Legislative Assembly

Tuesday, 21 *November,* 1978

Petitions—Questions without Notice—Joint Committee upon Public Accounts and Financial Accounts of Statutory Authorities (Message)—Joint Committee upon Parks for Mobile Homes and Caravans (Message)—Select Committee upon Aborigines—Compensation for Members of Legislative Council (Message)—Select Committee upon Aborigines (Personal Explanation)--Cognate Frustrated Contracts Bills (Int.)—Auctioneers and Agents (Amendment) Bill (Int.)—Statutory and Other Offices Remuneration (Auctioneers and Agents) Amendment Bill (Int.)—Pay-roll Tax (Amendment) Bill (Int.)—Industrial Arbitration (Reinstatement Awards) Amendment Bill (No. 2) (Corn.)-Real Property (Crown Grants) Amendment Bill (No. 2) (second reading)---Cognate Rating and Valuation Bills (second reading)—Adjournment (Liverpool Bridge).

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:

Quality of Education

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

That because there is much concern in the community over the failure of modern education at primary and secondary levels to meet the expectations of many parents, teachers, lecturers, professors, employers and students.

That because there is considerable doubt as to the content and standards, philosophy and moral values of new courses or projects, such as M.A.C.O.S. ("Man—a Course of Study"—ex-U.S.A.); "People of the Western Desert" (Australia); and S.E.M.P. ("Social Education Materials Project"—Australia) and in view of the fact that M.A.C.O.S. and S.E.M.P. have been withdrawn from Queensland schools.

Your Petitioners therefore humbly pray that the Parliament of New South Wales will:

(1) Immediately suspend courses and projects such as "M.A.C.O.S.", "People of the Western Desert" and "S.E.M.P." from all New South Wales primary and secondary schools and teachers' colleges, and

conduct an independent public inquiry into their suitability and confonmity with the provisions of the New South Wales Education Act.

(2) Enforce the following guidelines in relation to all text books, courses, projects, etc., used in State schools and institutions:

(a) They should encourage loyalty and respect for God, Queen and Country, our Federal and State Constitutions and observance of the laws of the land.

(b) They should recognize the importance of marriage, family life, motherhood and fatherhood, as well as the privacy of the family and the individual student.

(c) They should avoid profanity, indecency or any encouragement of racial hatred, antisemitism, sedition or violent revolution against our Australian democratic parliamentary institutions.

(d) They should provide for studies in history and geography (rather than sociology) and show the importance of the Judeo-Christian ethic as our natural Australian heritage.

(e) They should teach the 3 R's, that is, the skills of reading, writing and arithmetic, so that all children receive an effective basic education for their future responsibilities.

(3) Implement a system of public preview and approval of all text books, novels, courses and projects with reasonable access for all parents and citizens before they are approved for use in schools in accordance with an approved core curriculum.

(4) Introduce a more meaningful system of the testing and assessing of educational results so as to provide a more equal opportunity for all students in New South Wales.

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

Petitions, lodged by Mr Maddison and Mr Rogan, received.

Child Pornography

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

That we the undersigned, having great concern at the way in which children are now being used in the production of pornography, call upon the Government to introduce immediate legislation:

(1) To prevent the sexual exploitation of children by way of photography for commercial purposes;

(2) To penalise parents-guardians who knowingly allow their children to be used in the production of such pornographic or obscene material depicting children;

(3) To make specifically illegal the publication and distribution and sale of such pornographic child-abuse material in any form whatsoever such as magazines, novels, papers, or films;

(4) To take immediate police action to confiscate and destroy all child pornography in Australia and urgent appropriate legal action against all those involved or profiting from this sordid exploitation of children.

Your Petitioners therefore humbly pray that your honourable House will protect all children and immediately prohibit pornographic child-abuse materials, publications or films.

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

Petitions, lodged by Mr Brewer, Mr Gabb, Mr Johnson, Mr Maddison and Mr A. G. Stewart, received.

Homosexual Demonstrators

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

That we protest the police actions in arresting fifty-three persons on the night of Saturday, June 24, and seven more on the following Monday, June 26. We believe this to be a deliberate attack on the lesbian and male homosexual communities, which are singled out for harassment by the police.

We believe that legal rights have been violated—

(i) at no time were participants in Saturday night's Gay Solidarity Festival informed that their actions were illegal;

(ii) the defendants were imprisoned on Saturday night for up to eight hours before charges were read;

(iii) incidents outside the court on Monday, June 26, could have been avoided had the public been given their right to attend the trials.

In our opinion, the actions of the police on Saturday, June 24, were intended to intimidate all lesbians and homosexual men, and are a threat to everyone's democratic rights.

Your Petitioners therefore humbly pray that your honourable House ensure that all charges arising from the arrest of homosexual demonstrators on the nights of June 24 and 26, 1978, be dropped unconditionally.

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

Petitions, lodged by Mr Knott and Mr Petersen, received.

Electric Omnibuses

The humble petition of the undersigned citizens of New South Wales respectfully sheweth that we, the undersigned, believe—

(1) That the Townobile electric bus, developed in New South Wales, constitutes a unique local solution to the problems of inner city public transportation.

(2) That the Townobile electric bus has demonstrated significant advantages over diesel-powered buses on the grounds of economy, environment and efficiency, and has attracted world-wide acclaim.

(3) That local production and use of Townobile electric buses would generate employment for New South Welshmen, both in their manufacture and in the coal industry, and would reduce our dependence upon increasingly scarce imported petroleum products.

(4) That use of noiseless, pollution-free Townobile electric buses would contribute substantially to the betterment of life within the City of Sydney.

We accordingly urge the Government to act quickly to ensure that the opportunity for local rather than overseas production of Townobile electric buses is not lost, by placing forthwith an order for production of a trial batch of 10 Townobiles.

Your Petitioners therefore humbly pray that your honourable House will add its voice to the growing support for Townobile electric buses and will encourage the placing of an order for a trial batch of such buses.

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

Petition, lodged by Mr Cameron, received.

Tuggerah Lakes

The Petition of certain electors of the Electorate of Munmorah and Peats, residents of the Central Coast of New South Wales and certain other citizens of New South Wales respectfully sheweth:

That due to low and fluctuating water levels in Lake Munmorah and Budgewoi Lake, lack of a modern sewerage system and other causes relating to the generation of electric power and higher residential populations, the foreshores of the lake have become polluted, odorous and abhorrent.

Your Petitioners therefore pray that your honourable House will take the necessary steps to preserve the ecology of the Tuggerah Lakes system and to prevent the final destruction of these waterways by power station, residential, agricultural or industrial pollution.

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

Petition, lodged by Mr Jensen, received.

QUESTIONS WITHOUT NOTICE

PAROLE OF PRISONERS

Mr MASON: My question is addressed to the Minister for Corrective Services. Does the report of the Royal commission into prisons submitted by Mr Justice Nagle nearly eight months ago call for fundamental changes in parole procedures and strongly criticize present parole procedures? Were Robert Munday, Joseph Payne, Kresimer Dragosevic and John Cribb all on parole when they were involved in separate and particularly vicious crimes recently? Why has the Government delayed taking action on Mr Justice Nagle's recommendations to review parole services to ensure better protection for the community from dangerous criminals?

Mr HAIGH: It is true that the 252 recommendations contained in the report of the Royal commission into corrective services included a number of recommendations on probation and parole. The overtone of the question by the Leader of the

Opposition relates, I feel, more to the recommendations about tightening the parole system. With the leave of the House, I shall read the recommendations on the granting of parole:

(1) The present work load on the Parole Board is so great that a change of the parole system is necessary.

(2) All prisoners with head sentences of less than four years should be released on parole automatically at the end of their non-parole period, unless it is proved to the satisfaction of a Court that the release of the prisoner would constitute a danger to the public. Prisoners serving a sentence of four years and over should be considered by the Parole Board as at present.

(3) The fundamental principle underlying parole should be that it is preferable to have a prisoner in the community than in gaol. The relevant issue for the Parole Board or the Court should be: "Are there any reasons why this prisoner should not be able to adapt to a normal community life?'

(4) The refusal of parole should be subject to appeal to a Court. For this purpose the Parole Board should give detailed reasons for its decision.

(5) The prisoner should have made available to him all material considered by the Parole Board, except that which may be withheld for security reasons.

The Leader of the Opposition drew attention to the fact that three people who had been involved in some unfortunate incidents in the past two weeks had obtained parole from the Parole Board. I draw his attention to the fact that these people appeared before courts and the judges who heard their cases, having given the matters due consideration, imposed sentences in compliance with the Parole of Prisoners Act, which was introduced by the Liberal Party when it was in government.

[Znterruption]

Mr HAIGH: There is no nervousness here.

[Znterruption]

Mr SPEAKER: Order! I call the Leader of the Country Party to order.

Mr HAIGH: The esteemed judges determined that a non-parole period should be given to these offenders. The Parole Board has as members Mr Justice Slattery, as the chairman, and two other judges. Judge Staunton acts as deputy chairman and Judge Head acts as the substitute chairman. Those three judges with four other persons form the Parole Board. They determine, on the evidence before them, whether or not a person will receive parole. The annual report for 1977 shows how many prisoners who appeared before the Parole Board have been refused parole. It is the sole prerogative of the judge hearing a charge against a person appearing before a court, or who has been found guilty, to determine whether or not there will be a parole period. The Parole Board determines whether or not a person who comes before the board should be granted parole.

Having regard to the recommendations in relation to parole in the report of the Royal Commission on Prisons, I came to the conclusion that the parole system might well be looked at in a much broader context. I sought a report from the Parole Board on the recommendations, and asked for any other comments that the Parole Board might wish to add. I also sought a report from the relevant division in the Department of Corrective Services in relation to probation and parole. Those two

reports have now been received. Over some months I have had discussions with the Attorney-General with regard to a committee being established and to be chaired by a judge. The terms of the inquiry would be to look at the recommendations contained in the report of the Royal commission in relation to parole and also at the broader consequences of the system introduced by the Liberal Party when it held office in New South Wales.

RADIO-ACTIVITY IN HUNTERS HILL

Mr CAVALIER: I address a question without notice to the Minister for Health. Is the Minister aware of recent reports of radio-activity in Hunters Hill? Will he assure the House and the residents of Hunters Hill that there is no danger?

Mr K. J. STEWART: It would not be my desire to alarm the honourable member for Fuller or the residents of the electorate of Fuller, but I think I should tell the honourable member that he inherited from the former Leader of the Opposition, the former honourable member for Fuller, a rather radio-active electorate, as electorates go in New South Wales. When he was a member of this Chamber it was the oft quoted boast of his predecessor that during his lifetime in Hunters Hill he always knew of the area around Nelson Parade as Radium Hill. That was the title that was given to it by many local residents.

During the past week I have seen reports concerning radio-activity in Hunters Hill. When the Health Commission of New South Wales and the Government became aware of the problem at Nelson Parade immediate steps were taken to obviate the problem and its possible grave consequences in so far as expense to this State is concerned. Already one property in Nelson Parade has been acquired with a view to carrying out demolition work and clearing this land and adjacent sites. Contamination in this area is caused by decaying radium giving off radon gas, which can be quite dangerous in confined spaces. Before the complete removal procedures can be adopted, it will be necessary to acquire a second property in Nelson Parade. Unfortunately, great difficulty is being experienced because the owner of that property is unwilling to sell it to the Government. A number of compromise arrangements have been made to her on the basis that the Government would purchase the property, clean the land and return it to her so that she may rebuild on it later. So far we have not had any success in acquiring that property.

Last week I asked the Valuer-General to step up his negoatiations with the owner of that property. Also the Health Commission was asked to determine whether authority is vested in me or the Government to resume the property. This action has been taken because of the continuing danger to residents of the area and embarrassment to the Government because of its inability to acquire the land and move on to the site. A number of other properties in the area have some sort of residual contamination.

The episodes last week referred to the Kellys Bush area where an old tin smelting works was in operation many years ago. About eighteen months ago it became common knowledge—as I stated in this Chamber—that sand residue from the tin smelting operations have been used in many building works and road construction programmes throughout the city of Sydney. Indeed, I announced that I understood the council of the municipality of Hunters Hill had used some of that sand residue in foundations used for road construction throughout its area. Another suggestion was made that the site of the Dunlop factory at Drummoyne was partly filled with sand from the old tin smelting works. A further suggestion was made that this sand residue had been used in building work at Dover Heights or Bellevue Hill.

The Health Commission of New South Wales has checked, without result, every available site where this sand residue may have been used in any sort of filling operation or home building construction. We were handicapped by the fact that in Australia we have no national standards for radiation, but we used the Canadian guidelines, which had been adapted from the United States guidelines. The Canadian Government adopted those guidelines after a radium dump was found in Canada. We accepted those guidelines, of 0.25 millirads an hour, one metre above the ground. In only four spots in Hunters Hill has the radiation reached levels of 0.10 to 0.15 millirads an hour. In Boronia Park, which was the subject of publicity last week, no evidence of radiation was found. If the professor from the University of Sydney is in possession of exact readings concerning the radiation count in Hunters Hill and they are higher than those the scientific officers and the consultants used by the Health Commission have found, he should inform me. If he does, I shall undertake immediate investigations and have more readings taken at Hunters Hill.

I should say to the honourable member for Fuller that at the moment his electors are in no danger at all. Indeed, if geiger counters were taken round most of New South Wales, they would record high readings of radiation resulting from natural occurrences. In Hunters Hill the readings, in the main, have resulted from natural occurrences, except at Nelson Parade and Kellys Bush. The Government has already made a decision concerning the future of Kellys Bush and Nelson Parade, but until we can acquire the second property in Nelson Parade, I am afraid that we are handicapped in getting workmen on to the site to clear the contaminated soil from the area.

DOCTORS IN COUNTRY HOSPITALS

Mr PUNCH: I direct a question without notice to the Minister for Health. Have a number of requests by the Australian Medical Association for a discussion with the Minister regarding the proposed reduction in fees for doctors who provide medical service in country hospitals been rejected? Is the main concern of the Australian Medical Association the unilateral decision of the Minister to reduce the fee for service from 85 per cent to 75 per cent? Did this decision include services for pensioners for whom in other hospitals the Commonwealth pays at the rate of 85 per cent? As the Minister's decision appears to be a breach of the previous agreement entered into in good faith by country doctors who are on call twenty-four hours a day, seven days a week——

[Interruption]

Mr SPEAKER: Order! The Leader of the Country Party will ignore interjections and address himself to the Chair.

Mr PUNCH: Government supporters seem to regard my last statement as funny. As the Minister's decision appears to be a breach of the previous agreeanent entered into in good faith by country doctors who are on call twenty-four hours a day, seven days a week, will the Minister revise his earlier decision and agree to meet representatives of the Australian Medical Association to negotiate a new agreement?

Mr K. J. STEWART: In the past the Australian Medical Association has had no difficulty in meeting with me on any occasion it has made a request. The Ministerial liaison committee meets once a month, or once every two months, with the Health Commission of New South Wales, and sometimes with me when I am minded to attend the meeting, and any matters affecting the Australian Medical Association or medical practitioners in this State may then be raised and discussed. It is not correct to suggest that I am incommunicado with the Australian Medical

Association. The Leader of the Country Party should check the source of his information. Indeed, on 18th October I met representatives of the Australian Medical Association and informed them that the Government of New South Wales, in line with the other State governments and in keeping with decisions arrived at in discussions with officers of the federal Department of Health, was offering a 75 per cent modified fee for service both for treating medical patients and for surgical procedures.

I am sorry that the honourable for Davidson is not in the Chamber. When he was Minister for Health he came to an agreement with the Australian Medical Association that the modified fee for service would be the amount stipulated under the national health insurance scheme as the level of refund to patients. As the Leader of the Country Party well knows, that refund was 85 per cent of the fee charged. The federal Minister for Health, the Hon. R. J. D. Hunt, decided that from 1st July last that refund level would be reduced to 75 per cent. In New South Wales the modified fee for service for country doctors was reduced in accordance with the terms of that agreement. I should like to spell out to the honourable member that the doctors agreed to accept the mount payable under the national health insurance fund scheme. To an ordinary patient that was 85 per cent. When the modified fee for service for the ordinary patient off the street was reduced to 75 per cent, in accordance with the agreement the fee in the New South Wales hospital system was reduced to 75 per cent. That agreement has now expired.

On 18th October I met representatives of the Australian Medical Association in an attempt to negotiate a new agreement. They were adamant that they wanted 85 per cent of the $5 gap for surgical procedures and any offer less than that from me on behalf of the New South Wales Government would not be acceptable to them. I wonder how many more negotiations I should conduct with that association, which informs me in writing that an offer is not acceptable and, indeed, that I am the worst Minister for Health with whom it has ever had to deal.

If the Leader of the Country Party thinks that is complicated, let me tell him that on 1st October of this year his Country Party colleague, the federal Minister for Health, the Hon. R. J. D. Hunt, broke the 75 per cent–$5 gap into three categories. First, pensioners who are eligible for treatment in accordance with the provisions of the pensioner health service will be refunded at the rate of 85 per cent with a $5 gap for surgical procedures. Disadvantaged patients, so described at the discretion of the doctor, will be refunded at the rate of 75 per cent with a $20 gap for surgical procedures. The third category is the uninsured. On 1st October the federal Liberal–Country party Government gave people a great incentive not to take out health insurance. The uninsured will receive a refund at the rate of 40 per cent, with a $20 gap for surgical procedures.

From all of this I am expected to work out an offer to make to doctors working in country hospitals. After consultation with health department officials throughout the State and federally I made an offer of 75 per cent across the board. That would provide a refund of 75 per cent even if the patient were uninsured and normally would be entitled to a refund of only 40 per cent, and it would provide also for a refund of 75 per cent for the treatment of eligible pensioners who normally would be entitled to a refund of 85 per cent. In the Australian Capital Territory, where the health service is administered by the colleague of the Leader of the Country Party, doctors providing service in hospitals have been offered a refund of only 70 per cent. In Tasmania they have been offered 75 per cent across the board, as they have in Victoria.

I answered a question similar to this a fortnight ago and in doing so reminded honourable members that until the advent of the Medibank scheme in 1975, doctors working in the public wards of public hospitals did so for nothing. They worked as

honorary medical officers in return for the services afforded them in the public hospitals by the taxpayers of New South Wales so that they might earn their living by treating private patients there. In 1975 the honorary medical officer system was abolished and the modified fee for service was introduced. In the past financial year doctors who previously worked for nothing when treating patients in the public wards of public hospitals received $11.5 million. Yet the Australian Medical Association claims that doctors in country towns are going broke because they cannot earn a living. All I can say is that they must be going broke making too much money.

In view of the fact that public money is involved, perhaps I should bring into the House a list of the amounts being paid to doctors in country towns. Last year I paid the three doctors who are practising in one South Coast town $154,000 for treating public patients, whereas before 1975 they did not receive a cent from the State for that service. They then treated their patients in public hospitals on the honorary system.

[Interruption]

Mr SPEAKER: Order! There is too much audible conversation.

Mr K. J. STEWART: I am fortified by the fact that at the moment all States are steadfast in their attitude on this matter following the announcement by the federal Minister for Health of his great economic initiative to reduce hospital and health costs in Australia. That initiative was to widen the gap for surgical procedures so that a patient is now required to find up to $20 instead of *$5* to meet the difference between the refund made by the Commonwealth and the schedule fee charged by the doctor. Medical practitioners might not believe they have engendered higher health care costs, but the fact is that patients are now having to pay more for the attention they receive from doctors.

I thank the Leader of the Opposition for his interest. I have been empowered by Cabinet to reiterate to the Australian Medical Association the Government's offer that the modified fee for service for medical consultations and surgical procedures for public ward patients under the public hospital system, especially in country districts of New South Wales, would be 75 per cent.

BUSKING

Mr PACIULLO: My question is addressed to the Minister for Local Government and Minister for Roads. Is the practice of busking, which provides entertainment to people, an accepted and commonplace way of life in Europe and round the world? Do Australian towns and cities such as Sydney, where busking is not permitted, become lifeless after dark? Will the Minister encourage local government to permit busking at appropriate localities in New South Wales urban centres?

Mr JENSEN: The honourable member for Liverpool is obviously concerned about future occupations for members of the Opposition after the next elections. If the honourable member for Northcott performed Nanki-Poo on the stage he would be an actor, but if he performed it in the street he would be a busker. People who endeavour to earn their livelihood or to entertain other people by performing in public streets are busking. It is true that many cities in the world are brightened by buskers entertaining people and sometimes, as a consequence, earning money.

I dispute the contention that Sydney might be brightened by busking performers. In 1931 a friend of mine who was a busker and played the banjo had some trouble with his instrument and was not able to play it. He invited me to join him as a steel guitar player. I knew how to play two pieces on the guitar; one was

"Aloha" and the other was "Should I". I could play the guitar sitting down, but not standing up, so I put a piece of string on the guitar to put round my neck. I went to Kings Cross, where I was playing "Should I", when a man came out of a ham and beef shop and asked, "Excuse me, but can you play 'Should I'?" I felt like telling him that was what I was playing, but I said nothing. He gave me two shillings, which my friend collected because he wanted to go to Leeton picking fruit. I then walked up and down Victoria Street, Kings Cross, playing "Should I" until 10 o'clock at night, when the police sent me home. When my friend was getting on the train to Leeton he was asked when he would return to Sydney and he said, "Never; I might hear Harry Jensen playing 'Should I." So Sydney lost a citizen.

The problems associated with busking in the city of Sydney are not capable of simple solution. It would be easy to amend the ordinance so that busking, which is an offence under the Summary Offences Act, could be conducted in parks. But it would be difficult to arrange for it to be permitted in public streets. As Minister I am willing to arrange for the introduction of an ordinance that would give councils the right to permit this practice in suitable places. I shall approach the Attorney-General with a view to making the appropriate amendment to the Summary Offences Act.

FIRE BRIGADES

Mr BARRACLOUGH: I direct a question without notice to the Minister for Lands and Minister for Services. Has the New South Wales Fire Brigade Employees' Union called a special meeting on 28th November to consider strike action upon the Minister's refusal to table in this House the fire brigade report? Did Cabinet approve the terms of reference for the report? Does the report refer to conflicts between the Police Rescue Squad, the ambulance service and firemen, who at the moment cannot carry out rescue work? Will the Minister table the report, which has cost the taxpayers $60,000, so that the public can be informed on these matters of life and death?

Mr CRABTREE: I am pleased that the honourable member for Bligh has at last shown some interest in something in New South Wales. I do not know whether a special meeting has been called by the New South Wales Fire Brigade Employees' Union, nor am I aware of any resolution that is to be put to such a meeting. However, I have agreed to meet representatives of that union this week to discuss some aspects of the report mentioned by the honourable member. I assure the honourable member that no approval was given by Cabinet for the establishment of a committee of inquiry I believe I should make a full statement in relation to this matter.

The false piety of the Opposition in regard to the importance of fire services in this State must rank as one of the greatest of the acts of hypocrisy for which honourable members opposite have become famous in recent years. Today the honourable member for Bligh expresses a public concern for a vital area of public safety with which the former Government of which he was a member fiddled ineffectively while fire brigade services in this State declined. It is well worth while considering the context within which the committee of inquiry referred to by the honourable member became necessary. For ten years before May 1976 relationships between the Government then, the Board of Fire Commissioners and firemen on the job were unhappy, to say the least. The basic problem seen by the men who are charged with the duty of protecting our communities from fire was the inadequate equipment and poor facilities that they had available and that the previous Government refused to improve.

