drainage (being the basis for valuation for drainage unions rating and an improvement without which the land would have little value)?

Answer—

The unimproved value of land is to be determined in accordance with the provisions of section 6 of the Valuation of Land Act which, inter alia, requires the valuer to regard the land notionally in the condition it was in at 1788, but taking into account the actual environment prevailing at the valuation date. In the circumstances posed in the question, this would mean that land on a flood plain would have the unimproved value determined on the assumption that the parcel valued was in its primeval state but served by existing facilities, including drainage external to the land.

The rating system recognizes that improvements made for the benefit of the land by the owner may attract a concession, which is provided by section 58 of the Valuation of Land Act. In effect, visible and effective improvements of the land valued, constructed for its drainage, for its protection from inundation or otherwise for its more beneficial use will attract this allowance if those improvements were made by the ratepayer.

The basis for recoupment of capital and maintenance expenses incurred by drainage unions for the drainage of tracts of land are set out in the Drainage Act which is administered by my colleague, the Honourable L. J. Ferguson, M.L.A., Deputy Premier and Minister for Public Works and Ports. That Act provides that the added value of the works to the land will be assessed by a valuer employed by each union and in this regard the Valuer General's officers occasionally are so employed. I would emphasize that this activity and the basis for valuation has little relationship to the determination of unimproved values for rating purposes.

LEGAL AID

Mr KEANE asked the Attorney-General—

- (1) What is the extent of availability of legal aid in family law matters?
- (2) What are the current guidelines for granting legal aid?
- (3) When were the guidelines last revised?

Answer—

(1) Section 117 (3) of the Family Law Act 1975 entitles a person who is seeking a divorce or other relief under the Family Law Act, or who is the respondent to an application under the Act, to apply to the Australian Legal Aid Office for legal aid to carry on the proceedings.

The catch is that when you do apply, you are met by the means and needs test of the Australian Legal Aid Office which effectively guarantees that just about everyone, including most people on Social Security and people well below the Henderson poverty line, will not qualify for legal aid.

We have here a splendid example of the Federal Government restricting public spending by the cynical expedient of making legal assistance irrelevant to the needs of the people it is supposed to benefit.

(2) An applicant for legal aid who has no children will be disqualified from receiving assistance if he or she has a weekly income in excess of the grandiose sum of \$40. Even conceding the fact that this figure is derived after allowing for deductions of:

- income tax
- superannuation contributions
- one half of any board paid by applicant
- rent or mortgage payments for a **dwelling-house** in which applicant resides
- maintenance payments to spouse and children of applicant
- hire** purchase payments for household good and furniture
- health insurance or Medibank levy payments up to \$3 p.w. for a single person or \$6 p.w. for a family,

there are few indeed who can bring themselves within these pusillanimous guidelines.

(3) The ALAO guidelines were last revised in March, 1976, that is, two years ago. In the same period, the Consumer Price Index for Sydney has risen 19 per cent. In March, 1976, no filing fee was payable at all in the Family Court; in February, 1978, there is a fee of \$100.

In the meantime, delays in the Family Court have grown to such an extent that most litigants now face a three year wait to get contested matters on. In three years, of course, no one at all will be eligible for legal aid if the Federal Government continues to display the selective sensitivity to inflation which it has heretofore. Perhaps there is reason in the apparent madness in the Family Court.

And this is a two-way street: the legal aid guidelines also mean that some cases are never pursued because people just can't afford to go to Court.

There are many cases like that of the old-age pensioner whose husband recently went to live with another woman. Largely as a matter of self-respect she wishes to divorce him, but in practice she cannot because she has a weekly income of eight dollars over the means test. She lives alone in a granny flat, with no luxuries, little to look forward to and is denied even the dignity of choosing whether to free herself legally from the man who has deserted her.

It is a small thing for her to ask. It is surely elementary justice that her need should be met.