Mr Pickard: Will you table the report?

Mr CRABTREE: I will table you in a minute. Let us have a look at the record. In 1976 the last set of estimates approved by the former Government for expenditures by the Board of Fire Commissioners totalled a miserable $35.5 million. What has happened since? There has been an increase of close on 40 per cent to $49.5 million for the calendar year 1979 as a result of greater interest and co-operation under the Wran Government. The number of new fire fighting appliances purchased in each of the years 1975, 1976 and 1977 was fifteen, compared with a total of thirty-one this year and provision for a further thirty-one in 1979. This is typical of the new commitment to improving fire services in New South Wales that has come from the Wran Government. The honourable member, with tongue in cheek, asks whether——

Mr Pickard: Will you table the report?

Mr CRABTREE: He asks whether I will table the report of the committee. Let us examine this matter.

Mr Barraclough: That is what we want you to do.

Mr SPEAKER: Order!

Mr CRABTREE: This committee was described by the late member for Fuller, that disaster, Mr Coleman——

Mr Barraclough: He is still alive.

Mr CRABTREE: He is late as far as his parliamentary record is concerned and he was a bit late in October too. He described this committee as an absurd committee. Yet the honourable member for Bligh has the temerity to come here today——

Mr Pickard: Will you deal with it here?

[*Interruption*]

Mr CRABTREE: I shall deal with you too in a moment. The honourable member has the temerity to come here today and ask for the tabling of the report of a committee that his former leader described as absurd.

Mr Barraclough: Not me.

Mr CRABTREE: He knows full well that the report was commissioned as an internal submission for the Minister. He knows that on that basis any Minister has a deep responsibility to consider the report carefully before deciding to release any section of it. The honourable member knows full well that the report covers, in total, 1000 pages and is the result of seventeen months of deliberation by the three-man committee. He knows that after years of neglect of this service under the former Government, the committee had a tremendously complex and involved task in assessing and weighing up the needs before making the report. My attitude to this report is clear. I am currently having it dissected by senior officers——

Mr Barraclough: Chopped to pieces.

Mr CRABTREE: When the honourable member for Bligh, who interjects, was Minister for Sport and Recreation they would not trust him with even one postage stamp. The defrocked member for Hornsby is mumbling in his beard.

[Interruption]

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

Mr CRABTREE: Currently I am having the report dissected by senior officers so that I can report to the Government on the complete implications of implementing it either in section or in *toto*. I am asking the Board of Fire Commissioners to comment on some of the propositions put forward. Later I shall ask for comment from the Treasury, the unions involved and other interested parties. At this stage it would be premature to release details of what is, in effect, a confidential report to the Minister for Services. I do not know whether the honourable member for Bligh is aware of what his question entails. He should have some responsibility in relation to the matter. He wants the report tabled and thus covered by parliamentary privilege, with which honourable members opposite are most interested.

Because of the constitution of the committee to which the matter was referred by the former Minister for Services, the evidence was not sworn or tested by public interrogation of witnesses. There is no guarantee that all viewpoints have been heard. Witnesses have no guarantee that their views have been correctly reported, interpreted or represented. I am not willing to table under the guise of parliamentary privilege a report that has not been tested to my satisfaction, as the Minister responsible. I assure the House that the Government has demonstrated that improved fire services have a higher prioriy than was ever the case under the Liberal–Country party administration. Any changes proposed as a result of the inquiry will receive complete and proper public debate and discussion before decisions are made. If major changes are considered necessary I assure the House that the Parliament will have the opportunity to debate those issues.

EXPRESS BUS SERVICES

Mr CLEARY: I address my question without notice to the Minister for Transport. Is it a fact that the eastern suburbs railway will commence operation early next year? Is it a fact also that alterations will be made to some bus routes? With this in mind, will the Minister consider implementing express bus services from Coogee to Circular Quay?

Mr COX: The honourable member has constantly referred representations to me concerning public transport in the electorate of Coogee. It is true that the eastern suburbs railway will open in the early part of next year and that alternative arrangements will be made for bus travel. I have given details of the alteration to the honourable member for Coogee and other honourable members whose electorates are in the eastern suburbs. Recently the honourable member referred to me the need for express buses from Coogee to Circular Quay. I assure him that matter is under active consideration at the moment. I am hopeful that in the near future a decision will be brought down and that express buses will operate from Coogee to Circular Quay.

I thank the honourable member for his interest in his electorate which was reflected by the majority that he received at the recent elections. Over a number of years he has expressed great interest in public transport. When Mercedes buses first came into the public transport system the honourable member for Coogee brought to my notice the frequent delays in bus operations in the eastern suburbs. I was pleased to introduce Mercedes buses into that area. The honourable member is aware that following the introduction of Mercedes buses there has been a marked improvement in the public transport system serving his electorate.

LOCAL GOVERNMENT AMALGAMATIONS

Mr COWAN: I address my question to the Minister for Local Government and Minister for Roads. Is it a fact that the Government's policy is to amalgamate local government bodies? Will the Minister in the early life of this Parliament advise whether there is a change in policy and, if so, what the future programme is in this respect?

Mr JENSEN: It is the Government's policy, not so much to amalgamate councils as to allow the Boundaries Commission to continue with investigations. One series of matters was referred to that commission by the former Liberal–Country party Government when it was in office. Another matter for investigation relating to the metropolitan area was referred to that commission after the Government came to office. The Boundaries Commission is currently conducting preliminary investigations and inquiries into possible amalgamations in various parts of New South Wales. It is not the Government's intention to proceed with amalgamations in those areas other than by acting upon, or declining to act upon as the case may be, the recommendations of the Boundaries Commission. The honourable member for Oxley asked whether he could be informed if there should be any change in the Government's policy with respect to those procedures. If there is any proposal to alter the system that has been employed up to now, I will certainly make a statement in relation to the matter.

SHOOTING AT CARRINGTON POLICE STATION

Mr WADE: My question without notice is directed to the Premier in his capacity as Minister responsible for police. Is the Premier aware that an alleged shooting occurred on 20th September, 1978, at Carrington police station, which is in my electorate, when an attempt was allegedly made to shoot a police officer in a paddy waggon in the station yard? Is he aware that in that period of time the Anglican church in Young Street, Carrington, which is in proximity to the police station, had five bullet holes in the hall window and one bullet hole in the rear window of the church? Is the Premier aware also that uniformed police and detectives interrogated many of my young constituents and carried out searches of their homes without warrant in connection with the police shooting? Will the Premier investigate whether there was any relationship between the police and church shootings and advise for what reason two police officers at Carrington resigned from the police force? Further, will he direct the police to apologize to my constituents who have been unjustly inconvenienced?

Mr WRAN: The incident that the honourable member referred to at the police station of course did occur. He asked a whole series of questions, one relating to an investigation that he seeks. I take notice of each of those questions and I shall provide the honourable gentleman with a complete and proper answer.

BUILDING AND CONSTRUCTION MINERALS

Mr PICKARD: Will the Minister for Mineral Resources and Development inform me and the House of what steps are being taken to set aside adequate reserves for the supply of building and construction minerals? Will the Minister say whether due consideration has been given to a balanced development between environmental controls and the reservation of minerals?

Mr MULOCK: The honourable member's question, which relates to a balanced approach in respect of building materials, covers a wide field, some of which does not come under my ministerial responsibility.

Mr Pickard: I referred to building minerals.

Mr MULOCK: Building minerals is not a correct definition of materials required for budding. The honourable member for Hornsby laughs. I admit that I have not been very long in my position but, bearing in mind the way he framed his question, he should admit that he has not been very long in his position, either.

[*Interruption*]

Mr SPEAKER: Order!

[*Interruption*]

Mr SPEAKER: Order! I call the Minister for Youth and Community Services to order.

Mr MULOCK: In relation to the winning of resources, whether they be minerals or other materials used in construction, the Government does have a balanced approach, particularly in relation to effects on the environment versus the advantages gained from the use of the resources. It has always been apparent that the preservation of the environment is related closely to employment. I assure the honourable member for Hornsby and other honourable members, as well as the people generally, that this Government in its first term in office demonstrated a balanced approach, in difficult circumstances, when seeking to accommodate the interests of preserving both the environment and people's jobs. The record of the Government to date demonstrates clearly that that attitude will continue.

Only recently when speaking at a meeting I indicated clearly that my personal concern was to ensure a balanced approach between the competing interests of the environment and jobs. Those who speak strongly in support of preservation of the environment, as well as those who speak strongly about the need to win mineral resources or process them, must adopt a reasonable approach. My attitude—and I am sure this reflects the attitude of the Government—will be to continue to take a reasonable approach when considering the competing interests of preservation of the environment and the need to use resources to the maximum benefit of members of the community.

COOKS RIVER

Mr BANNON: My question without notice is directed to the Minister for Conservation and Minister for Water Resources. Following the completion of a sampling programme conducted by the Health Commission and the New South Wales State Fisheries, has the Cooks River been closed to the taking of fish and oysters until 20th July, 1992? If so, will the Minister inform the House of the findings following the sampling?

Mr GORDON: It is a fact that the Cooks River has been closed to the taking of fish by all methods other than the use of a rod or hand-line until 20th July, 1992. In addition, the taking of all shellfish in Cooks River between Tempe railway station and the road bridge on General Holmes Drive has been prohibited until the same date. The previous ban introduced in 1958 precluded all methods of fishing and the taking of oysters for any purpose whatsoever because water samples taken from the river by the Department of Health were found to be contaminated. The bans were enforced until 27th September, 1978.

Sampling of the flesh of fish and all shellfish in the river was carried out by the Health Commission and the New South Wales State Fisheries to determine whether the quality of the fish and shellfish had improved sufficiently to comply with health regulations. Results have indicated that river conditions have improved to such an extent that any health risk to the public is minimal. However, in considering the lifting of the ban on the taking of fish from the river it was decided to maintain the ban on commercial netting because of possible conflict with amateur fishermen who,

it was felt, would flock to the area once the ban was lifted. The sampling of shellfish has indicated a high degree of zinc in oysters. Mussels and other molluscs were shown to be similarly contaminated. Therefore, the ban on the taking of shellfish was essential to ensure that public health was not endangered.

JOINT COMMITTEE UPON PUBLIC ACCOUNTS AND FINANCIAL ACCOUNTS OF STATUTORY AUTHORITIES

Message

Motion (by Mr Walker) agreed to:

That the following message be sent to the Legislative Council:

The Legislative Assembly agrees to the time and place appointed by the Legislative Council in its Message dated 16 November, 1978, for the first meeting of the Joint Committee upon Public Accounts and Financial Accounts of Statutory Authorities.

JOINT COMMITTEE UPON PARKS FOR MOBILE HOMES AND CARAVANS

Message

Motion (by Mr Walker) agreed to:

That the following message be sent to the Legislative Council:

The Legislative Assembly agrees to the time and place appointed by the Legislative Council in its Message dated 16 November, 1978, for the first meeting of the Joint Committee upon Parks for Mobile Homes and Caravans.

SELECT COMMITTEE UPON ABORIGINES

Mr JACKSON (Heathcote), Minister for Youth and Community Services [3.11]: I move:

(1) That a select committee be appointed—

(a) to inquire into the causes of socio-economic deprivations and disadvantages suffered by the Aboriginal citizens of New South Wales and recommend action to eliminate those deprivations and disadvantages;

(b) to examine and report on the general conditions under which Aborigines in this State live, with particular reference to—housing, health, education, employment, welfare, cultural issues; and make appropriate recommendations;

(c) to inquire into and make recommendations regarding land rights for New South Wales Aboriginal citizens;

(d) to report on the effectiveness of current Commonwealth–State arrangements for Aboriginal matters.

(2) That such committee consist of Mr R. J. Clough, Mr Gabb, Mr Keane, Mr Knott, Mr Petersen, Mr Ryan, Mrs Meillon, Mr Park and Mr West.

(3) That the committee have leave to sit during the sittings or any adjournment of the House, to adjourn from place to place, and to make visits of inspection within the State of New South Wales and other States of Australia and the Australian Capital Territory.

The Government is aware of the history of governmental responsibility for the Aboriginal people, but because of the failure of the Commonwealth Government to accept this responsibility, the New South Wales Government is prompted to propose the establishment of this select committee. On 8th December, 1965, a joint committee of both Houses of this Parliament was appointed to inquire into and report upon the welfare of Aborigines in New South Wales, with particular reference to their education and housing, and to legislative and other proposals necessary to assist Aborigines to attain an improved standard of living. That committee was granted leave to make visits of inspection within the State of New South Wales and to submit a report to the Parliament.

A referendum in 1967 gave the Commonwealth Government power concurrently to legislate in relation to Aboriginal affairs. The result of the referendum indicated that the people of Australia favoured Commonwealth Government responsibility for Aboriginal people. Following the report of the joint committee in 1967 the Government at that time presented to the Parliament, and had passed through both Houses of Parliament, a new Act, which became effective from June 1969. It provided for the abolition of the Aborigines Welfare Board, which was then under the administration of the Chief Secretary. It also provided for the transfer of many functions of that board to various State administrations, and for the appointment of a Director of Aboriginal Welfare. Following the 1969 legislation a further amendment was made in 1973, to establish the New South Wales Aboriginal Lands Trust. Under my administration the last election of members of that trust was in 1976.

The next event to take place was the signing of a Commonwealth-State agreement by the Premier, at that time, the former honourable member for Woliondilly, and the Labor Party federal Minister for Aboriginal Affairs, the Hon. L. R. Johnson. The Hon. L. R. Johnson, by the way, in a short period did more for the advancement of Aboriginal people than did any other Minister in the history of government responsibility. I shall quote a vital clause of that agreement so that honourable members might properly establish who is to blame for the conditions under which Aborigines exist today. Though in 1973 a government of the political persuasion of honourable members opposite passed legislation for the establishment of the Aboriginal Advisory Council and the Aboriginal Lands Trust, it did not ensure that those entities became effective. Until the present Government assumed office most meetings were held in Sydney rather than in areas where populations of Aborigines live.

I remind honourable members who became responsible for the Aboriginal people and the funding of programmes for Aborigines when the agreement was entered into in 1975. The famous Commonwealth–State agreement following the defeat of the Whitlam Government has not been honoured by the Commonwealth Government. Now there is almost a complete negation of the responsibility by the Commonwealth Government. The most important clause in the agreement is clause 3 (1) which reads:

Subject to the provisions of this arrangement, the Australian Government shall assume responsibility for, and for the administration of the planning, co-ordination and financing of, such activities as are designed to promote the economic, social and cultural advancement of the Aboriginal people in the State.

That clause is clear, precise, unquestionable, and easy to understand. It clearly indicates that the Commonwealth Government has the responsibility for practically all funding relating to the promotion of economic, social and cultural advancement of Aborigines but, despite the fact that month after month, year after year the New South Wales Government has reminded the Commonwealth Government of its responsibility, not only this Government but also the Aboriginal people have been experiencing considerable frustration.

I propose now to deal with some of the matters in respect of which the federal Government has failed to accept its responsibility. Under the Commonwealth–State funding agreement, the Commonwealth is responsible for the planning, co-ordination and promotion of the economic, social and cultural needs of Aborigines. Though the State Government is not legally bound to do so, it is accepting tremendous responsibility in this area. Indeed, in keeping with its action in most other areas of responsibility, the Commonwealth is establishing a vacuum that is now being filled by the State Government. The Aboriginal Children's Service has been allocated $30,000 by the Commonwealth Government, but that sum is far short of what that service needs to meet even its current salary requirements. The Commonwealth Government has failed to meet its responsibility in this area despite the fact that at present—indeed over the past twelve months—a greater number of Aboriginal children are living in difficult circumstances as a result of the stringent economic climate caused by the actions of the Commonwealth Government. Many of these children are in these difficult circumstances as a result of the present unemployment situation which has been deliberately created by the federal Government.

The federal Government, which has refused to grant sufficient funds to the Aboriginal Children's Service, should be condemned for its failure in this regard. Although this service in New South Wales is being allocated a miserable $30,000, the service in Victoria, which has an Aboriginal population of about 1 000 per cent less than in New South Wales, is receiving $100,000 from the federal Government. The Fraser Government may have taken that action because the Victorian Government is the same political colour as itself, and it has taken it to assist the Victorian Government because it is tied up with so many scandals that it is facing defeat at the State election that will be held in this financial year. I hope that the federal Government is not playing politics about this important matter, but one must be suspicious when it gives $30,000 to the Aboriginal Children's Service in New South Wales and $100,000 to the same service in Victoria.

This failure by the federal Government does not end there. Under the arrangement made in 1975 it accepted responsibility for other Aboriginal children's services, but on numerous occasions I have had to make an allocation out of community welfare funds so that the salaries of employees of the Aboriginal Children's Service can be paid while we fight the Commonwealth to release the funds out of its promised allocation. It is lovely to hear the federal Treasurer and the federal Minister for Aboriginal Affairs saying in answer to questions, "We have allocated $30,008 to the New South Wales Aboriginal Children's Programme," but it is a different story when we try to get the money out of the Commonwealth. Time and time again requests are made to the Commonwealth to release this money, only to be met with frustration after frustration. Mrs Ryan, from the Aboriginal Children's Service, has had to come to me, time and time again, saying: "Mr Minister, we are destitute. We have no more money to pay our salaries." Month after month, State funds have had to be used for that purpose and the money recouped when it is finally squeezed from the federal Government. It is disgraceful that not only has the federal funding been reduced this financial year but also we have to fight the federal Government every inch of the way just to get the money to which we are entitled. Representations

are being continually made to the federal Minister for Aboriginal Affairs. On several occasions I have had to ask the Premier to telex the Prime Minister, demanding that Commonwealth money be made available for these purposes.

A special aboriginal service called Bethcar has been established at Brewarrina and is being conducted by Mr Bert Gordon. Although the Commonwealth Government accepted responsibility for funding it, this year it allocated a part subsidy of $9,000, the same amount as it has allocated since 1974–75. This year the State Government has allocated $22,880 to ensure the continuation of this scheme, which cares for 24 disadvantaged aboriginal children. The Opposition should not forget that this project was fully supported by the federal Opposition when it was introduced by a former Labor Government in Canberra. The honourable member for Eastwood, who is attempting to interject, was a leading light at that time in the former Government in this State, which rushed in, without considering whether there would be a change of Government in Canberra in the future. The former New South Wales Government was happy to have the Labor Government in Canberra take over this responsibility in 1975, but we have heard not a word of protest about the Fraser Government's withdrawing from its responsibility in this field.

The action taken by the federal Government in respect of this agreement is a scandal. It has made no increase in the funding for Bethcar, and it has reduced the funding to the Aboriginal Children's Service. If the Leader of the Opposition, who lives not that far from Bethcar, were truthful, he would admit that a tremendous amount of work is being done at this establishment by Bert Gordon and the people who support him. I urge the Leader of the Opposition to use his influence with the Prime Minister and his federal colleagues, and urge them to be honest and at least to honour the agreement to which they are a **party.**

A proposal for a homemakers scheme was again declined by the federal Government in 1978–79. The federal Minister for Aboriginal Affairs has told conference after conference of Ministers responsible for Aboriginal affairs about this wonderful scheme. This year, the New South Wales Government has increased by 30 per cent its allocation to the scheme, but the federal Government has reduced its subsidy from 75 per cent to 50 per cent. Although some areas have special needs, the federal Government does nothing about giving them special funding. It certainly stands indicted for its record in the field of Aboriginal health, for its criminal action in cutting the allocation for Aboriginal health schemes this financial year will be disastrous. The federal Government has made a 9.5 per cent cut in its funding for the Aboriginal health programme; this will make it difficult to maintain existing programmes in this area, and the most serious result will be reflected in shortcomings in the treatment of illnesses, mental health difficulties, alcoholics and general health matters.

The Wran Government's action with Aboriginal health schemes is one of the highlights of its administration since it came to office. I compliment the Minister for Health for his administration in this field. Despite the effort of the New South Wales Government, the federal Government has cut back fundng in this important area. As a result, the Health Commission of New South Wales will be deprived of sufficient funds to enable it to carry on the excellent work it has been doing. The Liberal and Country parties have done nothing in this important field, and when the former Government was in office it did not properly control even the Aboriginal Advisory Council and the Aboriginal Land Trust. In the past two and a half years the Wran Government has achieved much with Aboriginal health programmes. Hospital admissions of Aboriginal children have fallen by **30** per cent, and total admissions by 15 per cent.

The Aboriginal infant mortality rate has fallen from 50 a 1 000 in the period 1965 to 1970 to 20 a 1 000 in the period 1975 to 1978. That is a wonderful achievement, again due to the effectiveness of the Aboriginal health programme in this State. Iron deficient anaemia in Aboriginal children has fallen by 50 per cent. Surely it is little short of a criminal act to reduce funds allocated to programmes of this nature. The Commonwealth's decision has seriously interfered with the State Government's proposals. These events have prompted the New South Wales Government to set up a parliamentary select committee. I have no doubt that the committee's findings will further highlight the unsympathetic actions of the Commonwealth Government, which has abrogated its responsibilities by breaking this agreement. Neither the Prime Minister, the federal Minister for Aboriginal Affairs, nor for that matter the Premier of any other State, has approached New South Wales to indicate that they want to get out of this agreement—an agreement that was accepted by the Commonwealth and all the States. In fact, the Commonwealth boasted about it. Nevertheless, this year it has cut allocations to the Aboriginal health programme by 9.5 per cent. The Aboriginal health programme in New South Wales has been most successful and many of its achievements can be attributed to the administration of the State Government over the past two and a half years.

It has been estimated that no fewer than 11 000 Aboriginal children attend infants, primary and secondary schools in New South Wales. Several difficulties have emerged as a direct result of the Commonwealth's cuts in spending. In 1976–77 a pilot programme was established for the employment of Aboriginal lecturers to speak on aspects of Aboriginal culture and history. Regrettably, the Commonwealth withdrew its funding for this programme and it was deleted in 1977–78. The sum available for seminars and workshops in the 1977–78 federal Budget was reduced to $5,750. The New South Wales Government aimed to bring to the community the expertise, wisdom and knowledge of Aboriginal people. That allocation is sufficient to finance the holding of only two seminars whereas a need has been demonstrated for at least six seminars and workshops.

The employment of Aboriginal teachers' aids in schools has been affected. The Commonwealth Government funds sixty positions. To permit this number to be increased to 100—sufficient to appoint an aid in all schools with a minimum enrolment of twenty Aboriginal students—would require an estimated $699,406 for this year. I remind honourable members that the federal Government committed itself to the employment of Aboriginal teachers' aids in schools. The Commonwealth agreed that in every school with a minimum enrolment of twenty Aboriginal students an Aboriginal teachers' aid would be engaged. To meet that commitment the Commonwealth funding should have been almost $700,000 but for this financial year it has provided only $384,000. When representations were made to the Commonwealth about this matter the answer was merely, "That is all you are going to get, so what will you do about it?' The Commonwealth Government made a contractual arrangement with the State of New South Wales to provide funds for certain programmes relating to Aborigines. The Commonwealth undertook to finance not only programmes agreed to in 1975 but also those promised for this financial year. After numerous conferences at ministerial level New South Wales succeeded in getting $80,000 to fund the training of twelve Aboriginal case workers.

It would take me a long time to detail what this Government has done and the responsibilities it has accepted to help Aboriginal people. The Government bas done this without blowing its trumpet. It has accepted responsibilities which are really those of Canberra. Aboriginals are human beings and many of them are in trouble. This Government is endeavouring to help them. As I said, after much discussion the Commonwealth allocated $80,000 to train and employ twelve Aboriginal case

workers. The Department of Youth and Community Services agreed to the case workers using accommodation in the various district offices. They were trained and placed in areas of high Aboriginal population and considered to be in need of assistance. At the commencement of the financial year the Commonwealth refused to provide funding for this scheme. Subsequently it agreed to allocate some money, though only enough to continue the scheme until April of next year. This is the Commonwealth's responsibility. The State provided training, transport, accommodation and office space for these people. This is another example of continued frustration and uncertainty.

I do not envy the task of an Aboriginal case worker, undertaking intense training and going out into the field in an endeavour to assist Aboriginal people. That task would be one of continuing frustration and uncertainty. In fact, this uncertainty exists in relation to all Aboriginal programmes, including education, health, housing and welfare activities. With all these things in mind I, on behalf of the Government, have moved for the establishment of a select committee to inquire into Aboriginal affairs. The Government has selected as members of this committee honourable members who will bring to it knowledge of the problems of Aboriginal people. Some members represent electorates with extensive Aboriginal populations. The Government is greatly concerned about the complete neglect and disregard of the numerous problems faced by Aborigines. It is concerned, too, over the Commonwealth's evident lack of interest in the welfare of these people. The withdrawal of funds in many areas has led to a crisis. The Commonwealth is to blame. The State has endeavoured, as far as possible, to pick up the tab. Over the past two and a half years the New South Wales Labor Government has tried hard to fill the gaps by providing shelters and special Aboriginal programmes. However, unless the State receives additional financial assistance from the Commonwealth it cannot continue with these activities. This State urgently needs more funds to alleviate a vacuum caused by the Government in Canberra.

There has been a complete breakdown in communication between the State offices of the federal Department of Aboriginal Affairs and my own department, as well as with the New South Wales Government generally. It is hoped that following an in-depth investigation by the proposed select committee, and its report to Parliament, the federal Government will be embarrassed into honouring its contractual arrangement with the State and bringing about a greater degree of co-ordination between the departments handling these matters. Because of the crisis with the Aboriginal people the Premier has set up within his own administration a co-ordination unit which is intended to provide advice on the most effective way in which the State can use the resources available to it to help Aborigines. That unit will be of great value in our attempts to do something for Aborigines in many respects that are in fact the responsibility of the federal Government. I commend the motion to the House, and look forward to an effective investigation by the committee and report from it, which will benefit the Aboriginal people of New South Wales.

Mr MASON (Dubbo), Leader of the Opposition [3.42]: I draw attention to one significant matter in connection with the proposed membership of the select committee. I refer to the nomination of the honourable member for Murray. I understand that she will be the first woman in the history of the Legislative Assembly to serve as a member of a select committee. Mrs Quirk represented the Labor Party in this House for eleven years, and Mrs Fowler represented it for nine years, but neither of them was appointed to a select committee. This is a notable occasion.

Mr Jackson: I thank the Leader of Opposition for recognizing the Government's **nomination.**

Mr MASON: The Minister knows very well that the Premier is courteous in these things. He approached me and asked me to nominate members to serve on the committee. I was delighted to make the nomination of the honourable member for Murray. The last words spoken by the Minister in his contribution to the debate gave honourable members an idea of where the real power will lie in Aboriginal affairs. Obviously the Minister has the skids under him in this respect.

I chose to speak on the motion in the hope of showing in some symbolic way the concern of the Liberal Party and the Country Party for Aborigines and for their role and place in our community. Representing the electorate of Dubbo, I am privileged to have what I consider to be the best example in the State of community concern for Aborigines, acceptance of them, and involvement with them. I do not know of any other community that equals Dubbo in that respect. The role of the Aboriginal people in my electorate is acknowledged, as is the part they have to play in the local society. I wish that our experience there were the experience generally.

I put on record some facts about the way in which the Liberal and Country parties have shown their concern for Aborigines. In 1965 a Joint Parliamentary Committee upon Aboriginal Welfare was appointed, and some of the honourable members who served on that committee are still with us. In 1969 the Aborigines Act was passed. It provided for land to be leased to Aborigines, and for Aboriginal housing. Also, it established the Aborigines Advisory Council. In 1973 the Liberal–Country party Government of New South Wales co-operated fully with the Whitlam Government in the passage of the Aboriginal Affairs (Agreement with the States) Act. In the same year we passed the Aborigines (Amendment) Bill, which established the Aborigines Land Trust.

The record of the same parties federally must be mentioned. The Liberal–Country parties in the Commonwealth have enacted legislation that played a major part in establishing the administration of the Department of Aboriginal Affairs as we know it today. In 1967 they conducted a referendum, which resulted in the federal Government's being given power to make laws in respect of Aboriginal affairs. The proposal in the referendum was supported by 89 per cent of the Australian electorate. In 1967, following the referendum, the Council for Aboriginal Affairs was established under the chairmanship of Dr Coombs. In 1968 the Aboriginal Affairs Advisory Council was established. It consisted of all State Ministers and the federal Minister dealing with Aboriginal matters. The council still meets. The Government is still represented on it. Surely that ought to be the body to discuss all matters affecting Aborigines, particularly those of the sort to which the Minister has referred this afternoon.

The first federal Government to pour money into Aboriginal affairs, to set money aside specifically for Aboriginal affairs, was the federal Liberal–Country party Government. That was in the period from 1967 to 1972. I emphasize from the start that we in the Opposition have an unswerving commitment to the Aboriginal people of our community. That commitment is as strong today as it was when we first introduced legislation highlighting the problems of the Aboriginal people. I say for the record that the Opposition parties are in favour of and will support to the hilt anything that will help improve the lot of disadvantaged persons in our community, be they Aborigines or others. This Parliament must have concern for the disadvantaged. It must reach out to them with concern. It is imperative that the Parliament give leadership in trying to help the disadvantaged.

Having listened to the Minister and having put on record the Opposition's credentials, I am doubly concerned about the Minister's motives for bringing the motion before the House. I have come to the conclusion that his motives are now out in the

open and that they are not concerned with the Aboriginal people. It was as plain as a pikestaff from all he said that his motive for setting up the committee was to cause the federal Government political trouble.

Mr R. J. Brown: That is nonsense and you know it.

Mr MASON: The honourable member for Cessnock has not been in this House very long.

Mr R. J. Brown: I will be here longer than you. We have a good candidate against you in your electorate.

Mr MASON: The honourable member for Cessnock has a great deal to learn, as undoubtedly he will. He represents an electorate which should show great concern for disadvantaged and working people. It would behove him to demonstrate that concern in this House. I repeat that having listened to all the Minister said, honourable members would be driven to only one conclusion—that his speech amounted to nothing other than an attack upon the federal Department of Aboriginal Affairs. Obviously the Minister is only interested in stirring up the federal Government. He is not concerned about the Aboriginal people.

My views on this matter are shared by others. The honourable member for Cessnock should pay cautious attention to what he says. I refer honourable members of the House to a report that appeared on 11th November, 1978, in the *Sydney Morning Herald.* It indicates that a director of the Aboriginal Medical Service, Mr Bob Bellear, who is also chairman of the State Labor Party's policy committee on Aboriginal affairs and a member of the Labor Party's national committee on Aboriginal matters, shares the concern that I am now developing about the motives behind the motion. The Minister is not only playing pure politics; he is also intending to use the Aboriginal people. That is the disgusting and disgraceful part of it. Another shocking thing is that he has disregarded the Aboriginal people. That is made clear in what Mr Bellear said. He said that the party policy committee on Aboriginal affairs has put as a proposal to the independent commissioner and to the Premier that what the Minister proposes is most unsatisfactory to the Aboriginal people. They do not want another inquiry; they do not want another investigation in this House; they want some real and positive action.

Mr Bellear was also critical of the Government's decision to set up a special unit of Aboriginal affairs within the Premier's Department. This is a sign of the times. The Government is establishing special units everywhere. Mr Hill of the Premier's Department is going out to spy on the Minister for Transport to keep him in order. The Aboriginal people want a directorate to be set up and want the Government to take some real action. I view with trepidation the motion to set up a select committee. The first term of reference of a joint committee of the New South Wales Parliament set up in 1965 was to inquire into and report upon the welfare of Aborigines in New South Wales, with particular reference to education and housing, and to present legislation or other proposals necessary to assist Aborigines to obtain an improved standard of living. The Deputy Speaker was a member of that committee so he and the other members still in this House who served on it would know that the first term of reference of the proposed select committee is the same as the first term of reference of the committee set up in 1965. The report of that committee sets out some suggested courses of action. Three reports on the welfare of Aborigines in New South Wales were prepared for the New South Wales Government by W. D. Scott and Company. The first, relating to Aborigines on the South Coast, was prepared in 1969.

Mr Jackson: They were your favourite people.

Mr MASON: If the Minister keeps interrupting he will convince members of the Opposition that he is playing politics in this matter. He should show some concern for the Aboriginal people or he will end in the dustbin. The second of the reports by W. D. Scott and Company was prepared in 1972. I have here copies of reports supplied to me by the Parliamentary Library. A perusal of them shows the scope of the inquiries into the problems and needs of Aborigines in Sydney. Mr Bellear clearly asked why the Government does not get on with the job and stop trying to fool the Aboriginal people of this State. There have been enough inquiries, and another select committee cannot hope to come up with anything new. However, I wish the committee well and I hope that it can produce new evidence.

A report prepared for the federal Government dealt with the social and medical aspects relating to Aborigines. Does this Government propose to set up further committees of inquiry into Aborigines? Has it come to the conclusion that this is the best way to sweep the problem under the carpet? As expected of him, the Minister is playing politics. It is evident that the Government has selected this technique to keep Aboriginal people in this State quiet and to tell them that the committee of inquiry will take two or three years to reach its conclusions. Honourable members can be sure that it will take that long. Whenever any question is raised in the future by Aboriginal people the Government's answer will be that it has established a select committee to inquire into the matter. The time has come when the Minister has to deliver the goods. The responsibility is heavily upon him to start doing something constructive. I serve warning upon him that he will not get away with what he is proposing. The Aboriginal people of this State will see through what he is trying to do and will realize that their problems will not be resolved by the setting up of yet another committee. They will continue to have housing problems and there will be shortage of money for their needs, because the Minister will not do anything about those problems. I shall have more to say about the federal–State financial arrangement behind which the Minister is hiding.

We are looking to the Government not for a select committee but for a selective programme to solve the problem. That is the Government's responsibility. We have had enough discussions. What is needed is a decision that will give muscle to all the previous reports, recommendations and inquiries. We all know what needs to be done. What we want from the Government is some action. This is far too sensitive an area for the introduction of party politics. I was ashamed of what was said by the Minister for Youth and Community Services this afternoon. I hope there is more to his attitude than what he said in the House. If there is not I shall be gravely disappointed in him. I hope he was merely carried away by the occasion, for what he said was a deliberate attempt to play party politics with the federal Government and this is far too sensitive an area for that.

On this very question, while for three years the Premier has been slow to act, his federal Government counterparts have taken the initiative and this must be placed on record. The Minister talks about finances, but in the last financial year the federal Government made $14.19 million available to New South Wales for Aboriginal purposes. That money has been directed to be expended on health, housing, education, employment, welfare and legal aid. These great programmes are going on with federal money in many parts of New South Wales. I wish there were more of them. I wish we could see many of these things being done in a better way. Aboriginal people come to see me in my electorate and tell me of the problems that arise from divided administration and they worry about how the problems can be resolved. The resolution of those problems is our task, but with all the best will in the world no member of

this House could believe that a select committee will provide a solution quickly and easily. The members of the select committee will be able to travel round, to look at conditions and to make recommendations. But all that has been done before.

We know what has to be done and we want the Government to get on with it. We will support the Government and encourage it. If reallocation of some funds is necessary, we will support that. One of the things that really gets me down is listening to Ministers—and perhaps the Minister for Youth and Community Services is one of the greatest offenders in this regard—when they say, "The federal Government has given New South Wales a matching grant of so much money." The Minister knows that that does not preclude this State Government from spending more than that. This afternoon the Minister for Health spoke about the federal Government offering to match the State's payments up to 75 per cent. That does not mean that the State Government cannot go further where it sees it has a greater responsibility. Of course it can. If the Minister for Youth and Community Services considers that more money is needed to provide housing for Aboriginal people than the grant made available by the federal Government to the State Government for that purpose, there is not one legal reason why this State Government cannot allocate more funds for that purpose.

One of the things he is always talking about is pre-school education. He goes round the State saying the dreadful Commonwealth Government will not give us enough money. He says the federal Government provides a certain amount and that limits what we can do. He ought to examine what is done in Victoria where the Government is not inhibited by the amount of money it receives from the federal Government. The Victorian Government considers what is needed for pre-school education in that State and then provides the money to meet the need. Why cannot we have that sort of action from the New South Wales Government?

Mr Caterson: It is a good excuse.

Mr MASON: That is right; it is a good excuse. It is lovely for the Government to have someone to blame. The Minister can say that the dreadful people in Canberra will not give us the money. Yet at this time every newspaper in this State is carrying the story that this is the richest Government in Australia with massive reserves of over $500 million. Why will it not spend some of this money to meet the needs of the Aboriginal people? Let us stop talking about inquiries and start spending money. It is time the Minister stopped hiding behind federal Government grants and started doing something on his own initiative. That is the message that the Opposition wants him to hear this afternoon. If the Minister is concerned about the Aboriginal people, let the Government start spending more money in the areas where it is needed most. Let the Government start putting some of its money into education and all the other areas I have mentioned and stop talking about yet another inquiry as the Minister has been here this afternoon.

Another reason why members of the Opposition are concerned about the motion is that we doubt that a select committee of this Parliament is the appropriate body to examine the fourth term of reference. As I have said, we are suspicious that it is to be used merely for political purposes. If the Minister is really concerned about this issue why does he not approach the federal Government and say: "The agreement is not working. Let us set up a joint federal-State operation." It is all very well for the Minister to sit bleating like a lamb, but we want some evidence that he will come into the open and say to the federal Government, "Come and meet with our members and let us set up a joint inquiry into these matters." Surely if the Minister wants to examine how the federal and State administrations have been handling this difficult

area, the appropriate way to go about it would be to say to the federal Government: "Let us combine our resources. We have to resolve this matter. Things are breaking down everywhere. This is what is happening. Let us make a joint approach to the matter."

Let us get this thing out of the political arena where the Minister seems determined to drag it. We will support the Minister fully if he will adopt that approach and try to get the matter out of politics and make a realistic approach to it so that we as men and women in this Parliament can look one another in the eye and say: "Here is a sensitive, difficult problem concerning people who deserve our help. Let us reach out to one another and do something about it." I am in earnest about this. I hope we shall see some evidence from the Minister that he will rise above the political bog in which he seems to be living and do something decent for the Aboriginal people.

There is yet another reason for my concern about the politics of what is happening here. I believe all precedents of the numbers constituting select committees are being broken. We are to have a select committee without any balance in numbers. The practice and longstanding tradition of this House is for the Government to have a majority and we are happy about that. It is usually six to four or five to three. That is how select committees have always been constituted in this Parliament. But here we see the Government with a six to three majority—and I have a feeling that I know the reason. As I listened to answers at question time this afternoon from the Minister for Corrective Services, the Minister for Mineral Resources and Development and the Minister for Lands and Minister for Services I realized why this select committee is to be composed of six Government members and three Opposition members. It is because the Cabinet wants to give the younger members on the Government side something to do. The tired old Ministers are scared stiff of the younger members. This afternoon we heard from the Minister for Health and the Minister for Youth and Community Services and they were both pathetic. They cannot handle their portfolios. They do not know what the issues are. This is the way that the clever, consummate politician Wran has of getting the younger members out of the way. In saying that, I am complimenting the honourable member for Blue Mountains.

In effect, the Government has told its backbenchers to get off its back, get out to blazes, travel round the State; it does not want to see them anywhere near here. It wants them to keep off the backs of the Ministers; it does not want the backbenchers causing trouble in this House. It is obvious from the Government's performance in the House that it will have a lot of trouble from backbenchers of the Labor Party. They will not tolerate from Ministers the incompetence and irresponsibility that we have seen in this House. I have news also for the Minister for Youth and Community Services. If he keeps playing politics with the Aboriginal people of New South Wales he will not retain office for long. The Aboriginal people deserve from this Parliament not politics but the best it can bring to them. The electors of New South Wales have charged the Minister with the responsibility of doing something for Aboriginal people. I am most disappointed by the Minister's setting up another committee and by his attitude.

Mr KEANE (Woronora) [4.11]: I congratulate the Minister for Youth and Community Services on moving the motion and on the excellent way in which he supported it. I listened with pleasure to the Minister's reasoned arguments in support of the motion and his explanation of the background leading to the establishment of the committee. He gave a resume of the problems the Government is having as a result of the federal Government's lack of co-operation. I noted with interest what the Leader of the Opposition said. Although he commenced his speech in a reasonable manner, it soon deteriorated by his displaying that bombastic attitude that honourable

members know so well. He accused the Minister of playing politics. Obviously the Leader of the Opposition was the guilty person so far as playing politics was concerned. At first he made soothing sounds and said that he supported the concept of the committee. He said also that the Country–Liberal party would do all it could to assist the committee. Then he proceeded to denigrate the committee, its objects and those who will serve on it. I was saddened that the Leader of the Opposition should descend to these depths with this most important matter.

Notwithstanding the efforts of all those who have been interested in the welfare of our Aboriginal citizens, who have taken the trouble to read the reports of the Anti-Discrimination Board, and the 1967 committee, and the most recent reports of Mr Al Grassby, the standing and position of the Aboriginal people has not improved to any great extent. Although the Leader of the Opposition suggested that we should not proceed with the inquiry, he asserted that we should do something. He does not suggest what should be done. He glossed over the obvious lack of action by the Liberal–Country party Government when it was in office. He said also that the Liberal Party, of which he is a member, will lend its support as it has a special interest in Aboriginal people.

Undoubtedly the committee will visit the Dubbo electorate to see at first hand the conditions in which the Aboriginal constituents of the Leader of the Opposition are living. I shall be interested to learn whether he translated what he said into action, particularly over the eleven years that his party was a member of the former Government. It does not matter how much the Leader of the Opposition blusters in this House; the Minister has correctly said that the Fraser Government has reneged on its policies. That Government's policies have had a most adverse effect on the Aboriginal citizens of New South Wales. The Minister was correct in highlighting this fact. I am sure that the Minister in his reply will make it clear that what he said was founded on fact.

The proposed committee will consider the matter of State–federal Government relationships. The time of the committee will be well occupied in considering the various items set out in the motion, including the presentation of a report on the effectiveness of current Commonwealth-State arrangements for Aboriginal matters. Land rights will be one of the important matters to be considered by the committee. Anyone who has been concerned about the Aboriginal people will appreciate that land rights are probably the overriding issue to them. I am sure that the committtee will give great attention to that particular issue. When the committee ultimately makes its recommendations I shall be interested to see whether the Leader of the Opposition supports any recommendation about land rights and whether the party that he represents will support any proposed legislation granting land rights.

History shows that the party that he represents and the Country Party have not a good record so far as Aboriginal land rights are concerned. The forebears of members of those parties took the land away from the Aboriginal people and this dispossessed them. It is timely indeed that members of the Opposition should have some conscience now as their record and past attitude have been sorry ones indeed. I am sure that both Government and Opposition supporters who comprise the committee delving into these matters will not turn the inquiry into a political football. They will be as sincere as the Minister in their attitude towards the vexed problem of Aborigines. I hope that the committee will not deliberate from a distance as a group of white parliamentarians saying, "Yes, this is a problem with the Aboriginal people. This is what we determine should be done".

Probably one of the reasons why effective action was not taken following previous inquiries and committees was that they were carried on from on high and little cognizance was taken of what the Aboriginal people wanted or were concerned

about. I hope that this committee will be different from earlier committees in that important respect. I am sure that if the Aboriginal people, their leaders and activists have the opportunity to put their case and become involved deeply in the committee's deliberations, it is likely that its recommendations will result in appropriate and effective legislation that will improve the lot of the Aboriginal citizens of New South Wales.

We have an important responsibility in this matter. Australia is no longer an isolated country remote from world opinion. If one reads the resumes of decisions and recommendations of the United Nations and reports of what is happening in the Third World, one ascertains that all eyes are on Australia and how Australian governments treat Aboriginal citizens. We must bear in mind that, following recommendations by the committee, the Government's actions will be of tremendous importance in regard to land rights in New South Wales. This State will be blazing a trail in relation to land rights, and the situation in New South Wales is far more difficult and complex than in any other State in Australia. That is because of the history of the dispossession of Aborigines of their land.

If the committee can solve this vexed problem it could provide a lead to the Canadian Government and the United States Government. For once, instead of dragging behind the coattails of oversea governments, if this committee does it job properly on land rights in this State we could be a trailblazer and this Government could set an example to the United States Government and the Canadian Government in their treatment of American Indians. Although health, education and housing are important and have been dealt with by previous committees as well as being the subject of lengthy reports, never yet has there been an inquiry into land rights in New South Wales. That is where this committee will be blazing a trail and that is why it was necessary to include land rights in the terms of reference. This committee is different from previous committees in that respect.

In saying that this has all been done before and inquired into before, that this is just another committee, the Leader of the Opposition was wrong. This is the basic vital difference in the terms of reference of this committee. I do not for one moment underrate the complex and intricate problems that will face the committe. It will be dealing with human beings, citizens of New South Wales, and that will involve human, psychological and emotional problems. The success of the committee will depend to a tremendous degree on the support that it receives from the Aboriginal people. I was sorry that the Leader of the Opposition tried to sow discord even before the committee starts its deliberations. He tried to divide the people from the committee members and to drive in a wedge by referring to Bob Bellear's statement in the press. As chairman of the policy committee of the Australian Labor Party, Bob Bellear is far better known to members on this side of the House than to the Leader of the Opposition. It ill behoves the Leader of the Opposition to quote Mr Bellear to us. We are aware of the high standing in which Bob Bellear is held in the Aboriginal community and the community generally.

I am sure that when the committee starts its deliberations it will receive the utmost support from the policy committee of the Australian Labor Party. When we have as well the support of the people, the activists who represent the Aboriginal people and the Aboriginal people at large, not only in country areas but urban areas as well—for the problem is just as acute in Redfern and Newtown as it is in country areas—I am sure that the committee will not be just another committee that will deal in an abstract way with the problems. It will be a committee that will look at the problems in 1978, not 1965 and not in the manner in which the previous committees dealt with them.

Mr Keane]

Having read the report and the minutes of evidence of the previous joint committee on Aboriginal affairs, I pay tribute to the excellent work that it did. Everyone who is interested in Aboriginal matters should read the report. The committee went into country and suburban areas and interviewed hundreds of witnesses—Aborigines, experts, scientists—and its findings were relevant to that time. I hope that the new committee will build on the foundation laid by the previous committee. I pay tribute to the work of members of that committee. I know that you, Mr Deputy-Speaker, and the former member for Bass Hill were members of it. If one reads the report of the committee one appreciates what an important and painstaking job it did.

Although things have moved on since that time, some of the issues are still the same, although the attitude of Aborigines is now different. Their standard of education is higher, their political awareness is greater and they are much more militant. Moreover, we are now able to examine the problems among Aborigines in a different atmosphere. Given the goodwill of not only the Aboriginal people but also all other citizens of New South Wales, the committee will be successful in achieving what it will set out to do. The committee will be faced with a complex task. Doubtless all the members of the proposed committee realize what is ahead of them. I am sure they will assume their task with goodwill and that they will have the support of the Aboriginal people. The committee will have the responsibility of bringing down recommendations and seeing them translated into legislation that will do something positive about improving the conditions of our Aborigines.

It was pleasing to hear the Leader of the Opposition say that the Government would have the full support of the Opposition in this matter. I know that many honourable members opposite are deeply concerned about the problems facing our Aborigines, and that they will give the committee every co-operation. I hope that when the committee brings down its recommendations and they are incorporated into legislation the Opposition will continue to give the Government its support. The Premier and the Government are sincere in their efforts in setting up the select committee. Doubtless they will prove their sincerity when the committee's recommendations are translated into legislative action.

I am confident that the proposed committee will build on the work of the previous select committee that inquired into Aboriginal affairs and that it will bring down recommendations to help to solve some of the greatest social problems that the community has ever had to face. I pay a tribute to the Minister for Youth and Community Services for his initiative in moving to set up the committee. He is well known for his sympathetic and compassionate attitude towards all the people who come within his jurisdiction and he has displayed these attributes ever since he assumed his portfolio. It ill behoves the Leader of the Opposition to cast aspersions on the Minister. However, I am sure he will be quite capable of defending himself when he speaks in reply to this debate. I hold out great hopes for what the committee will achieve. Many cynics will say that this is a problem that has been in existence for many years and that no committee will be able to solve it. But because a problem is difficult and appears insoluble, we should not wash our hands of it. This State has a large Aboriginal population and if the Government were not willing to tackle their difficult problems there would be little hope of their ever being solved.

The proposed select committee will consist of a number of experienced parliamentarians and other honourable members who, although they have not been in this House for a long time, are renowned for their genuine interest in the problems facing Aborigines. I am sure that in the years ahead, this committee will be spoken of as one that investigated the grassroots problems of Aborigines and translated its recommendations into legislative action. If the committee does that, it will ensure its place in the history of New South Wales.

Mr J. H. BROWN (Raleigh) [4.35]: On the last available figures, the electorate that I represent contained more Aborigines than any other electorate in New South Wales. It is appropriate that you, Mr Deputy-Speaker, should be in the chair at this time, because you were one of the members of the previous joint committee that examined the problem facing Aborigines in this State. Other members of that committee included the honourable member for Davidson, the former member for Vaucluse, the Hon. Evelyn Barron and the Hon. Eileen Furley, two former members of the upper House. That committee, which was under the chairmanship of the former member for Barwon, carried out a thorough and sincere job and a number of its recommendations were adopted. The Clerk-Assistant, Mr D. L. Wheeler, was the secretary of that committee and travelled around New South Wales with it.

I was a little disappointed in the Minister when he outlined his reasons why the proposed committee should be established. However, I was not surprised at his attempt to blame the federal Government for everything. Though he said the federal Government had failed in this area, he did not put forward much information to show precisely where it had failed. The Minister spoke about the size of the Aboriginal population and the fact that the general committee met in Sydney instead of where the Aborigines were. On the last available figures there were more Aborigines in the metropolitan area of Sydney than in the rest of New South Wales. However, the committee went to various parts of the State and conducted some of its investigations there. I was interested also to hear the Minister say that the federal Government gave the Victorian Government $100,000 for a particular purpose and it gave New South Wales only $30,000 for the same purpose. That makes me wonder whether Victoria presented a better case, whether its Minister was more persuasive or perhaps the New South Wales Minister even presented a case. On two recent occasions in this House we have heard that in respect of flood mitigation and roads the case for this State was the only one not presented to the Commonwealth.

If one reads the article in today's issue of the *Sydney Morning* ***Herald*** one sees a reference to piggy banks and all the money that this State has in reserve. The figures were provided by some person who examined the Budget carefully and came to the conclusion that perhaps this State is not in the desperate financial situation that we are asked *to* believe. When the Minister said that he would embarrass the federal Government that made me wonder whether it was the reason behind the setting up of this committee: I hope not. I hope the committee will do some good for our Aborigines. The problem cannot be looked at in isolation. We have to realize that there is a great variation between the needs of Aborigines in various parts of Australia. The Aborigines in the Northern Territory, Western Queensland and out in the centre of Australia are mostly full-bloods. Many of the Aborigines who live in the northwest of New South Wales are also full-bloods. Near the coast and on towards the city there are Aborigines with mixed blood, and these people are of a different makeup.

The honourable member for Woronora said that the matter of land rights had already been determined, and that paragraph (c) of the proposed terms of reference of the select committee could almost be deleted. He made it clear that the federal Minister for Aboriginal Affairs, the Hon. R. I. Viner, had already made some decisions on this question, and that the decisions were all right by him. There is no doubt that the federal Government is responsible for making laws for the Aboriginal people. The question whether the Commonwealth should have that power was put to the people at a referendum and was carried in the affirmative by an overwhelming majority of 5 **183 112** to **527** 004, with an overall majority in **all** States and a total majority of 4 656 106.

There has been a great change in the philosophy of the Aboriginal people themselves in New South Wales. This has been brought about to some degree by the activitists, to whom the honourable member for Woronora referred. There are always people in society who will lead, others who are smart, and others who do very well for themselves even at the expense of their fellow man. Some years ago there was a move to have the Aborigines brought from the reserves into the towns. The Aboriginal people themselves wanted that. They did not want to live on reserves. They wanted to enjoy the housing conditions enjoyed by others, they wanted their children to be able to go to ordinary schools, and they wanted much more ready access to health services.

Mr Petersen: Are the Country Party members unbiased?

Mr J. H. BROWN: The biased member for Illawarra will make a wonderful contribution to the investigation of the select committee. Apparently he has his mind well and truly made up already. I am sure that if he leaves Parliament having done as much to help the Aboriginal people as I have done in my community he can be well satisfied with himself. In 1968 the Aborigines were pleading their case for decent living standards, but the previous Labor Government had done nothing to improve the homes on reserves in which they were living. If the honourable member for Illawarra wants a political argument about the matter I will give him one. I did not want to be diverted from what I wanted to say, but let me remind the honourable gentleman that it was a Liberal–Country party government in New South Wales that provided the money necessary to give Aboriginal people decent housing. We were able to get them out of the hovels on reserves in which they lived and into decent homes. That was what they wanted. Now there has been a change. Following the activities of activists and the cries of land rights and black is beautiful, some Aborigines have decided that they want to go back to reserves.

I have with me an issue of the *Macleay* ***Argus*** of Saturday, 14th October, in which there is a report of a co-operative having been formed by Aborigines to get their people back to reserves. The Ngaku co-operative claims it has been able to get $10 million from the federal Government to move Aborigines away from the good homes in which they live at Kempsey, Nambucca Heads and other places, and put them back on reserves. Certainly they want good homes on the reserves, in which they will have the same facilities as they enjoy in the homes provided for them in the towns. They are entitled to that, but from discussions I have had with these people I do not believe that many Aborigines will want to go back to living on reserves, irrespective of the standard of the houses being built there for them. Unfortunately, life on reserves demoralizes Aborigines. The demon drink takes over, and the many brawls that break out help to destroy them as a people. Nothing has done more than alcohol to destroy Aborigines. Despite this, some Aborigines want to go back and live on reserves. They have every right to do so if that is their wish, but my hope is that the previous state of affairs will not be experienced again.

Even today at Green Hill on the outskirts of Kempsey there are some thirty transition houses for Aborigines, and trouble occurs there occasionally. The unlimited supply of money that people seem to have these days leads to idle hands, and that leads to trouble. The problem is not confined to the Aborigines. Many people have lost their incentive to work because of the unlimited supply of money. Governments and society, in their anxiety to help Aborigines, have perhaps helped them too much. Many of the responsible Aborigines feel the same way as I do and are worried about the problem facing their people.

From time immemorial Aborigines have been good workers. They had to work in order to live, either through fishing or hunting. They were industrious, but that is not so today. I cannot say that that applies to the full-blood Aborigines,

though I am disappointed by what I read about what is happening to them. A false attitude based on a wrong ethic has grown up in many communities. Instead of developing as one race of people, we are sometimes developing into a white race and a black race. I hope the members of the proposed select committee will visit my electorate of Raleigh, where they will see how Aborigines have been integrated into the community, how they attend the local schools, and how well this works. They will be able to see also the transition houses and some of the hovel life that was so widespread for a number of years.

The Minister for Youth and Community Services talked about Aborigines working as aides in schools. I visit the schools in my electorate regularly and at one school I am greeted by an Aboriginal office girl who has been trained for that work and is doing exceptionally well. Another example is Miss Karen Thaidy who works at the Kempsey Municipal Library and enjoys what she is doing there. She is performing a valuable service. These people make a real contribution to society and can bear themselves in the town with pride. At the RSL club in Kempsey on Friday evening, or perhaps on other nights, it is possible to find Aboriginal members of the club well received by other members, and enjoying the facilities provided. On the October long weekend the State Aboriginal football competition was held at Kempsey. I was asked to open the recent competition and welcome visitors to it. I did so. The Aborigines in attendance had a most successful weekend, with a well-conducted ball on the Saturday night.

I pay tribute to Val Bryant, who has been mainly responsible for the success of Benelong Haven, a scheme for alcoholic Aboriginal People from New South Wales, Western Australia, Palm Island or anywhere else. It has been a real lifesaver for many people. It is carried on in a building that you, Mr Deputy Speaker, would remember as the site of the old Kinchela boys' home, which was visited by the committee of which you were a member. The site has been taken over by the group to which I have referred, which has done a lot of good there. It is conducting some farming and there are a few fowls about the place. Some painting is being done and the buildings are being kept in good repair. Last Saturday week I was approached by a couple, an Aboriginal woman and a white man who have had an association for eleven years. They pleaded with me to get them a house. They said, "We have been sober for three years now, but living on the reserve at Bowraville the pressures are such that every so often we have to go back to Benelong Haven or we will break out again, and we do not want to go back to those days". That illustrates the good work that is being done at Benelong Haven. I believe the lady who is responsible for it has a similar set-up here in Sydney.

The situation is difficult. It is very easy to say that a subject is composed of black and white with no grey area. There are many aspects to be looked at. It is possible that most of the information that the select committee will be seeking is already available through the Minister's office. I know that in the Kempsey office of his department there are several people who deal specially with Aboriginal people. One is Sister Griffiths to whom I have referred in this House previously. She is an authority on the Aboriginal people, and no doubt she will be giving evidence to this select committee, as she did to a previous committee.

Mr Jackson: You got her special working conditions.

Mr J. H. BROWN: I tried to get her special working conditions for she was entitled to them. I am a member of the local tenancy advisory committee of the Housing Commission. I joined that committee as the services representative in 1951 and have continued on it. Today applications at Kempsey are made simply for a house. Certainly, a number of houses are provided as houses for Aboriginals, known as HFA, but I have never been happy about the distinction between houses for Aboriginals and

Housing Commission homes. If people are to be housed in a community I believe they should meet a certain standard, irrespective of the colour of their skin. The distinction means that if a home classed as housing for Aboriginals became vacant today, only an Aboriginal could go into it; it could be that there was no applicant for it. I know that the tenancy advisory committee at Kempsey places great store on the advice that it receives from the Department of Youth and Community Services through Sister Griffiths, because of the counselling that she does continually and the fact that she has taught many young Aboriginal girls how to keep house and manage their money, as a result of which they have become responsible citizens.

I hope the committee will not continue on the political line that unfortunately was the underlying theme of the Minister's speech. I do not want to take anything from the work he has done since he assumed his portfolio. The committee will be dealing with a real problem and I hope it will receive the unbiased political attention of its members. The terms of reference require the committee to consider socio-economic deprivations and disadvantages. I believe that if they have a good look as they go about the committee members might find that many white people today are somewhat deprived and disadvantaged.

I believe the committee will find that employment is a difficult problem because, as I mentioned earlier, certain people, irrespective of their colour, are not keen to work. In the Kempsey office of the Commonwealth Employment Service there is a special employment officer whose whole responsibility is to build up projects for Aboriginal people. I trust that the committee will seek information from that section of that government department about what the federal Government is doing in this sphere. The committee will then be in a position to advise the Government on what should be done about that aspect. I hope the committee will look at it on a non-political basis, for it is a real challenge.

Mr Petersen: You mean on a Country Party basis.

Mr J. H. BROWN: I do not mean on a Country Party basis. Now that the honourable member for Illawarra is a member of the committee, he should try to get that bias out of his skull for once.

Mr SPEAKER: Order!

Mr J. H. BROWN: I mentioned the committee. I did not mention the honourable member for Illawarra. We know he is biased. Everybody in the community knows his bias. The whole of the Parliament knows it.

Mr SPEAKER: Order! The honourable member for Raleigh will come back to the motion before the House and refrain from attacking members on the other side.

Mr J. H. BROWN: I shall come back to the motion. I was proceeding to deal with it when I was rudely interrupted, as I have been on three or four occasions, by the very biased member for Illawarra. I hope he will shake off some of those shackles when he gets out and looks at things through both eyes. Otherwise the committee will be doomed from the start. If it does what the Minister has firmly stated he believes it will do, without continually having a crack at the federal Government about what that Government is doing in the matter, and does something positive, it will have something to offer. If not, I do not believe the committee will carry out the duties that most honourable members would want it to. I wish the committee success in its deliberations.

Mr PETERSEN (Illawarra) [4.58]: It gives me no great pleasure to follow in this debate the condescending, paternalistic garbage spoken by the honourable member for Raleigh, who has indicated precisely the reason why we need this select

committee. I remember that when I first became a member of this Parliament in 1968 one of the first speeches I heard was by the honourable member for Raleigh whose concern for Aborigines was demonstrated by the fact that he was complaining that in one city in his electorate too many Aborigines were being housed in the one street. On that occasion he was quite rightly torn to shreds by the honourable member for Waverley. It is vital to get this committee going now because in 1980 we will have a federal Labor Government and it will then be a question of co-operation between the New South Wales Labor Government and the federal Labor Government to get away from the old shibboleths and introduce a programme for the Aborigines, which is what they themselves want, based upon the fact that there is no Aboriginal problem—only a white problem.

The white problem derives from the fact that we were established as a colonial settlers' State and that we exterminated most of the native inhabitants and removed the rest from their lands. I shall take as an example Fraser Island, near where I was born. In 1860 there were 2 000 Aborigines there. In 1897 the pitiful 300 Aborigines remaining were removed to the mainland so that white people could use their land. There are plenty of areas in this State where we need to investigate the Aborigines in accordance with the fundamental principle of what the Aborigines themselves want. Take, for example, the area of Orient Point, where back in the 1860's and 1870's Alexander Berry shepherded the remnants of several tribes and virtually made them self-supporting prisoners of war, using them as casual labour in vegetable growing. I pay tribute to the Whitlam Government which in 1972 was the first federal Government to recognize the need for Aborigines to have some control over their own lives and for finance to be made available to them, as the Minister for Youth and Community Services correctly pointed out. What happened from 1972 to 1975 and what has happened since the amending legislation in New South Wales is that money was spent and is still being spent, but not a great deal of it has reached the Aboriginal people.

Mr Moore: Tell us why the committee cannot go to the Northern Territory where the problems are at their worst.

Mr SPEAKER: Order! If the honourable member for Gordon wishes to speak in this debate he should seek the call.

Mr PETERSEN: Originally I had some reservations about the establishment of this committee. Unlike most honourable members, I happened to hear what Bob Bellear said when he spoke at the meeting of the Aboriginal medical service at Redfern when the building was opened. It was touching to hear Professor Fred Hollows, who opened the building, described by Bob Bellear as an honorary koori. That was because he as an ophthalmologist, unlike the paternalistic honourable member for Raleigh, had done much for the Aboriginal people. He had inaugurated a programme of eye health that has been of great benefit to the Aboriginal people. I hope that when the committee has finished its deliberations, despite the reservations of Bob Bellear, some of us will also be described as honorary kooris. It is significant that for the first time the terms of reference of the select committee have included what the Aboriginal people want. Among the general terms of reference, which are much the same as those of 1965, we are to inquire into and make recommendations regarding land rights for New South Wales Aboriginal citizens. That is what the Aboriginal people want. We must recognize that and do something about it.

I am pleased to be a member of this committee and to be nominated by the Minister. It is a great honour. I hope I can approach my responsibilities on the committee in the knowledge that I am a member of Parliament in which all members are gubbas. There is not a single koori among us. It is inevitable that there will be some

paternalism, but we should do our best to listen to what the Aboriginal people have to say, reflect upon their demands and bring down a report which for the first time will not be paternalistic but will give the Aboriginal people some hope that they have rights in this country, from which we dispossessed them when our ancestors landed here in 1788.

Mr MOORE: Mr Speaker——

Mr FLAHERTY (Granville), Government Whip [5.3]: I move:

That the question be now put.

The House divided.

Ayes, 61

Mr Akister	Mr Flaherty	Mr O'Connell
Mr Anderson	Mr Gabb	Mr O'Neill
Mr Bannon	Mr Gordon	Mr Paciullo
Mr Barnier	Mr Haigh	Mr Petersen
Mr Bedford	Mr Hills	Mr Ramsay
Mr Booth	Mr Hunter	Mr Renshaw
Mr Brereton	Mr Jackson	Mr Robb
Mr Britt	Mr Jensen	Mr Rogan
Mr R. J. Brown	Mr Johnson	Mr Sheahan
Mr Cahill	Mr Johnstone	Mr A. G. Stewart
Mr Cavalier	Mr Jones	Mr K. J. Stewart
Mr Cleary	Mr Keane	Mr Wade
Mr R. J. Clough	Mr Kearns	Mr Walker
Mr Cox	Mr Knott	Mr Webster
Mr Crabtree	Mr McCarthy	Mr Whelan
Mr Day	Mr McGowan	Mr Wilde
Mr Durick	Mr McIlwaine	Mr Wran
Mr Egan	Mr Maher	
Mr Einfeld	Mr Mair	*Tellers,*
Mr Face	Mr Mallam	Mr Degen
Mr Ferguson	Mr Mulock	Mr Quinn

Noes, 36

Mr Arblaster	Mr Fisher	Mr Pickard
Mr Barraclough	Mrs Foot	Mr Punch
Mr Boyd	Mr Freudenstein	Mr Rozzoli
Mr Brewer	Mr Hatton	Mr Schipp
Mr J. H. Brown	Mr Healey	Mr Singleton
Mr Bruxner	Mr McDonald	Mr Smith
Mr Cameron	Mr Maddison	Mr Taylor
Mr Caterson	Mr Mason	Mr Wotton
Mr J. A. Clough	Mrs Meillon	
Mr Cowan	Mr Morris	
Mr Dowd	Mr Murray	*Tellers,*
Mr Duncan	Mr Osborne	Mr Moore
Mr Fischer	Mr Park	Mr West

Mr SPEAKER: Ayes 61; noes 36. The question is resolved in the negative.

Mr Moore: Mr Speaker, in the affirmative?

Mr SPEAKER: To dispel any doubt, in fact the question was resolved in the affirmative.

Resolved in the affirmative.

Question—That the motion be agreed to—proposed.

Mr JACKSON (Heathcote), Minister for Youth and Community Services [5.11], in reply: The Leader of the Opposition in leading on this motion has been responsible today for the most pathetic performance of any leader of the Opposition in this House in my twenty-three years in this Parliament. He began by spending five minutes telling us how he had nominated the honourable member for Murray to be a member of this proposed committee. He said that we ought to be ashamed of ourselves that we did not nominate a female member to be a member of a parliamentary committee. For eleven years under the former governments to which he belonged, from 1965 to 1976, Labor members did not have an opportunity to do that.

I recall being appointed to a select committee to inquire into problems associated with droughts. The honourable member for Dubbo, the present leader of the Opposition, was also a member of that committee. There was no consultation by the Premier of that time, or by any member of the Government, with the Opposition on the selection of members for select committees. At least we have done the decent thing by the Opposition. We have consulted the Opposition and let them recommend somebody for appointment to the proposed committee and others that have already been set up. For eleven years the Liberal–Country parties ignored Labor members in opposition, so they should be thankful that they are being recognized as an Opposition to an extent that we never experienced.

The Leader of the Opposition criticized me for having the audacity to question the responsibilities of the federal Government on Aboriginal affairs. It was his patron saint, the Hon. Tom Lewis, the person whom he followed blindly into the wilderness, who signed the agreement in 1975 that vested in the Commonwealth Government full financial responsibility for the funding of Aboriginal programmes and services. Yet he now comes into this House and tries to defend the Commonwealth Government, saying that we must accept more responsibility. He said that he favors, and would give boundless support to, any measure or any form of help than can be given to Aborigines and disadvantaged people.

Fancy that sort of statement coming from the Leader of the Opposition. Fancy him saying that the Liberal and Country parties will support any measure to help disadvantaged people. In 1976 when we became the Government of this State we found after thorough investigation that he and his colleagues were responsible for the most disgraceful exhibition on assistance to disadvantaged people of any government in the history of Australia. They left this State in a shocking mess; they had no regard for the plight of any disadvantaged people. I was disgusted by the hypocritical remarks of the Leader of the Opposition. He was a senior member of a government that left disadvantaged women and deserted wives in a situation where they were by far the lowest paid people in this position in the nation.

In 1976 they received $86 a fortnight. In every other State in Australia they were paid $119.50. Children's pocket money was not increased by our predecessors for ten years. Under the Child Welfare Act the amount paid to assist foster parents who look after State wards was $12.50 a fortnight in New South Wales, compared with $20 in the other States of Australia. This Government has increased that payment in New South Wales to $22 a fortnight.

Mr Schipp: Oh, be quiet.

Mr JACKSON: The honourable member might want me to be quiet because what I am saying embarrasses him. As long as Opposition members try to defend the federal Government and their own record over a period of eleven years, they will

drift further into the political wilderness. In 1976, despite all the odds and the support the Liberal and Country parties received from their federal colleagues, the people voted for the Labor Party. They were sick and tired of dishonesty and of disregard for the Aboriginal people. They were sick and tired of all the inquiries, but no action. Now, two and a half years later, Opposition members say, "We want action". For eleven years they did nothing to give effect to the recommendations of all the inquiries they held. Let there be none of this hypocrisy. Opposition members should be honest. They should not try to defend the present federal Government.

Mr Moore: Well, give the proposed committee the right to go to the Northern Territory.

Mr JACKSON: The honourable member for Gordon has my assurance that if necessary the committee will be able to go to the Northern Territory. The honourable member feels that there is a flaw in the terms of reference of the proposed committee. Let the committee deal first with the situation in New South Wales. At this stage the Northern Territory administration does not have full responsibility for Aboriginal affairs, including health and education. It has full responsibility for the welfare of Aborigines but not for their education or health care. The responsibility for those matters has not yet been transferred to the Northern Territory administration.

The Leader of the Opposition gave no indication of his party's concern for Aborigines. In his diatribe he did not say what the Liberal–Country party governments had done for Aboriginal people, apart from telling us the history of the 1967 referendum, the 1973 legislation and the 1975 agreement. I had already recounted it but he repeated it. In 1975, when he was a senior member of the Liberal Party and a supporter of the Hon. T. L. Lewis, an agreement was entered into with the federal Government. It was a unanimous decision. The Liberal and Country parties held a combined caucus meeting to decide on whether to enter into that agreement. Since 1976, when we came into government, we have seen complete negation of the terms of that agreement by the present federal Government. The Leader of the Opposition mentioned two inquiries held in 1969 and in 1972. Those inquiries were not held by the Parliament—at the behest of the Liberal–Country parties or the Labor Party—but by W. D. Scott and Company.

Mr Crabtree: How much did that cost?

Mr JACKSON: I do not know the cost of it. The Leader of the Opposition did not mention that. I should like to know what W. D. Scott and Company have over the Opposition parties. It should not be forgotten that W. D. Scott and Company gave the State Mr Shirley, the abject failure as Commissioner for Railways. If the Opposition parties continue to take notice of W. D. Scott and Company, or believe in the need for such an outside organization to tell them how to look after Aboriginal affairs, heaven help them.

There were other inquiries that they did nothing about. After expounding on W. D. Scott and Company and how we should take notice of their inquiries and other inquiries held into various matters, the Leader of the Opposition said that the time has come for the Government to deliver the goods. That is what we are doing today, delivering the goods. Although the delivery of the goods for the Aboriginal people is not our responsibility, we are doing it; we are accepting that responsibility.

Many Aborigines are living in degradation and poverty as a result of the federal Government's abdication of its responsibility to them. It ill behoves the Leader of the Opposition to try to support the federal Government and the federal Minister for Aboriginal Affairs. When he went to the northwest of New South Wales he said he was disgusted at the deprivation of the Aborigines in that area. Also, he expressed

amazement over the lack of suitable housing for Aborigines. What he did not say was that all these areas were his responsibility. Since 1975 it has been the responsibility of the federal Government to provide Aborigines with adequate housing and with welfare, education and health services. The federal Minister had the audacity to go to the northwest of this State and issue some distorted press releases. He attempted to tell the people of New South Wales, particularly Aborigines in that area, that this Government was responsible for the squalor in which they were living. Let me tell the federal Minister for Aboriginal Affairs and the Leader of the Opposition that this Government has directly funded many programmes that are completely outside its responsibility. This Government has made special funds available to Aborigines to assist them in areas that are the responsibility of the federal Government. Funds have been provided to alleviate problems in respect of payment of water rates and other charges so that Aborigines can live a reasonable existence.

The Leader of the Opposition even had the hide to talk about pre-school education. He stated that I was concerned only about telling people about the wicked Commonwealth Government and its attitude to funding community based pre-school kindergartens. I propose to tell the Leader of the Opposition the true situation but I shall not go into a great deal of detail about it. From 1965 to 1976 the former Government allocated a total subsidy of $8,505,700 to community based pre-school kindergartens. In the past two and a half years this Government has set aside, for this purpose, $11,223,845 or almost 40 per cent more than the previous Government allocated in the whole of the eleven years it was in office.

Mr Moore: Which term of reference is that?

Mr JACKSON: The Leader of the Opposition spoke about this at great length. The honourable member for Gordon does not have the mental capacity to be able to absorb those figures; his mind becomes a complete blank when they are given. The Leader of the Opposition made great play about this Government's funding of pre-school kindergartens. He should be embarrassed about the situation, particularly in country areas. Only three weeks ago the federal Minister for Health, at the opening of the Narrabri pre-school, said:

> I will do everything possible to help you correct the situation. It is true that in this year of stringent economic conditions, the States have received only $32.5 million, $10 million less than last year, for pre-school kindergartens.

Further, the States have now got to provide capital funding. There will be no more capital funding from the federal Government. The former Whitlam Government accepted financial responsibility for the funding of pre-school programmes. In the past two and a half years the federal Government spent $9 million on capital funding alone. Yet only nine pre-school kindergartens have received special funding in the three years that the federal Government has been in office. Nevertheless, the Leader of the Opposition comes into this House and talks about funding for pre-school kindergartens.

Only three weeks ago, the federal Minister for Health, Mr R. J. H. Hunt, said that he was embarrased because of the disgraceful situation his Government had brought about in relation to the funding of pre-school kindergartens. The federal Government has reduced the 75 per cent level of funding introduced in 1976 for pre-school kindergartens to 43.1 per cent. State Governments do not know what they are going to receive in the next six months. The Leader of the Opposition should be using every means available to him to attack his colleagues in Canberra and embarrass them about the federal Government's reduction in these allocations. The federal Government gave no indication in 1975 or 1977 that it intended to abdicate its responsibilities

under the 1975 agreement in respect of Aborigines. The federal Government got a mandate from the people to accept that responsibility, but it decided that it would not honour its contractual arrangements with the States. It decided that it would reduce its funding, month by month, and delay as far as possible the granting of the funds that it decided to make available. What a disgraceful situation.

In order that the deprivation and sufferings of the Aborigines can be investigated, the Government decided to set up a select committee to carry out a further investigation following on the agreement made between the Commonwealth and the State in 1975. I agree that an all-party parliamentary committee carried out an investigation before 1975, but revolutionary changes have taken place since then. The Government is not playing politics; it wants the people of New South Wales, particularly Aborigines, to know that it is concerned about them. Every section of the community will be invited to give evidence before the select committee in order that the real situation can be revealed. In this way the State will be able to accept further responsibilities in an endeavour to alleviate the deprivation, degradation and humiliation facing Aborigines throughout New South Wales as a result of the dishonest tactics of the federal Government.

This Government deplores the federal Government's complete lack of concern and acceptance of its clearly-defined responsibilities. I look forward to the proposed select committee being among the most valuable committees of inquiry ever established by this Parlaiment. The committee will not set out to play politics; it has been established to reveal the dishonest criminal action being taken by the federal Government in not accepting its responsibilities which has resulted in suffering to many human beings.

Mr West: The Minister is being hypocritical.

Mr JACKSON: The honourable member for Orange will have his opportunity. He is being honoured by being appointed to the select committee, although his appointment has created a lot of dissension within the Country Party. The honourable member for Raleigh, who is supposed to be a supporter of Aboriginal affairs, was upset about the honourable member's appointment. That is why he jumped to his feet to take part in this debate. I am pleased that the honourable member for Orange has received such quick elevation in the ranks of his party but I hope it does not cause more dissension within the ranks of the Opposition. I congratulate the honourable member for Orange on his appointment to the select committee and his elevation to the senior position he now holds in the Country Party.

New South Wales has accepted a lot of the constitutional responsibilities of the federal Government because it realizes the tremendous plight of Aborigines. This Government has given greater funding to the Aboriginal Advisory Council to enable it to visit country areas where the greatest deprivation is being experienced. The Government has provided additional funding for the Aboriginal children's home at Brewarrina. That is just one example of special funding. We have made funds available to fill the vacuum created by the federal Government. The National Parks and Wildlife Service now has Aborigines busily engaged in finding sacred sites and historic carvings. The Government has given greater assistance to the Aboriginal lands trust. Special assistance has been given to enable a suitable headquarters to be established in the Attorney-General's electorate for the land trust. The Government has made special grants to the Aboriginal children's service to keep it buoyant. Moreover, it has provided special grants to refuges for Aborigines, and it has set up many other special projects to assist them.

The State Government, in addition to making direct grants, has been identified with community activity designed to promote the welfare of Aborigines, and has been operating through the various district offices of the Department of Youth and

Community Services, the Department of Health and the Department of Education. It has been able to assist organizations that are giving special help to Aborigines in many parts of the State. I recall the reference at the opening of the pre-school kindergarten at Narrabri to the establishment of an alcoholism referral centre. The district officer of my department has played a leading role in the success of that centre. I ask the honourable member for Barwon to keep facts like that in mind when he talks about the need to do something about alcoholism among Aborigines. The centre at Narrabri is doing important work in overcoming a serious social problem in the district.

In other parts of the State similar programmes have been developed through various State government departments. Where was the Commonwealth when the Narrabri project was started? Where was the Commonwealth when many other projects were started in this State? Where was the Commonwealth funding, as provided for in clause 3 of the 1975 agreement on Aborigines between the State and the federal governments? One would get eye strain looking for it. Commonwealth co-operation in these matters is non-existent. The Commonwealth gives the State no support whatever. The programmes are funded directly or indirectly by the State Government, which has assisted also in providing the manpower necessary to keep them in operation.

I commend the motion to honourable members. A select committee to investigate the problems of Aborigines in New South Wales is long overdue. I compliment honourable members who have accepted nomination for appointment to it and I wish them well in their deliberations. They can be assured that all government departments, particularly my own, will give them the utmost assistance and support in their investigations. We look forward to co-operating closely with the committee. I wish its members well. Nothing but good can come from their inquiries and findings.

Motion agreed to.

COMPENSATION FOR MEMBERS OF THE LEGISLATIVE COUNCIL

Message

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

Mr Speaker—

The Legislative Council has this day agreed to the following Resolution —"That this House notes the report and recommendations of the Parliamentary Remuneration Tribunal in relation to compensation for members of the Legislative Council on termination of office following amendment of the Constitution, and resolves—

(1) That in respect of compensation for loss of superannuation, it adopts the recommendations contained in paragraphs 34.A (1) and (2) of the report of the Parliamentary Remuneration Tribunal tabled in this House on 21 November, 1978;

(2) That in respect of compensation for loss of anticipated salary—

(a) That non-continuing members of the Legislative Council (with the exception of those specified in subparagraph (b) hereunder) should be paid a capital sum equivalent to thirty per cent of one year's base salary payable to them at the date of their retirement, multiplied by the number of years of their unexpired term of office (fractions of years to be determined by completed months of service);

(b) That the Honourable Harold Gregory Percival, O.B.E., M.L.C., and the Honourable Ronald Bruce Raines, F.C.A., M.L.C., be not entitled to any compensation for loss of salary;

(c) That the principle outlined in subparagraph (a) above in respect of non-continuing members be also applied to continuing members but that, because the dates of expiration of their offices are indeterminate at this stage, legislation be introduced subsequent to each of the next two general elections to give effect to this resolution;

(d) That none of the above benefits should be available to any member of the Legislative Council who is re-elected to the Council at the election bringing about his compulsory retirement;

(3) That legislation be introduced to give effect to resolutions 1 and 2 (a), (b) and (d)".

Legislative Council Chamber,
Sydney, 21 November, 1978.

JOHN JOHNSON,
President.

SELECT COMMITTEE UPON ABORIGINES

Personal Explanation

Mr Moore: I wish to make a personal explanation.

Mr SPEAKER: Has the honourable member for Gordon the indulgence of the House to make a personal explanation? There being no dissent, the honourable member may proceed.

Mr Moore: During the reply by the Minister for Youth and Community Services to debate on the motion for the appointment of a select committee on Aboriginal affairs the Minister said that I was interested only in the fact that the committee could not travel to the Northern Territory. That is not my only concern.

Mr Walker: On a point of order. A personal explanation cannot be used to debate a matter that has just been considered by the House. The purpose of giving an honourable member an opportunity to make a personal explanation is to enable him to show how his character has been impugned.

Mr SPEAKER: The Attorney-General is correct. A personal explanation must be brief. It must show the House any way in which an honourable member's character has been reflected upon or impugned. I ask the honourable member for Gordon to make his personal explanation brief.

Mr Moore: I propose to demonstrate briefly that I had at least one other concern in the matter. I am not interested only in the fact that the Minister is too gutless to admit——

Mr SPEAKER: Order! The honourable member for Gordon has not shown me any way in which his character has been impugned. If he is raising matters upon which he is proposing to speak, he is purely and simply debating the question and for that reason is out of order.

FRUSTRATED CONTRACTS BILL

LIMITATION (FRUSTRATED CONTRACTS) AMENDMENT BILL

DISTRICT COURT (FRUSTRATED CONTRACTS) AMENDMENT BILL

COURTS OF PETTY SESSIONS (FRUSTRATED CONTRACTS) AMENDMENT BILL

Suspension of Standing Orders

Suspension of so much of the standing orders as would preclude these bills being treated as cognate bills agreed to on motion (by leave) by Mr Walker.

Introduction

Mr WALKER (Georges River), Attorney-General and Minister of Justice [5.35]: I move:

> That leave be given to bring in a bill for an Act to amend the law relating to frustrated contracts.

Following the Law Reform Commission's consideration of a reference given to it by the former Government to examine the Law Reform (Frustrated Contracts) Act, 1943 of the United Kingdom, the commission has presented its report entitled "Frustrated Contracts". The English Act provides for adjustment between the parties to a contract where the contract is frustrated. Briefly, a contract may be frustrated by an event that makes further performance impossible or illegal or takes away the basis on which the contract is made. For example, if a person has contracted to have his house painted and half-way through the job the house burns down, obviously it is impossible to finish the job. In that case the contract is then frustrated.

In New South Wales there is no general legislation for adjustments where a contract is frustrated. The parties are, therefore, left to the common law, which the Law Reform Commission described as being unjust in this area—an assertion with which I agree. The effect of the common law that applies at present to the situation in New South Wales is that no obligations arise under the contract after frustration, but obligations that accrued before frustration remain. Where money has been paid before frustration, and frustration causes a failure of consideration for the payment, the money must be repaid. Often a contract will be inadequate to ensure that the burden due to frustration falls evenly upon the parties. The burden may fall on one of them, and the other party may get a windfall. Sometimes the burden may fall on both parties, but not to an equal extent.

The Law Reform Commission has examined the English Act, which is described as better than the common law, but the commission believes defects exist in the English Act. In addition, legislation adopted in Victoria, New Zealand, and British Columbia was looked at by the commission. In very general outline, the scheme recommended by the Law Reform Commission and adopted by the Government in the Frustrated Contracts Bill, 1978, first requires the repayment of any payment made before frustration; second makes provision for payment for any benefit, other than money, that a party has obtained from what another party has done under the contract; and, third, makes provision for the costs which a party incurred for the purpose of performing the contract. However, if this scheme seems manifestly inappropriate or unjust, a court is given power to make adjustments at discretion. These proposals provide a much more equitable solution to the situation involving a frustrated contract than the existing common law.

I move also:

That leave be given to bring in a bill for an Act to amend the Limitation Act, 1969, to declare the limitation period applicable to a cause of action arising under part III of the Frustrated Contracts Act, 1978.

This bill is cognate with the Frustrated Contracts Bill, 1978, and its purpose is to amend the Limitation Act, 1969, by fixing the limitation period to six years for the bringing of an action under the Frustrated Contracts Act, 1978.

Further, I move:

That leave be given to bring in a bill for an Act to amend the District Court Act, 1973, to confer jurisdiction on the District Court of New South Wales with respect to certain matters arising under the Frustrated Contracts Act, 1978.

This bill also is cognate with the Frustrated Contracts Bill, 1978. Its purpose is to confer jurisdiction on the District Court by amending the District Court Act, 1973, to enable that court to determine applications under the Frustrated Contracts Act, 1978.

I move further:

That leave be given to bring in a bill for an Act to amend section 84 of the Courts of Petty Sessions (Civil Claims) Act, 1970, with respect to certain costs that may be incurred under the Frustrated Contracts Act, 1978.

This bill also is cognate with the Frustrated Contracts Bill, 1978, and will permit the Governor to make rules under the Courts of Petty Sessions (Civil Claims) Act, 1970, with respect to certain costs in a court of petty sessions where an action under the Frustrated Contracts Act, 1978, is removed from such court into the District Court. I commend the four motions to the House.

Mr MADDISON (Ku-ring-gai) [5.41]: The Opposition supports the introduction of the main bill and its subsidiary measures. When the bills are available we shall note particularly how far they conform with the report of the Law Reform Commission, to which the Attorney-General referred in his remarks. He acknowledged that the previous Government had referred this matter to the Law Reform Commission. During the period that the present Government has been in office and the present Attorney-General has been the incumbent of that office, apart from a reference to the Law Reform Commission in relation to the examination of the legal profession no other reference has been given to it. That is amazing in view of the fact that the Attorney-General has been a proclaimer in favour of law reform ever since he entered this House. The fact remains that the previous Government saw a need to have a review made of the law in relation to frustrated contracts——

Mr Walker: You never implemented any of its reports.

Mr MADDISON: That is a ridiculous interjection. As all honorary members know, the Supreme Court jurisdiction was adjusted, amended or revolutionized during the term of office of the previous Government as a result of the recommendations made to it by the Law Reform Commission. Specific amendments were made in the rules governing the practice and procedures of the Supreme Court in this State. It is a credit to my predecessor as Attorney-General that he saw the need to have the law brought into the twentieth century during his term. It does not appear that the Attorney-General is particularly interested in law reform. He has neglected this aspect of his role. It is true that this is a fairly technical aspect of the law of contract. The Attorney-General gave as an example a painting contract that was frustrated because the house was burnt down. That is something that comes within the purview of honourable members and certainly of citizens from time to time.

Another example of a contract being frustrated is of a young person who buys a ticket to a pop concert at the showground that is completely washed out by rain. I doubt very much that the damage flowing from such a contract being frustrated would be pursued in the courts, but clearly that would be another example of a frustrated contract. The point is that when a contract is frustrated because of the intervention of some outside event or circumstance, the contract comes to an end at that point, but it does not void the contract. Any obligations that have been met and any promises that have been performed between the date of the contract and the date of the frustration can still lead to considerable injustice and hardship. As the Attorney-General said, the law in New South Wales follows the common law which, as the Law Reform Commission pointed out in its report, does not provide for a proper adjustment of the losses which can occur as a result of a contract being frustrated.

It is interesting that the statute law applying in the United Kingdom, which was under consideration by the Law Reform Commission, was passed in 1943, some thirty-five years ago. New Zealand passed a similar statute in 1944 and Victoria in 1959. It cannot really be said that governments of either persuasion in New South Wales have been speedily applying their minds to providing some better prospect for compensation where contracts are frustrated. At the moment I need say no more than that my colleagues and I will look at the bill. We hope it follows the draft measure in the report of the Law Reform Commission. If that is so, it seems to us that the remedies suggested provide an equitable solution for parties to a contract that has been frustrated by events of the kind that have been referred to in the course of this debate. The Opposition awaits these cognate bills with interest. We shall determine our attitude when we see the legislation.

Motions agreed to.

Bills presented and read a first time together.

AUCTIONEERS AND AGENTS (AMENDMENT) BILL

Introduction

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

> That leave be given to bring in a bill for an Act to amend the Auctioneers and Agents Act, 1941, to provide for the reconstitution of the Council of Auctioneers and Agents, to provide for restricted licenses under that Act and to make further provision with respect to the Auctioneers and Agents Fidelity Guarantee Fund.

The bill contains a number of significant amendments to the Auctioneers and Agents Act and largely mirrors the content of a similar bill that I introduced during the last Parliament. Honourable members will no doubt recall that that bill was emasculated in another place to the extent that it could not be readied for resubmission before the last Parliament was dissolved. There was a great deal of misrepresentation about that bill. Let me repeat and re-emphasize what the Government intended in the earlier bill and what it intends in this bill.

The Council of Auctioneers and Agents was set up nearly forty years ago. It is so old that it does not take into account factors and problems in the industry that exist these days. The bill introduced into the last Parliament to achieve this rationalization was frustrated for motives that, in the Government's view, had very little to

do with what that bill contained. These motives sprang from a basic misunderstanding of the role and place of the council. The real estate industry does not own the council: the council exists—or should exist—to help regulate the industry in the interests of consumers as well as its members. If those who have an interest in the bill understand these two cardinal points, they will all the better appreciate its aims and objectives.

Many senior members of the industry have told me since that they were agreeable to the earlier bill in principle, though they did not support every detail of it. The Livestock and Grain Producers Association of New South Wales—a highly responsible organization, as all honourable members know—took the same view in so far as the bill affected its special field. The association was dismayed that the earlier measure had been opposed by honourable members here and in another place. With this support in principle and having gone over its proposals with great care, the Government sees no good reason why its policy of updating and rationalizing the work and functions of the Council of Auctioneers and Agents should not go forward.

The Government has made some changes and additions to the proposals contained in the earlier bill, but in the main this bill has the same broad objective as that envisaged in the measure that was introduced in the last Parliament. This objective is threefold: the Council should reflect current conditions in the industry; it should be truly representative of all sectors of the industry; and it should promote the interests of consumers as well as members of the industry. This necessitates changes in the Act. They include reconstitution and enlargement of the council to include the appointment of a full-time chairman; a more effective system of licensing; a higher ceiling on claims that may be made to the fidelity guarantee fund; more power to the industry's rules of conduct; and certain fundamental methods of protecting consumers from modern—though unethical—practices. I have given only a brief outline of this bill. I look forward to providing a detailed explanation at the second reading stage. I commend the motion to the House.

Mr DOWD (Lane Cove) [5.52]: The House is to be treated to yet another inglorious exercise by the Minister on this bill. When last we were troubled with this sort of legislation in this House honourable members found variations in the people whom the Minister quoted as representing the industry. It is of concern to the Opposition that the Minister alluded to the fact that certain representations were made by this group and that section. During his declining years in this Parliament I have noticed a disturbing tendency of his towards control: control is the operative word.

Mr Mallam: It gets us a lot of votes.

Mr DOWD: These interjections are disturbing. Again we hear that lovely word rationalize. As we all know, various trades and professions are in need of regulation, as has been proved by the statutes of this land. For example, my own profession, particularly the other branch of it, has been successfully regulated by wise legislation which leaves it to the profession to discipline its own members. No case has been made out in this area for the sort of measure that the Minister has proposed. However, the inglorious real estate agents, in terms of fidelity funds and defalcations, have a much better record than the legal profession or any of the various trades that the Minister has been interested in during his varied and colourful career before and since he entered this Parliament.

The Minister said that the bill will mirror the measure that was previously before the House. That means he has either had reason to make changes or the courage to go even further in the bill because, as that voice from the past from Campbelltown interjected, he now has the numbers to do the things that he did not have the courage to do before. The Opposition will study the bill when it is available to see what changes

have been made. We will be most concerned if the Minister is pursuing his obsession to control every area that he can. The Opposition will debate the bill fully when we have examined the changes. My colleagues and I do not oppose the granting of leave to introduce the measure. We believe it is important that the people of this State should know the sort of measures that this Minister wants to bring forward.

Mr EINFELD (Waverley), Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies [5.55], in reply: The people are discerning: they know the sort of measures that I want to bring forward. That is why at the last elections I got a record vote, for which I am grateful, and tremendous support such as I have never seen before, and also why many members of the Labor Party received tremendous votes. Doubtless this was because of the policies we have pursued during the time Labor has held office.

The honourable member for Lane Cove said something that has never been said of me before. I was astounded, and I am sure that when he goes home tonight his wife will be the first to remonstrate with him. He said that he doubted whether I had courage. Let me tell him that when I was in Opposition, long before he came into this Parliament, I had the courage to say what I believed. I always have. Thank goodness all honourable members on this side have always had courage. We have never been equivocal about what we believed in. We want to amend the composition of the Council of Auctioneers and Agents, despite the illusion of the honourable member for Lane Cove that we want to control it. After the proposed change the great majority of members of the council will be better able to control the affairs of the council. It is an illusion that self-disciplinary bodies, of which the honourable member spoke, are wonderful bodies. The Law Society, or the branch to which he belongs, would probably be the first to admit that it was not so good at disciplining its members—nor is any profession. The Government is not taking away from the Council of Auctioneers and Agents the right to discipline its members. The council will have greater authority and control over them. The Government received opposition on the previous bill in this House but the wisdom of honourable members was made clear because the measure was readily adopted in this Parliament.

The Government intends to regulate on the basis of ethics. We will be adopting regulations on the laws of the council as a moral and ethical issue; that was never done by honourable members who now sit opposite. They were the first to oppose it. The honourable member for Lane Cove pointed out that the Government intends to rationalize. What is wrong with the word rationalize? To him perhaps it means what the people in Ash Street and those from the ultra-right wing were doing in trying to control all concerns and organizations in the Liberal Party, to the extent that a gentleman with a hyphenated name recently wanted to take over control of the Rose Bay branch. Is that the kind of rationalization that he is frightened of? All that the Government is doing is giving the profession more rights. The honourable member called it a profession, but I call it an industry. I said that this measure mirrors the previous bill. It contains almost everything that was in the original bill, except some odd changes that the Government thought might make it better for the community.

I remind the House that the Council of Auctioneers and Agents, like other organizations that look after an industry, looks after it on behalf of four million citizens of New South Wales, and not just for those who think that the industry should be controlled for their own profit and benefit. I am delighted that the House will agree to leave to introduce the bill. I have no doubt that the bill will pass its second and third readings and will be approved in another place. Before Christmas it will be an Act of Parliament and, having revised the Council of Auctioneers and Agents, the Government will have recorded one more of its many achievements that

have delighted the electorate. Who knows but that some day wisdom might come to the citizens of Lane Cove so that they might send to this Parliament a local member who thinks the way we do and will want to help us.

Motion agreed to.

Bill presented and read a first time.

STATUTORY AND OTHER OFFICES REMUNERATION (AUCTIONEERS AND AGENTS) AMENDMENT BILL

Introduction

Mr EINFELD (Waverley), Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies [5.58]: I move:

> That leave be given to bring in a bill for an Act to amend the Statutory and Other Offices Remuneration Act, 1975, to provide for the remuneration of the Chairman of the Council of Auctioneers and Agents.

The introduction of this bill is consequential to the proposed amendments to the Auctioneers and Agents Act, 1941. One of these amendments concerns the position of chairman of the council. This bill will simply ensure that his or her remuneration is regulated in the same fashion as that for holders of other public offices. I commend the motion to the House.

Mr DOWD (Lane Cove) [5.59]: The Opposition does not oppose the granting of leave to introduce this bill, and we look forward to studying it at the second reading stage.

Motion agreed to.

Bill presented and read a first time.

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

PAY-ROLL TAX (AMENDMENT) BILL

Introduction

Mr RENSHAW (Castlereagh), Treasurer [7.30]: I move:

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

The object of the bill is to give effect to the changes in the exemption and tapered-scale concessions announced in the Budget. It is proposed that from 1st January, 1979, no tax will be payable where the annual payroll does not exceed $66,000, with a partial exemption applicable on payrolls up to $165,000. These changes represent an increase of 10 per cent in the level of existing concessions, and they provide further evidence of the Government's concern to assist small businesses throughout the State within the limits of budgetary constraints.

The bill includes also a machinery amendment designed to streamline some of the paperwork in relation to returns. Savings are expected from the change, with no inconvenience to taxpayers. I shall elaborate on this matter in my second reading speech. I commend the motion to the House.

Mr McDONALD (Kirribilli), Deputy Leader of the Opposition [7.32]: As the Treasurer has intimated, the provisions of this bill were announced by him in his Financial Statement on 5th September last. The Opposition, however, notes the continuing expressions of concern by the Government and the Treasurer on the need to assist small businesses. The Opposition notes also the references that have been made to the payroll tax concessions provided for in the Budget as a means of stimulating production, investment and employment in the private sector. This is clearly not being achieved. Payroll tax reduces the initiative of the struggling business community. The yield from this tax has risen from $584 million in 1976 to $682 million in the present Budget. According to the Treasurer, the proposal contained in this bill will result in a saving for small businesses of only $2 million in the remainder of the current financial year and $4.5 million in a full year.

The concern expressed by the Government does not appear to have been accepted by the business community. A sum of $10 million was estimated as the payroll tax concession for last year but the actual concession only totalled $21,665. The effect on business incentive expected by the Treasurer as a result of this sort of legislation has not been borne out in practice. No doubt the position will be no different during the coming year. However, the Opposition grants leave to the Government to introduce the bill and looks forward to debating it further at the second reading stage.

Motion agreed to.

Bill presented and read a first time.

INDUSTRIAL ARBITRATION (REINSTATEMENT AWARDS) AMENDMENT BILL (No. 2)

In Committee

Consideration resumed (from 15th November, ***vide*** page 401).

Clause 2

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [7.35]: I move:

> That at page 3, after line 12, there be inserted the words
>
> (2) The references in subsection (1) to the dismissal or proposed dismissal of an employee are, in relation to a person employed under the Public Service Act, 1902, references to the termination or proposed termination of the employment of that person under section 44, 56, or 61 of that Act or as referred to in section 65 of that Act, including the termination or proposed termination of the employment of that person under section 56 or 61 of that Act pursuant to a direction that he resign or be allowed to resign.

All honourable members are aware of the need for this amendment to the bill. It was explained when the bill was last before the Committee, and I urge members to approve of it.

Mr SCHIPP (Wagga Wagga) [7.37]: The Opposition has no objection to the amendment. It was necessary to clarify the position. There was an omission from the original draft bill and when it came before the House in March of this year an appropriate amendment was moved. Unfortunately it was omitted during the preparation of this new bill. We believe the amendment to be necessary if the Arbitration Act is to be codified so that the industrial courts can handle reinstatement matters affecting the public service.

Mr CATERSON (The Hills) [7.38]: I support the honourable member for Wagga Wagga. I repeat what I have said on other occasions, that piecemeal amendments to the Industrial Arbitration Act can only create difficulties in the future working of the Act. Although I have no objection to the public service being covered by the Act for the purpose of reference of cases of termination or dismissal or proposed dismissal, nevertheless the Minister should give serious consideration to a complete review of the Act and its effect, to see how best it can be amended to make it a more useful piece of legislation than it is at present, particularly in the light of the problems that have arisen.

I know that the Act contains plenty of provisions to cover the handling of disputes or threatened disputes, but there ought to be something more specific in the Act to provide that in relation to disputes on a dismissal or threatened dismissal, or any other matter, the workings of the commission and the commissioners can be put into action much more quickly than at present. This sort of situation occurs in New South Wales when at times neither the union nor the employer notify the commission of a dispute or threatened dispute. A strike can be called on before any action can be taken by the Industrial Commission to bring the parties together in an endeavour to negotiate a settlement. Though the bill makes clear the position of public servants, it is a fact that often a dispute arises about the reinstatement of an employee before the Industrial Commission is able to attempt to negotiate a settlement. I ask the Minister to give consideration to my request to examine the Act completely and to bring its provisions up to date. If threatened disputes can be dealt with before they arise, industrial relations will be improved and strikes prevented.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [7.41]: The bill concerns the reinstatement of Crown employees. On the question of notifying industrial disputes, it would be fair to say that the system in operation in this State is the best in Australia. Under our system a union or an employer is able to notify an industrial dispute by telephone. On its own initiative the court—indeed the Minister himself—can refer the matter to the Full Bench of the Industrial Commission. In this way a dispute can be referred to the appropriate tribunal. I will have a look at the situation, but frankly I am at a loss to understand how we can expedite matters any further.

Amendment agreed to.

Page 3

(2) Subsection (1) has effect notwithstanding any provisions relating to conditions of, termination of, dismissal from, or suspension from, employment contained in any other Act or in any regulations or by-laws made under any other Act and notwithstanding anything contained in any contract of service or award that relates, or at any tine related, to the dismissed employee or the employee proposed to be dismissed, as the case may be.

Amendment (by Mr Hills) agreed to:

That at page 3, line 15, the words "dismissal from, or suspension from," be left out and there be inserted in lieu thereof the words "or dismissal from".

(i) under the provisions of any other Act or of any regulations or by-laws made under any other Act, an order or direction may be made awarding any redress to the dismissed employee in respect of his dismissal or to the employee proposed to be dismissed in respect of his proposed dismissal; and

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [7.42]: I move:

That at page **3,** line **33,** after the word "dismissal" there be inserted the words "or requiring an inquiry to be held relating to the dismissal or proposed dismissal of the employee".

Mr SCHIPP (Wagga Wagga) [7.43]: It is disappointing to see that although a new provision is to be added to the Act about seven or eight amendments should have to be made to it. This might be an appropriate stage to speak about the time allowed for a suspended or dismissed employee to lodge an appeal. The Local Government Act provides for a period of only seven days in which an appeal may be lodged. In an earlier debate the Opposition pointed out that a period of seven davs was a short time for the lodging of an appeal. I am concerned particularly about country people who do not have the ready access to advice on industrial matters that may be available to people in the city. If a weekend intervenes during the peried of seven days, people would have only five days available to them to decide whether to seek reinstatement through their own award or through the industrial court. Advice about these matters is not always readily available in country areas. I should like the Minister to advise whether he will give consideration to amending the Local Government Act in respect of the period of time allowed for a person to lodge an appeal. It is not unreasonable to fix a period of at least fourteen days in which a person may make up his mind. Once a person makes an election and proceeds under that Act, he is not able to go back. A person in that situation has to make an important decision and it would not be unreasonable for him to have fourteen days in which to seek proper advice.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [7.45]: The Government is giving a person the right, if he wishes, to elect to have his appeal dealt with under the Local Government Act. Under this legislation he will have an unlimited period of time in which to lodge his application. The Local Government Act is not being amended. That Act provides for a period of seven days in which the person may elect to proceed under it. I shall refer the comments made by the honourable member for Wagga Wagga to my colleague the Minister for Local Government and Minister for Roads to see whether the period of time fixed under the Local Government Act may be extended.

Amendment agreed to.

(b) if proceedings under the provisions referred to in paragraph (a) (i) have been commenced and have not been withdrawn.

(4) Where the regulations so provide, an instrument referred to in subsection (3) (a) (ii) shall be in or to the effect of the prescribed form.

(5) An instrument referred to in subsection (3) (a) (ii) may not, after it has been lodged with the registrar, be revoked or withdrawn.

(6) Any provisions referred to in subsection (3) (a) (i) do not apply in respect of the dismissal or proposed dismissal of an employee after he has lodged with the registrar an instrument referred to in subsection (3) (a) (ii) relating to that dismissal or proposed dismissal.

(7) The foregoing provisions of this section (subsection (3) excepted) do not limit, and are not limited by, any other provisions of this Act.

Amendments (by Mr Hills) agreed to:

That at page 4, line 9, the words "and have not been withdrawn" be left out and there be inserted in lieu thereof the words "by the dismissed employee or the employee proposed to be dismissed".

That at page 4, line 11, the figure "(3)" be left out and there be inserted in lieu thereof the figure "(4)".

That at page 4, all words on lines 13 to 15 be left out and there be inserted in lieu thereof the words

(6) An instrument referred to in subsection (4) (a) (ii)—

(a) has no effect if it is lodged with the registrar after the dismissed employee or the employee proposed to be dismissed has commenced proceedings under the provisions referred to in subsection (4) (a) (i); and

(b) may not, after it has been so lodged, be revoked or withdrawn.

That at page 4, line 17, the figure "(3)" be left out and there be inserted in lieu thereof the figure "(4)".

That at page 4, line 19, after the word "an" there be inserted the word "effective".

That at page 4, line 20, the figure "(3)" be left out and there be inserted in lieu thereof the figure "(4)".

Mr SCNIPP (Wagga Wagga) [7.49]: I move:

That at page 4, after line 21, there be inserted the words

(8) For the purpose of this section, where the employer is the Government of the State including the Crown, a public authority, county council or any council of a municipality or shire any employee shall be deemed to be an industrial union for the purpose of section 25A of this Act.

The amendment goes to the heart of the legislation. It has been said over and over again that the bill is intended to codify the law governing reinstatement of employees. The amendment will clarify the position so that an individual will be regarded in the

same way by an industrial tribunal as a group of persons who are supported by a union. I said in the second reading debate—and it was said last March—that there are precedents for individuals to approach the Industrial Commission of New South Wales seeking reinstatement. Indeed, the test case was that of Sister Merritt at Cobar District Hospital. As I elaborated on that case at the second reading stage, I will not repeat it here. The matter was dealt with by Mr Justice Kelleher, and again by the Commission in Court Session where the Nurses Association took it on appeal. In that case it was held that the individual had the right to approach the court.

If the opportunity is being taken to clarify the position of persons who are supported by a union, we should make a further clarification and ensure that individuals are not discriminated against just because they do not have the support of the union. The best example is that of the person who has a conscientious objection to joining an industrial organization. How can such a person get the backing of a trade union to have the application for reinstatement heard by the Industrial Commission? This is a fundamental point. On many occasions the Premier has promised that he will rectify the existing position so that persons like Mr Latham and Miss Kerry Ferguson can seek reinstatement. Many statements have been made about the matter and the public has been encouraged to think that the Government will act on behalf of such disadvantaged individuals, but the bill does not deal with it. We on the Opposition benches are disappointed about that. No doubt our disappointment will extend to the community. We press the amendment for we believe strongly that it is necessary to give effect to the Government's commitment.

Mr CATERSON (The Hills) [7.51]: I support the honourable member for Wagga Wagga. Experience has shown that in recent times employees can be disadvantaged in seeking to approach the Industrial Commission of New South Wales. For example, they might be at odds with the organization to which they belong. That was most evident with the Latham and Ferguson cases. Those employees had fallen out of favour with the organization to which they might have belonged or, in Mr Latham's case, to which he did belong. They were precluded from making a personal approach to the Industrial Commission. They still will be precluded if the amendment moved by the honourable member for Wagga Wagga is not made to the bill. It is useless closing our eyes to the fact that problems arise from time to time and there are occasions when even members of a union might not have the support of that union for an application for reinstatement. That ought not to be the position.

One does not have to go back far in time to find instances of disputes between branches or sections of a union. It could well be that an employee who belongs to a particular section of a union finds that the union is unwilling to take his case to the Industrial Commission because the section to which he belongs is at a particular time in disfavour with the executive of that union. That is an important consideration from the viewpoint of the individual.

I am sure the Minister appreciates that at times an individual does need to have his rights to employment protected. If the employer proposes to dismiss a person, he should not be tied completely to the views of his industrial organization in respect of those rights. I agree with the honourable member for Wagga Wagga that in such cases the individual should have the right to approach the Industrial Commission and seek reinstatement. Unions do not always work in perfect harmony. Members of unions do not always work in perfect harmony. That is no criticism of unions or unionists. The same can be said of all organizations. A person could be put at a grave disadvantage when at a particular time he is not in harmony with his union or is even in open dispute with the union on what is for him a matter of principle. The amendment does not break new ground. The Commonwealth Conciliation and Arbitration Act contains a provision for individuals to approach the court in respect of

disputes and other matters. I ask the Minister to give serious consideration to our amendment so that the rights of individuals will be protected. I urge him to accept it so that there will be no criticism that all he is doing with this bill is protecting trade unions as such without regard to the rights of persons.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [7.56]: As honourable members have said, the amendment goes to the heart of the functioning of the Industrial Arbitration Act in New South Wales. Imagine the chaos that would result if, for example, individual union members could approach the Industrial Commission seeking variations of awards. They would all have different views. Some unionists might be concerned with long service leave, some with hours of work, and others with conditions of employment.

Mr Caterson: Why should not the individual have such a right?

Mr HILLS: Some unions have 40 000 members. Imagine the chaos that would result if every individual member of such a union had the right to approach an industrial tribunal about some matter that concerned him, or to seek a variation of the award under which he worked. The proposition made by members of the Opposition is ludicrous. If we accepted their view, hearings would never cease. We live in a democracy in which union members can ask their union to seek an amendment of an industrial law, and if they can convince the majority of the union members or the democratically elected executive of the union that such an approach should be made, or that an approach made to the courts by the employers should be opposed, the union will act accordingly. It would be impossible to have individual approaches in such cases. The question we are dealing with this evening concerns appeal against dismissal. Obviously a union will represent its members if the union thinks the member has a case. Such procedures can be expensive. Unions have to pay the cost of litigation or appearances before a tribunal.

Mention has been made here this evening of Mr Latham and Kerry Ferguson. Under the Local Government Act individuals appear before their councils. That is a different proposition entirely and they have that right. I facilitated things for Mr Latham. When I was approached by the Minister for Local Government I made available a conciliation commissioner to go to Broken Hill to hear Mr Latham's case and it will be remembered that she found in favour of Mr Latham being compensated. The whole basis of this legislation is to give to people the rights that exist at the moment under the Industrial Arbitration Act, with all its shortcomings. Honourable members opposite suggested that that Act does not provide for an individual to approach a tribunal. What will happen when the legislation is passed is that a person will make a decision, knowing that he can approach his union and see whether he can convince his union that he should be represented. If he believes he will not be represented because the union will not take up his case, he can decide to apply under the Local Government Act, which provides him with that right. On the other hand, he may decide under the Industrial Arbitration Act that the union should represent him. That is the freedom of choice that the person concerned will have.

I have already intimated to honourable members opposite that I am willing to discuss with the Minister for Local Government whether the time can be extended from seven days to fourteen days. I believe that would overcome the objections and enable people to make up their minds whether to proceed under the Industrial Arbitration Act or the Local Government Act.

Mr SCHIPP (Wagga Wagga) [8.3]: The Opposition appreciates the Minister's offer to liaise with the Minister for Local Government in respect of the extension of time to fourteen days. That probably becomes more imperative after what he has just said.

It seems that the first court to hear the case will be the union, which has to make a decision whether to act. A lot of spurious arguments about chaos have been put up. The Minister told us that we were dealing with reinstatement awards, that we are not dealing with the whole range of industrial matters that go before the courts. He said that we are talking about one specific matter, reinstatement. At the beginning he said the bill would clarify a procedure that has prevailed in this State since 1929 and would codify the law. I previously brought to his attention — and I should like to hear his comment on it — a case in which an individual was able to go before the court and where the right to do so was upheld in an appeal by the Nurses Association of New South Wales. The association disputed the right of the individual after it had been held to be valid. A precedent does exist for an individual to go before the court.

We now have before us a bill that still contains a loophole in the way this matter will be looked at by the commission. If the Minister wishes to close other loopholes, why not deal with this one at the same time? The court should decide whether or not to accept the person appearing before it, but the individual should have the right to approach the court. The Opposition does not accept the argument that was raised about chaos. It was raised by the Leader of the Government in another place when he talked about the breakdown of the tripartite hearing and all that rot. A person can be looked upon as a party in his own right. If we are to clarify the law we should clarify it in regard to this aspect. A precedent was set in 1973 in a case between Sister Merritt and the Cobar district hospital. That case went through two appeal proceedings and Sister Merritt's right as an individual to appear as a party before the Arbitration Commission was upheld. The Opposition believes that a person should have that right. The honourable member for The Hills has pointed out several situations in which it is impossible for an individual to obtain the support of his union. We do not believe the union should sit in judgment first to determine whether it will support an individual.

Question — That the words be inserted — put.

The Committee divided.

Ayes, 36

Mr Arblaster	Mrs Foot	Mr Pickard
Mr Barraclough	Mr Freudenstein	Mr Punch
Mr Boyd	Mr Hatton	Mr Rozzoli
Mr Brewer	Mr Healey	Mr Schipp
Mr J. H. Brown	Mr McDonald	Mr Singleton
Mr Bruxner	Mr Maddison	Mr Taylor
Mr Cameron	Mr Mason	Mr West
Mr Caterson	Mrs Meillon	Mr Wotton
Mr J. A. Clough	Mr Moore	
Mr Cowan	Mr Morris	
Mr Dowd	Mr Murray	***Tellers,***
Mr Duncan	Mr Osborne	Mr Fischer
Mr Fisher	Mr Park	Mr Smith

Noes, 59

Mr Akister	Mr Britt	Mr Day
Mr Anderson	Mr R. J. Brown	Mr Degen
Mr Bannon	Mr Cavalier	Mr Durick
Mr Barnier	Mr Cleary	Mr Egan
Mr Bedford	Mr R. J. Clough	Mr Einfeld
Mr Booth	Mr Cox	Mr Face
Mr Brereton	Mr Crabtree	Mr Ferguson

Mr Flaherty	Mr McGowan	Mr Rogan
Mr Gabb	Mr McIlwaine	Mr Ryan
Mr Gordon	Mr Maher	Mr Sheahan
Mr Haigh	Mr Mair	Mr A. G. Stewart
Mr Hills	Mr Mallam	Mr K. J. Stewart
Mr Hunter	Mr Mulock	Mr Wade
Mr Jackson	Mr O'Connell	Mr Walker
Mr Jensen	Mr Paciullo	Mr Webster
Mr Johnson	Mr Petersen	Mr Whelan
Mr Jones	Mr Quinn	Mr Wilde
Mr Keane	Mr Ramsay	*Tellers,*
Mr Knott	Mr Renshaw	Mr Kearns
Mr McCarthy	Mr Robb	Mr O'Neill

Question so resolved in the negative.

Amendment negatived.

Amendment (by Mr Hills) agreed to:

That at page 4, line 23, the figure "(3)" be left out and there be insert in lieu thereof the figure "(4)".

Clause as amended agreed to.

Adoption of Report

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

REAL PROPERTY (CROWN GRANTS) AMENDMENT BILL (No. 2)

Second Reading

Mr CRABTREE (Kogarah), Minister for Lands and Minister for Services [8.14]: I move:

That this bill be now read a second time.

In this State, there are currently three systems of title to land. There is first the original common law or old system of title, brought from England by the first settlers of the colony. That system still governs about 5 per cent in area of all alienated land in this State. Second, we have a mass of Crown lands legislation, dating from the sixties of the last century, which provides a different system in respect of the occupation and alienation of the extensive areas of the lands of the Crown in this State. Third, we have the comparatively simple Torrens system of title, administered by the Registrar General in accordance with the provisions of the Real Property Act, 1900, and certain other statutes.

It is the policy of the present Government that all land that is capable of being brought under the provisions of the Real Property Act, 1900, be converted to Torrens title as soon as practicable. In his implementation of this policy in respect of tenures held under the various Crown Lands Acts, the Registrar General is now actively engaged in the conversion to Torrens title of some 36 000 leases in perpetuity and homestead selections. This conversion programme will, in the present state of the law, follow the traditional pattern of the formal issue of a Crown grant for each

holding and its due registration under the Real Property Act, 1900. However, because of the prolixity of the grant forms for leasehold tenures, a multi-sheet—double-sheet or four-page—form of grant will almost invariably be called for. The reason is that most sections of the various Crown Lands Acts which contemplate the issue of Crown grants specifically require that the grant contain all the reservations, conditions and other matters to which the particular holding is to be subject.

Present indications are that if these requirements are to be observed in respect of the aforesaid 36 000 holdings the administrative difficulties in the preparation and issue of those grants are likely to inhibit, if not frustrate, the rapid conversion of those holdings to Torrens title. Some other facility for placing on public record the relevant particulars is now required. It is considered that one such facility should be a memorandum: which sets out in detail the relevant reservations, conditions and other provisions to which the grant is intended to be subject; will be distinctively numbered and filed in the Registrar General's Office, as are dealings under the Real Property Act, 1900; will be incorporated by reference in the relevant Crown grant; and will become part of the Torrens register available for public search. The primary object of this bill is to authorize the creation of such a facility.

The memorandum facility would make a significant impact in three important areas. First, the use of such memoranda will enable the forms of grant for leasehold tenures to be simplified; it will also prevent the proliferation of grant forms and enable those forms to be kept to a basic few, as has already been achieved with fee simple grants. Second, the use of memoranda would go far towards eliminating the problems associated with multi-page grant forms, which are extravagant in the use of costly paper and create problems and expense in preparation, storage, maintenance and photocopying. Third, the use of such memoranda would provide a solution to the problem of storing, at minimum cost, all grant particulars in a computer register or in a future land data bank. I should like to make some further comment in respect of each of those matters.

Crown grants have always been noted for their prolixity. In many cases excessive verbiage in even the simplest forms of grant, for example, those relating to grants of estates in fee simple, entailed the use of multi-sheet forms of large size. However, during the past few years the fee simple grant forms have been revised, with ministerial approval, and nowadays the text of such grants can usually be accommodated on a single-sheet document of smaller size. In the result the fee simple grant now has much of the simplicity of lay-out and economy of language which is characteristic of certificates of title issued for land under Torrens title. Whereas the reservations and conditions in practically all fee simple grants are standard, the conditions attaching to leaseholds are diverse and are likely to vary, not only from one form of tenure to another, but also from one estate to another. This diversity of conditions precludes the preprinting of grant forms without leading to a proliferation of forms.

The multi-page forms required to accommodate all leasehold conditions will also mean increased costs in acquiring quality paper while the additional bulk of paper will, without commensurate benefit, create problems in filing such grants, in their maintenance and in photocopying them for the searching public. Most grants of leases in perpetuity appear likely to be subject to certain common reservations and conditions, for example, reservations of minerals and land for public ways, and of certain rights in respect thereof, and a provision for forfeiture for non-payment of the annual rent or non-observance of the conditions attaching to the particular tenure. In mining areas there will be a further condition relating to non-liability of the Crown for subsidence of the surface of the land.

Mr Crabtree]

These standard reservations and conditions readily lend themselves to recital, not in the grant—where they will use up valuable space and force grants to be in multi-sheet form—but in a memorandum which would be numbered and filed in the office of the Registrar General, as is the practice with other leases, restrictions, et cetera, affecting land under the Torrens system. These reservations and conditions would be incorporated in the grant by reference to such memorandum. This innovation would bring Crown grants into line with certificates of title which refer, by notification, to the instrument in which the relevant details are to be found.

Inquiries of legal searchers indicate that, although the titles for most parcels of land under the Torrens system are expressed to be subject to the reservations and conditions contained in the relevant Crown grant, solicitors and other interested parties make very little inquiry as to the nature of those reservations and conditions. Where such inquiries are made, searchers are often obliged at present to copy out in longhand the relevant grant particulars. Under the present proposal the reservations and conditions would be recited in the grant—and in subsequent certificates of title—as being set forth in a particular numbered memorandum, and a legible, high-quality photocopy of that memorandum would always be available upon request. The proposal does not appear to be disadvantageous to the searching public and appears to have manifest advantages for the Registrar General in the preparation and issue of Crown grants in volume.

The memorandum proposal is also seen as a provisional solution to a computer problem involving Crown grants. If at some future date the Torrens register is computerized to form the nucleus of a land data bank or other land information system, some action will need to be taken with respect to the registration of Crown grants under the Torrens system. All the information at present shown in a Crown grant cannot be fed into a computer and recovered, except at a prohibitive cost. For example, regulation 106 (1) of the Crown lands regulations sets out the text of sixty-eight conditions which, if appropriate, may be annexed to special leases; these prescribed conditions are not to prejudice the right of the Minister to annex additional conditions to the holding.

A memorandum setting out the special conditions attaching to the particular class of perpetual lease appears to provide an economical solution to the problem of catering for prolix grants in a computer context. At this stage it is offered only as a provisional solution; the availability of the facility of a memorandum would enable its value to be assessed for the future. It is acknowledged that Crown grants should be as informative as possible and, wherever practicable, it is proposed to continue to set forth in grants all the relevant reservations and conditions. The memorandum facility would be used only in those cases where the circumstances militate against all the particulars being set out in the grant.

I should add that a minor objective of the bill is to validate—if indeed validation is necessary—a former practice of the Department of Lands in relation to the issue of some grants for leases in perpetuity of referring in the grants to the relevant reservations and conditions as being those more fully set forth in particular editions of the ***Government Gazette.*** I am given to understand that this expedient was adopted on the advice of the Crown Solicitor. Proposed new subsection (6) refers to a public document, a phrase that would include the ***Government Gazette.*** It will be noted that this new subsection is to operate retrospectively. This is not only because of the former practice in relation to gazettals to which I have just referred; it was also essential that the Registrar General embark on the task of converting 36 000 perpetual leaseholds to the Torrens system at the earliest possible date and he was authorized to adopt the proposal with respect to memoranda as soon as practicable. I commend the bill to the House for its favourable consideration.

Mr OSBORNE (Bathurst) [8.26]: When the Minister introduced the bill the Opposition indicated that it would not oppose it. Having heard his second reading speech, the Opposition will certainly not oppose the measure. In fact, we join with the Government in looking to it as a forward step in a programme to simplify the rights of existing landowners and land registration. It has been mentioned that some 36 000 perpetual leaseholds require attention. The Minister set out in some detail what was involved under the present system covering reservation, conditions and other matters. My colleagues and I agree that it would be a monumental task for clerical administrative purposes. The work load would be tremendous on the time schedule anticipated, which I fear might not be realized.

When the bill was before the House previously the honourable member for Wagga Wagga had some reservations about it. He thought the holders of Crown titles should be fully aware of their rights, reservations and conditions. The Minister has pointed out that provision is made for retention of that information. When I spoke at the introductory stage I asked the Minister to give consideration to devising some system whereby the information could be held in a memorandum bank or cumputer register in Sydney and distributed to various land board offices throughout the State. I understand there will be two separate memoranda. One will contain common provisions. Indeed, we would assume that after a period of time they will become a standard set of provisions. That will not create a problem, but there are also special provisions that will vary in different parts of the State.

The Minister has indicated that this is another step in a comprehensive plan to computerize land systems in this State. We hope that when land records are computerized the various land board offices will be linked by computer to the computer bank which will be established by the Registrar General, so that people who for one reason or another require information from the bank will be able to go to their local land board office and obtain it quickly. I should like the department to keep that suggestion in mind.

When the matter was before the House on a prior occasion, the Minister gave a full explanation of it and the honourable member for Wagga Wagga put forward the Opposition's attitude. At this stage all I can do is say that we support the bill and express the hope that the Minister will bear in mind the points we have raised. Any recording system that affects land, particularly rural land, should provide people with as much access to information as possible. This applies particularly to people who are not fortunate enough to reside close to the office of the Registrar General. The Opposition supports the bill and wishes it a speedy passage. Moreover, we hope that the conversion of these 36 000 leases will proceed rapidly.

Mr SCHIPP (Wagga Wagga) [8.31]: I join with the honourable member for Bathurst in commending the Minister for bringing forward this progressive measure. I had the pleasure of speaking in the debate when the earlier bill was before the House in March. It is unfortunate that the passage of the bill did not proceed through the other place for we would have been saved the exercise of again going through the procedure. The Opposition recognizes the need to bring up to the computer age the masses of information held by the Department of Lands in regard to land titles and leases. The Minister has given a fair explanation of the objectives of the bill and they are all aimed in that direction. If the former Government had remained in office it would have initiated a similar bill. The process of incorporating these records in a computer bank was commenced during the time the former Government was in office. For those reasons the Opposition is at one with the Government in respect of this measure.

I reiterate what I said in the debate on the previous occasion—this was referred to by the honourable member for Bathurst—that information of this kind should be readily available to country people. Only the details of involved leases of a special nature will have to be withdrawn from the computer bank. Before the bill was debated on the last occasion I had the benefit of conferring with officers of the Department of Lands. They showed me details of many of these involved deals to which the Minister has referred. Those officersshowed me how on occasions details had to be copied out in longhand. We certainly should not have to put up with such a system in the year 1978. The Opposition believes that though the upgrading of this procedure must be applauded, it is to be hoped that costs will not be affected greatly. I hope that the cost of getting out one of these memoranda, which is now about 70c, will not be affected greatly. The debate on the Budget has highlighted the fact that many Government charges have been increased. The Opposition looks to the Minister to ensure that the new procedure will not be used as a revenue raising measure. The Opposition takes the view that this is a progressive measure, and it wholeheartedly supports it.

Motion agreed to.

Bill read a second time.

Third Reading

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

VALUATION OF LAND (RATING AND VALUATION) AMENDMENT BILL
LOCAL GOVERNMENT (RATING AND VALUATION) AMENDMENT BILL

Suspension of Standing Orders

Suspension of so much of the standing orders as would preclude these bills being treated as cognate bills agreed to on motion (by leave) by Mr Jensen.

Second Reading

Mr JENSEN (Munmorah), Minister for Local Government and Minister for Roads [8.35]: I move:

That these bills be now read a second time.

When introducing these cognate measures, I indicated briefly the matters affected by the proposed amendments. Shortly after its election to office the Government took action to stop the rate spiral. At the time of bringing forward the legislation which gave effect to the 1977 pause in rate increases the Government stated that it would undertake an in-depth study of rating and valuation problems. Unlike our predecessors who appointed a Royal commission of inquiry into rating valuation and local government finance—and failed miserably to act on the recommendations of that inquiry—this Government moved by way of the Local Government (Rating) Amendment Act, 1977, to introduce a system of control of general purpose rates. At the same time other measures—such as the power to levy differential non-residential rates—were introduced.

The related matters affected by the bills are in the same schedule order in both bills, and I will deal with them in that order and endeavour to explain the overall effect of the bills in each area. Schedule 1 to the bills, which for convenience I will call the Local Government Bill and the Valuation of Land Bill, contain provisions relating to the introduction of land values. It is proposed that the Valuation of Land Act be

amended to require the Valuer-General to determine what will be known as land value. Land value has previously been widely known as site value. In future, councils will have the option of adopting this value for rating purposes in place of the existing unimproved values. Unimproved values were first defined for the purposes of the Land and Income Tax Assessment Act, 1895. That definition, except for the amendment inserted in 1961 to include certain site improvements as part of unimproved value has, in effect, operated to this day. As early as 1915 a judge of the High Court in a judgment relevant to the Land and Income Tax Act said:

> I think a great many difficulties would disappear from these cases if the legislature were to amend the definition of unimproved value by putting it on a practical instead of a hypothetical basis.

When unimproved value was originally proposed for use as a taxing basis there was a division of opinion as to its merit. Some members of Parliament, including the Premier of the time, saw it primarily as a basis for raising revenue. Others saw it as an instrument for securing a greater measure of social justice. Whatever may have been its intended purpose, unimproved value has been accepted when the Shires Act of 1905 was passed, and was carried through the local government rating system generally by the Local Government Extension Act of 1906.

The same principles were carried forward in the Valuation of Land Act, 1916, the allowance provisions being separately stated in section 58 of that Act. Under this system of valuation the valuer is required to value the land as if it were in its original condition, disregarding timber clearing and other improvements. These may have been made in the distant past and it is anomalous that even to this day the owner of the land enjoys a concession for expenditure long since recouped. In many cases the land will not be in the same ownership. Not only has the concept of unimproved value been criticized by the courts; indeed, the committee of inquiry under the chairmanship of Alan Bridges, **Q.C.,** appointed to consider the provisions of the Valuation of Land Act in relation to the rating and resumption of land condemned unimproved value and recommended site value, very much on the lines proposed in the legislation now before the House. The Royal commission of inquiry also supported the change to such value. That report was submitted in 1967.

The cabinet subcommittee appointed to carry out the in-depth study of rating problems, which was promised when the interim legislation was before the House in 1976, received many submissions. These came from interested organizations, including the Local Government Association, the Shires Association, primary producer bodies, the valuing profession and others. Submissions came also from commerce, industry and members of the public. One of the organizations vitally concerned with the valuation of rural land was the Graziers' Association of New South Wales, which is now merged with the Livestock and Grain Producers' Association. That association commented that its membership was divided on the question of unimproved value versus land value, depending on the individual circumstances of the landholder. On balance, the association came down in favour of land value. Following the report of the Royal commission the Shires Association of New South Wales considered the question of site value on a number of occasions. In 1975 the annual conference of that association, though not then willing to support a change to site value, carried a resolution acknowledging the need for a review of the valuation system.

The unimproved system has perpetuated inequities between landholders with differing degrees of original timber, notwithstanding that its removal occurred many years ago and the lands are now of equal productive capacity. It falls with particular unfairness on owners of treeless plains land. In a number of local government areas until the advent of differential rating the owners of such land bore a disproportionate amount of the rate burden. The improvements proposed for inclusion in land

value—in addition to the site improvements introduced in 1961—are the clearing of land by the removal or thinning out of timber, scrub or other vegetable growths; the picking up and removal of stone; the improvement of soil fertility or the structure of soil; and underground drains. Clauses (d) and (e) of the definition of land improvements are the existing site improvements.

These improvements do not include buildings, structures or works that are distinct from the surface of the land. They will not include the periodic application of fertilizer, cultivation, cropping or pasture improvement. The shelter for works of conservation and irrigation introduced when site improvements became part of unimproved value will be continued in the definition of land improvements. These are the major forms of land improvement taking place throughout New South Wales today. The allowance provisions enacted when site improvements came into being will be extended to include land improvements but the rules for cessation will be revised. In future, apart from ceasing upon sale or resumption or cessation of occupancy, the allowances will cease in the case of urban land upon the erection of any building or structure or the carrying out of any works on the land; and in the case of rural land, other than for works of conservation or irrigation, upon the use of the land, or the part of the land to which the allowance applies, for agricultural or pastoral purposes; or upon the expiration of fifteen years after the expenditure was incurred. The anomaly in respect of improvements off the land will also be removed. Previously there was no provision for the cessation of these allowances. They will be made subject to the same rules as site or land improvements. In the Government's view it is inequitable that these allowances, which are granted at the expense of other ratepayers, for they are deducted before rates are levied, should continue after the landowner receives the benefit of his improvement work.

The provisions regarding joint water supplies are being extended to include other types of schemes. I emphasize that works of conservation and irrigation on the land are not part of unimproved value or land value and will enjoy complete shelter. Allowances for works of conservation and irrigation off the land will extend for the full period of fifteen years, so long as the land continues in the same ownership or is held by the same person. The adoption of land values will be optional until the Valuer-General has furnished land values in respect of all districts valued by him. It is expected the change will become mandatory in 1982.

Except in the case of strata and mines valued on output, land value will be determined as provided in new section 6A of the Valuation of Land Act, and corresponding provisions for its introduction in the Local Government Act will be found in schedule 1 of the Local Government (Rating and Valuation) Amendment Bill. In the case of strata, it will be the same as the unimproved value. In the case of mines valued on output or rental it will be the value calculated in accordance with new section 153 (1A) of the Local Government Act.

During the time that will necessarily elapse before land values can be furnished for all areas, a council may decide by resolution to move to land value as the basis of its rates. Once it has adopted land value, the council must use that basis for all rates made in the year to which the resolution relates. The council will not be allowed to revert to unimproved capital value rating. Appropriate amendments are being made to ensure that once a resolution has been adopted, land value will be fully applicable for rating purposes. These are largely machinery and I shall not go into them in detail.

Schedule 2 of the bills relates to the determination and use of rating base factors for the purpose of phasing in increases in valuations over a two-year period in an endeavour to cushion the impact on rates of large increases in valuations. The proposed amendment in item (2) of schedule 2 of the Valuation of Land (Rating and

Valuation) Amendment Bill requires the Valuer-General to include in a general valuation list furnished to a council a rating base factor in respect of each parcel of land, stratum or mine and provides for the determination of such factors. Where the parcel concerned is a mine valued on a rental or output basis, the rating base factor will be the same as that value. The reason for this is that such mines are valued annually and if the increases were phased in, the mine would never be rated on the value.

In effect, in the levying of rates in the first year in which a new valuation list is issued rating base factors will be substituted for the unimproved or land value of all rateable lands. Where the parcel concerned is land, the rating base factor will, in the case of an increased valuation, be the amount of the previous valuation plus half the increase. Where the land concerned was not valued previously, a notional value relevant as at the date of the previous general valuation will be determined for the parcel being valued. This will enable it to be given a rating base factor and be treated on an equal footing with all other lands. In cases where there is no increase in the valuation of a parcel or the valuation has been decreased the rating base factor will be the amount of the new valuation. In the latter case the owner will immediately pay rates on the value as reduced. There is a right of objection provided in respect of the rating base factor.

Schedule 2, item (2), of the Local Government (Rating and Valuation) Amendment Bill provides that, where the Valuer-General furnishes a council with a general valuation list which includes rating base factors, the council shall, in the first rating year in which the general valuation list applies, make and levy rates on the rating base factors to the exclusion of any other rating base. An adjustment will be required to a council's standard rate in the year in which rating base factors are to be used. Honourable members will no doubt recall that in the system of rate control introduced by the Government in **1977,** the standard rate is the average general rate used as the basis of calculation of a council's permitted general rate revenue, irrespective of the rate structure adopted by the council.

Schedule 3 in each bill relates to the valuation of land in the Western Division of the State. New section 7E will be inserted in the Valuation of Land Act to overcome anomalies in the valuation of lands in the Western Division. In future both freehold and leasehold land will be deemed to be freehold land subject to such restrictions on use and disposition as would be or are applicable should the land be held under a western lands lease at the date of the valuation. This change is not expected to result in dramatic shifts in rate burdens in the Western Division but will ensure that all lands are valued on a common basis. Further, it will ensure that in the valuation process the rating values will relate to the leasehold land market and not to the freehold market imported from the Central Division.

Schedule 3 to the Local Government Act is also being amended by the cognate bill to permit lands in the Western Division not covered by the Valuation of Land Act to be valued on the basis now proposed under that Act. As a consequence of the proposed amendment to the Valuation of Land Act section 160E of the Local Government Act will be amended so that it will no longer apply to land held under western lands leases. Schedule 4 to the Valuation of Land (Rating and Valuation) Amendment Bill will amend the Act so that general valuations may only be made in respect of a whole city, municipality or shire. Since the introduction of a common base date for valuation purposes the Valuer-General no longer supplies valuation lists in respect of other than whole local government areas. This amendment therefore takes cognizance only of the existing situation.

Mr Jensen]

In order to facilitate the introduction of the changes now proposed in time for the 1979 rating year the Valuer-General has, during 1978, been making certain valuations and supplying rating base factors in anticipation of the provisions in these bills. Schedule 5 to the Valuation of Land (Rating and Valuation) Amendment Bill therefore contains transitional provisions to validate actions already taken and to enable persons concerned to object to land values, certain allowances under section 58 of the Valuation of Land Act and valuations of lands in the Western Division made on or after 1st July, 1977, and before the date of assent to the proposed amendments, and also in relation to the introduction of rating base factors. There are also certain savings provisions.

Schedule 5 to the Local Government (Rating and Valuation) Amendment Bill substitutes a new section 160c for the present section. Section 160c was inserted into the Local Government Act in 1960 to give relief to ratepayers living in single dwelling-houses on land which was included in an area zoned for industrial or commercial purposes or for residential purposes other than as a site for a single dwelling-house. This original section contained a hardship test which was found to be unworkable in practice. Therefore, in 1961 a new section 160c was substituted. Briefly, the section provides that where part—referred to as the attributable part—of the unimproved capital value of any land on which is erected a single dwelling-house is attributable to the fact that such parcel is zoned for the purposes of industry, commerce or the erection of residential flat buildings, the rateable person may apply to the council for relief from payment of part of the rates levied on the land in the current rating year. The relief given is that the council postpones the payment of the part of the rates attributable to the planning potential of the land.

To ensure that affected owners pay at least the minimum amount of any rate levied, it is proposed that the maximum amount of the rate which may be postponed in accordance with the section shall be only that part of the rate that exceeds the minimum amount. The last provision places a ratepayer receiving the concession on the same footing as other ratepayers where minimum rates are concerned. Because of the new situations to be brought within the scope of the section it is appropriate that it should be repealed and re-enacted although the basic principles remain unaltered. In the future, it is proposed that the operation of the section will apply to three situations. First, it will apply where a single dwelling-house is erected upon a parcel of land which is zoned under a planning instrument to permit its use for the purposes of industry, commerce or the erection of residential flat buildings. This is the present basis of concession.

Second, it will apply where a single dwelling-house is erected on land which is zoned so as to permit the subdivision of the land for residential purposes regardless of whether the land is presently one or more lots. It will meet the situation where the dwelling is erected in such a position that it prevents ready disposition of the part which could be subdivided off, or where a larger than usual parcel is occupied. Third, it will apply where rural land is zoned so as to permit its subdivision into two or more parcels any one or more of which is to have an area of less than 40 hectares, or where it is zoned for commercial, residential or industrial use. This amendment has been strongly requested and so long as the land is used for rural purposes the owner will be entitled to such a postponement of the part of the rates attributable to its potential for subdivision, et cetera. This postponement will be subject to the same rules as have applied to single dwellings. Although in the past the section required the determination of the attributable part, this expression was not defined. It is therefore proposed that it be now defined. This is being done in new subsection (4).

Generally it is the difference between the unimproved capital value or land value and what that value would have been on the assumption that the land could continue to be used only for its existing use or could not be subdivided. Provision is being made as to payment of postponed amounts where part only of the land which has been receiving the concession is sold. The whole of the amount postponed will in this case not become due but a suitable adjustment will be made. In all, this provision will do much to ease the rate burden on the rural man who desires to continue to work his land, but finds his land taking on a higher value because of external pressures.

Item (1) of schedule 6 to the Local Government (Rating and Valuation) Amendment Bill clarifies the circumstances in which section 118A is to operate. This section limits the amount of the general rate which may be levied on metalliferous mines or coal mines. By making both subsections (1) and (2) of section 118A subject to section 126 the proposed amendments will require that where the minimum amount of a rate has been determined that amount will also be the minimum amount payable in respect of any mine. Section 153 of the Local Government Act at present requires that where a mine is being valued on output, as the Act permits, the ore, mineral or product from the mine is to be valued at the time it leaves the city, municipality or shire within which the mine is situated. Where minerals are processed at the mine any added value accruing as a result of the processing is captured in the formula for the rating of the mine. However, where the refining occurs in the rating area but not at the mine, the mine value is the same as if the mineral were refined at the mine, but in addition a separate valuation is made of the refining plant and it is separately rateable. The system causes inequalities in that rating is duplicated in some cases. It is intended that section 153 (3) be amended so as to ensure that all mines are rated on a similar basis; that is, on the value of minerals at the place of their extraction. Item (2) of schedule 6 will achieve this result.

As this new valuation principle will necessarily result in lower valuations in many cases, which, in turn, will reduce the overall rate revenue of the council concerned, the maximum amount of the rate that may be levied on a mine other than a coal or shale mine will be increased from 1.25 cents in the dollar to 2 cents in the dollar. Consequential upon the alteration of the base date of valuations generally to 1st July in any year, the proposed amendments also make the financial year the period for ascertaining the value of the output of a mine.

Schedule 7 to the Local Government (Rating and Valuation) Amendment Bill makes further amendments to the Local Government Act in respect of matters dealt with in the Local Government (Rating) Amendment Act, 1977. The amendments are to clarify the changes made by that Act and to overcome certain administrative difficulties associated with their application. The amendment of section 118 (1) alters the definition of home occupation so that it is not necessary for councils to decide which premises should be registered under the Factories, Shops and Industries Act, 1962, and refers only to those that are registered.

The first purpose of the proposed amendment to section 126 is to make it clear that the Minister may fix a maximum amount of the minimum rate in question, with discretion as to the actual amount being left with the council. The Minister may approve different minimum amounts in respect of vacant land and other land, or approve an amount for one such category only. The second purpose is to exclude a rate levied in respect of water, sewerage or drainage works, or any such proposed works, or in respect of a trading undertaking from the operation of the maximum minimum of $2. Schedule 8 corrects certain drafting errors in the Local Government (Rating) Amendment Act, 1977. Finally, schedule 9 contains savings and transitional provisions.

Mr Jensen]

In the legislation now brought forward and the legislation enacted last year the Government has endeavoured not only to guard against excessive rate increases but also to widen the discretions and the responsibilities that councils may exercise. This is in accordance with its belief in a stronger and more self-reliant system of local government. The reforms in the two bills now before the House are complementary, the proposed change to land value being only one component. In itself, however, it will constitute a major forward move in making the valuation system more easily comprehended, in that land will be valued as it is instead of on a past hypothetical basis. It will re-establish a uniform basis for valuing rural land and will do much to achieve equity between rural ratepayers, with rating much more closely related to the productive capacity of the land. This situation has been strongly pressed for by rural landholders.

While discretionary at this stage, land value will, as stated, be made compulsory when the Valuer-General has valued all lands on that basis. In 1978, fifty-four councils levied one or more differential rural rates, another thirty-nine councils met the position by levying a general rate appropriate to rural circumstances and levying differential rates in the built-up section of the area. Twenty-two councils availed themselves of the power to levy higher general rates on non-residential lands to secure a more equitable contribution from those lands as compared with residential lands. This indicates a growing awareness by councils of their role in carefully appraising the situation within their areas and using the powers they possess to achieve the most equitable distribution of rating.

The Government is confident that councils generally will welcome these opportunities and the flexibility of approach now being incorporated in their rating powers. It believes that landholders will also recognize that the Government's actions are directed to making the rating system more equitable and a better instrument for the raising of what is, and must continue to be, a major source of local government finance. As previously stated the Government will continue to monitor the position and we will examine any further options that may become apparent in the pursuit of our overall objective.

At the time the Valuation of Land Bill was drafted it was intended to provide that, apart from sale or resumption or termination of occupancy, all allowances would cease—in the case of urban land, upon the erection of any building or structure or the carrying out of any works on the land; and in the case of rural land other than for works of conservation or irrigation, upon the use of the land, or the part of the land to which the allowance applies, for agricultural or pastoral purposes; or upon the expiration of fifteen years after the expenditure was incurred. The anomaly in respect of allowances for improvements off the land, to which no rules as to cessation now apply, would be removed by making such allowances subject to the same rules.

Since the legislation was introduced representations have been received from the Livestock and Grain Producers' Association and the New South Wales Canegrowers' Association seeking to maintain for fifteen years the allowance for rural land improvements except in the case of disposition of the land. The Government has these representations under consideration and is currently considering an appropriate amendment, either in the Legislative Council or at the Committee stage in this House. Having regard to all these factors, I take pleasure in commending the bill to honourable members.

Mr COWAN (Oxley) [9.7]: In leading for the Opposition in this debate I point out at the outset that my colleagues and I place a deal of importance on the amendment to both of these Acts, for they concern the system of valuation of land, a matter of great importance to landowners throughout the State. At the same time the Opposition recognizes that local government generally is extremely dependent on its capacity to rate land and to finance most of its operations through the rating

system. Our system of local government would not be as strong were it not for the fact that local authorities have a discretion to impose rates on land as they see fit and can budget for their expenditure accordingly.

At present there is no alternative system of financing local government, although, as the Minister has said on numerous occasions in the House, local government today is receiving more assistance, particularly from the Commonwealth. I do not take him to task for mentioning that it was during the years 1973 to 1975 that this system was evolved by the Commonwealth Government of the day. It has been maintained and improved since that time by the present Commonwealth Government. The Opposition has great faith in local government. It is a system that should not have impediments; councils should be able to control their own rating. We do not agree with the Government's contention that there should be a maximum rate that councils can levy. We have always opposed that idea because it has the effect of strangling local government. Local government is the third tier of government and if it is to operate effectively and freely in this State, it should be allowed to do what it wants to do, for it is close to the people.

We recognize that the Minister has been kind enough to leave the bill on the table for some days, for which I thank him. In September 1977 the Premier announced broadly the details of the amending bill and this has given farming organizations, shire and local government associations, the Parliament and the people an opportunity to consider its effect. The Premier also instructed the Valuer-General to value land on both the UCV system, the older system, and the on-site land valuation system. This has given an opportunity to honourable members to study the effects of rating generally in a number of shires throughout the State. My colleagues and I agree with the bulk of the bill. We agree with the substitution of section 160c of the Local Government Act and with the differential rating. The major amendment is the change in the system of valuations from the UCV system to land valuation.

The Opposition sees very great problems with land valuation. One is the disincentive for the landowner who is producing extensively. We shall certainly oppose schedule 1 of the Valuation of Land (Rating and Valuation) Amendment Bill. I hope the Government and the Minister, in drawing up the amendments to the bill, have given proper consideration to the owner of productive land where valuations are concerned. Irrespective of what system is adopted for valuation—and I am sure the Valuer-General agrees with me—there will always be someone who is prejudiced, but we want the system fairest to everybody. However, no system that overtaxes incentive of people to produce is a fair one. I go so far as to say that had this type of land valuation been in practice since 1916, when the UCV system was introduced, there would be far fewer farmers in New South Wales today. Over the years there would have been an exodus of farmers to other States.

The Opposition accepts that there are certain anomalies under the UCV system. The valuer looks at the land and assesses the state of it back in the days of Captain Cook. That is a difficult task and anomalies occur. Certain improvements are allowed for, such as local government services, roads, sewerage and drainage, and anything else actually concerned with the land. But no matter what system is used, assessment of its value depends basically on comparable local sales. I do not think any person, no matter how competent he may be, can make a proper valuation unless he knows the value of recent sales in the area. In turn, he has to relate that information whether it is a UCV valuation, a site valuation or any other type of valuation. With the site valuation the valuer looks at a parcel of land and distinguishes between the clean productive land, the rougher country, and finally the timbered country at the back of it.

Mr Cowan]

He values the clean land with some timber on it, from which stone has been removed, taking into account the build-up of soil, underground drainage, levelling and so on. Our objection is that the valuer puts a value on those areas and in turn penalizes the productive land.

The Minister pointed out that in 1967 the Royal commission saw the anomalies and recommended a change in the system. I know that the Bridge committee in 1960 saw the same anomalies, and I am aware that differing information has been provided by producer organizations and councils on the appropriate system of valuing to be adopted. As the Minister has indicated, the Livestock and Grain Producers Association is divided on the issue, though it appears to favour the system of land valuation because of the values placed on the treeless plain areas of the State. There are problems with that aspect. The truth is that—and it is a matter of concern to the Opposition and, I am sure, to the Government—when the proposed change is implemented and the Valuer-General goes into the field to do his valuations, it is then that the landowners and councils will realize all the consequences. This is the reason for certain questions being asked of the Minister tonight. We should like these matters clarified.

This land valuing system will be of some assistance to those in the treeless plain areas. It will lift the tax burden on the poorer land within a shire area or municipality that has been valued at a high rate because of comparable sales in the area. Although that builds up the value of the clear land, it will bring down the value of the other land. The honourable member for Armidale and the honourable member for Wollondilly should be most concerned. When one considers the Walcha country and a lot of the Nowendoc area and other areas, one realizes that this system of land rating will have a very great effect on the value of productive land within those shire areas, and certain people will be penalized. I could instance typical examples of the Tweed shire and Shoalhaven shire, areas where there are large towns and that have previously been municipalities, but are now one Iarge shire area. The change will give councils, depending on their attitude, the opportunity to move the bulk of their ratings from urban lands into the rural areas of the shire.

The real effect of this measure will be to increase taxes on the improved land within a shire. Many smaller properties will be affected by this measure. I have in mind land in coastal areas, on the tablelands and in some of the western areas where small property-owners grow vegetables close to a town. The entire area of these productive lands is cleared. The people who conduct their activities on small dairy-farms close to the coast, the people who work grazing land, whether it be on the tablelands or on the coast, are the backbone of this State in terms of production. Many of them will take a beating as a result of the passage of this bill.

A farmer who improves his property with fertilizer should not be penalized. The Minister said that a man who fertilized his property year by year would not be penalized, but who is to know whether he has improved his property with fertilizer year after year? Does the Minister expect an officer from the Valuer-General's department to go to a farm and ask whether the property-owner fertilizes it or pastures it every year? The officer will not ask him how he has worked his property and whether he has treated it with lime or in some other way. He will not have the time to do that. The officers of the Valuer-General's Department use aerial maps when they make property valuations. These maps show up every detail, even a small clump of rushes, on a property. A valuer can examine an aerial survey map and determine what areas are cleared and how much land is productive, how much is timbered and the density of the timber.

The Opposition is concerned about these provisions because they will prove to be an impediment to the development of land for production purposes. A landowner will have no incentive to clean up more of his land and turn it over to production, whether for growing grain or rice, for beef or for dairy cattle. It may be that this is what the Government wants. In some respects I agree that some land should not be cleared. I think that the Act being administered by the Soil Conservation Service, which relates to land with a slope of over 18 degrees, is a good measure. It stops people from cleaning up a lot of land that should not be cleaned up. However, this Parliament must never enact legislation that will restrict the productivity of land. We should encourage people to clean up suitable land so that it can be brought into production and thereby assist the State.

It is no use the Minister claiming that the bill does not relate to the production of land. In his second reading speech he said that the measure will re-establish a uniform basis for valuing rural land. He went on to say that it will do much to achieve equity between rural ratepayers, with rating much more closely related to the productive capacity of land. A press release issued by the Premier in 1977 stated that these changes would mean that all land used for primary production will be rated on a common standard which is more directly related to its productive capacity. It is no use the Government saying that the measure does not relate to productive land. We are dealing with an amending bill that will tax progressive landowners.

I can see the benefits that will flow from the legislation. First, it will be of benefit to the Valuer-General. I have great respect for him and his officers. They have to complete their valuations in accordance with the requirements of various Acts of Parliament, so naturally they would support the bill because it will give them an opportunity of completing their valuations within the two year limit set under the Act. Doubtless the Valuer-General believes that the bill will provide a better way of valuing land. That is one point on which the Opposition does not agree with him. I referred earlier to the treeless plains land that is penalized under the unimproved capital valuation system. The Minister will agree that it will be easier for a landowner to understand the system under which his land will be valued. At present landowners do not appreciate their position until they receive their rate notices.

At the introductory stage I gave details of a property that would be affected by this measure. A property of 1 000 acres may consist of 500 acres of cleared land and 250 acres of semi-cleared land. The rest of the property may consist of timbered land at the back. Previously, a big proportion of the value of that land would be in the rougher country at the rear of the property, but now the value will be transferred to the 500 acres of cleared land. My interpretation of these provisions is that this land could now be valued at approximately $1,000 an acre, whereas the semi-timbered land of the property would be valued at $150 an acre and the rougher country at the back at between $40 and $50 an acre. I invite the Minister to point out where I am wrong. This has been the experience in shires that have already received valuations under the land valuation system.

I should like to refer to the Gloucester shire, in the electorate of the Leader of the Country Party. That shire, which had a recent valuation, was first valued under the unimproved capital value system and then the land valuation system. The town of Gloucester is within the area to which I am referring. The shire also contains a number of built-up village areas. Under the unimproved capital value system of valuation, which was recently completed, the urban value was 27.7 per cent of the total valuation, or $5,674,000 out of a total value of $20,436,595. Under the site land valuation system the urban value would be 21 per cent, or $5,686,000. The total valuation of the Gloucester shire under the unimproved capital valuation system is $20,436,595, against a site valuation figure of $31,508,000. The honourable member for

Armidale and the honourable member of Albury will be interested to know that there has been more than a 50 per cent increase in the Gloucester shiie valuation using land valuations.

Mr Schipp: Site valuations.

Mr COWAN: Land valuation or site valuation: they are the same. In the Gloucester shire too high a value has been placed on timbered land and semi-timbered land because of the effect of the subdivision and sale of comparable land. The ultimate result will be that dairyfarmers on productive land and the owners of grazing lands along the rivers and ridges will be paying more in rates. Unless the council corrects that position, there will be a transfer of high valuations from the urban to the rural parts of the shire. That is not a problem in the metropolitan area. For example, in the municipality of Mosman the values are exactly the same under the unimproved capital value system and the site value system. The same applies to the municipality of North Sydney. In the Sydney metropolitan area, as in Newcastle and Wollongong, there are large numbers of land sales, and they give valuers a continuing guide to values. The same does not apply to country districts.

Members of the Opposition want to know how the Government proposes to solve the problem of higher values being put on rural land because of the factors to which I have referred. I am sure that the honourable member for Monaro wants an answer to that question, and will not support the bill until he gets it. The people of Monaro who own productive land will be penalized by rising land values. In that way the legislation constitutes an attack on incentive. Members of the Opposition are skeptical about it for the further reason that they do not trust this Government when it comes to the imposition of land tax. We are worried that the Government is setting up machinery that will enable it to re-impose land tax on rural land. I do not know whether the primary producer organizations are fully aware of this possibility. We ask for an assurance from the Government that we have no worries in that regard, and that land tax will not be re-imposed. Honourable members should not forget that a Labor government imposed land tax on rural land and a Liberal–Country party government removed it in order to help the primary producer. The people in country areas have not forgotten that, even though many persons new to primary production have gone into the industry since that time. I am sure that the honourable member for Monaro will be asked questions about this matter.

I seek clarification from the Minister for Local Government and Minister for Roads about the way private Iand used for the production of timber will be treated. Will the timber be treated as a crop? We on this side of the House are concerned about how the Valuer-General will monitor timbered land. Much private land will be cleared of a certain amount of timber in any particular year, and the timber will be sold in one form or another. How will the Valuer-General know that there have been sales of timber from that land?

I ask also what will be the effect of a sale at a high though reasonable price of a rough, heavily timbered property on the unimproved capital value of an adjoining property consisting, as I quoted earlier, of 1000 acres of clear timbered and semi-timbered land? The Government has said that it will abolish probate duty, and I hope it will. but the fact is that the Valuer-General determines the improved capital value of land for probate purposes, and we want to know the general effect of this new system when the land in question is to be kept within the family of the deceased by way of family transfer.

Members of the Opposition accept that the provisions of the bill are quite clear in regard to lands in the Western Division, but we should like to know their effect on a shire that has land in both the Western Division and the Central Division of the

State. I understand that quite a few shires are in that position. The Minister should spell out clearly whether all the land owned by such a shire will be valued under the one system, preferably under the one that is used in the Western Division.

We have no objection to the system proposed for the valuation of mining lands. We have no objection to differential rating applying to both urban and non-urban areas. We are disappointed that more shires in New South Wales have not taken advantage of the provisions of the legislation in this regard. The honourable member for Cessnock, who is mayor of that city, nods his approval. Members of the Opposition hope that shires and municipalities will take advantage of the scheme. Section 160c is an important part of the Local Government Act. I know that in my own electorate of Oxley, particularly in a town like Port Macquarie which has grown quickly, ratepayers have been able to apply to the council for a concession under that section, and have received it. People should not be penalized because a neighbour has subdivided land and sold it at a price that is reflected in the valuation of an adjoining property. The owner of the adjoining property could be a farmer who does not wish to sell his holding but intends to keep it in the family and produce from it. He will have the right under section 160c to make an application in accordance with the provisions of the legislation, and we commend the Minister for that. It should have been done years ago.

I am not so clear about the Minister's comment towards the end of his second reading speech about owning land for fifteen years. If a property-owner cleans up his land, he is to have fifteen years to bring it to the productive stage. I take it that the Valuer-General will decide when it is productive. A man who cleans up 50 acres will be able to bring it into production fairly quickly if it is suitable for growing grain or pasture. In such a case it will be easy for the Valuer-General to say, "Although you cleaned up the land only last year or the year before, it is now productive and I shall value it accordingly." If I am wrong in my understanding of this situation I ask the Minister to tell me so and to explain the position. I expect that the Valuer-General would determine that the land has become productive. The Opposition will move amendments to cover these aspects.

I understand that one or more speakers from the Opposition tonight will have something to say about drainage. The bill provides for the inclusion of invisible drainage in site valuation but not irrigation and associated works. Opposition members find this confusing for many property-owners in this State have improved their land by drainage. I do not believe that the Minister for Agriculture supported this provision in Cabinet. Many of his electors will be vitally affected by that provision in the legislation for they have drained their properties and improved their land. This is a vital matter for them and others like them. Later we shall move that surface drainage and invisible drainage should be excluded.

As I said earlier, members of the Opposition appreciate that no matter what system of valuation is chosen, anomalies will exist, but I repeat that we are opposed to any measure that will be a disincentive to people to produce or that will not encourage them to clear land for the benefit of the State and their families. We are entirely opposed to legislation that will increase the costs of production by adding the extra rates that we foresee will flow from the application of the provisions of this measure. Even if members on the Government side cannot foresee that result I assure them that if it occurs there will be a great outcry. Members of the Opposition see the advantages of the measure and also its disadvantages. We are opposed to schedule 1 to the bill.

Mr O'NEILL (Burwood) [9.43]: I shall reply briefly to the honourable member for Oxley who on twenty-one occasions said he would like to ask a question. I should like the privilege of answering his questions, but I shall not usurp the authority of my

old, allegedly worn-out ministerial colleague. I am proud to be among a group of Ministers who are so efficient. Apparently age does not weary them. Their experience stands the people of this State in good stead.

I am honoured to have been elected to this Parliament to represent the people of Burwood. I am deeply indebted to a wonderful band of untiring supporters who worked incessantly for this victory. The electorate of Burwood was created in 1894, that is 84 years ago. It is one of the oldest seats still intact in this State Parliament. From that time until the elections on 7th October it was never represented by a member of the Australian Labor Party. The anti-Labor forces, or conservatives as they like to call themselves privately, have held the seat until my election. Interestingly enough the name of the Liberal Party has been regularly changed. It went from Free Trade in the late 1890's to Liberal in the early 1900's. In 1917 the party became known as the Nationalist Party. In 1932 apparently that party had fallen into disgrace, as most conservative parties do, and it was renamed the United Australian Party. The cycle completed a full turn in 1951 when the party was renamed the Liberal Party. I do not know what it will do for a name next time. Will it be called the Nationalist Party again or will it be called merely the Conservative Party? The North Shore Party would be no longer acceptable as even the people in that wealthy part of the metropolitan area have lost faith in the Liberals as a political force in New South Wales.

All the people who have represented Bunvood—William McMillan, William Archer, Thomas Henley, Harry Gordon Jackett, Harry Mitchell, Lesley Parr, Benjamin Doig and John Gordon Jackett, who was the last incumbent—were widely respected in the community. I pay tribute to my opponent at the last election. I thank him for conducting, as I did, a clean and pleasant campaign. I have a great personal regard for Gordon Jackett, and it will not decrease with time. I wish him and his wife and family well in the coming years.

The electorate of Burwood is made up of three municipalities or parts thereof, namely Burwood, Concord, and Strathfield. Burwood derived its name from the birthplace in England of Captain Thomas Rowley, who was the first settler in the area and the first to be given a land grant by the Governor, Captain John Hunter, in 1799. He named Bunvood after Bunvood Farm on which he had lived in his native Cornwall. For many years Strathfield was known as Redmyre. When the railway line was built to Parramatta in 1822, the name of the station at Strathfield was Redmyre. A nearby road still carries that name as a link with the past. Burwood electorate is mainly a residential area ringed by two much used highways, the Hume Highway and the Great Western Highway, or Liverpool and Parramatta roads as they are called locally. Though it is mainly a residential area, a viable business community exists along Burwood Road and along both the highways I have mentioned.

My maiden speech would normally be made in a general debate such as the Address-in-Reply debate when I would be permitted to range over problems in my electorate and similar matters. However, I considered this bill to be of such importance that I should make my maiden speech during the debate on it. Thanks to progressive policies of the present Labor Government, Bunvood electorate has gone ahead in leaps and bounds in just two and a half short years. Massive, generous funding for various purposes has assisted all residents of the area. The State Government has been kind enough to purchase additional parkland that was formerly a brick pit, 13 acres in area, that will no doubt help to overcome the tremendous shortage of parkland in the region. For this the people of Burwood will always be grateful.

Grants from various government departments have in no small way assisted local councils to stabilize their charges. However, one of the problems that affects Burwood is the particularly high rates that ordinary homeowners have to pay. For

an area that has long been settled, with all roads sealed and footpaths, kerbing, guttering and drainage completed, it seems ridiculous that according to the report of the Boundaries Commission the ratepayers of Burwood pay one of the highest most common rate charges for dwelling units of any municipality in the Sydney metropolitan area. Other areas that vie with Burwood for having annually the highest most common rate for single dwellings are Willoughby and Manly. Those areas also were won by Labor at the last elections. The people of these three areas have had to turn to a Labor government for a chance to obtain rate relief. The problem confronting the people of Burwood commenced in 1973 when, admitting that rates were too high, the Liberal Government decided that instead of the valuation of properties being undertaken every six years it would be undertaken every two years. That was an admission that rates were too high and getting out of hand.

The residents of Burwood found that they had been slugged with crippling rate increases because of increased valuations. At the same time, some homeowners and most business people had actually received a reduction in rates as a result of the State Liberal-Country party Government's manipulations. The valuations of property on which most homeowners paid rates were far more than they should have been, while the wealthy and business sections of the community benefited from the lower valuations of their properties. A situation was created where residential ratepayers were unfairly forced to pay too great a proportion of the rate income necessary to maintain the municipality. The Liberal Government did nothing to correct this injustice. The Wran Labor Government introduced differential rating as between residential and other ratepayers so that councils, despite the inequity, could more fairly apportion the rate burden, but Burwood council, in spite of my endeavours, failed to take the action to relieve residential ratepayers.

The State Liberal Government thus forced ordinary people to subsidize the business concerns and the wealthier parts of the Burwood municipality by failing to take any action to relieve this disparity. At the same time valuations for rating purposes placed on homes of reasonable size and value were unrealistically high. In a period of three years most ratepayers' accounts increased by 100 per cent. However, a favoured few in the community actually paid lower rates in 1973 and in 1974 than they had in 1970. Burwood council, of course, did not raise its voice in public protest over the injustice. It was, and still is, dominated and controlled by Liberal Party members and supporters. They were more concerned with avoiding embarrassment to the Government than looking after the best interests of the ratepayers.

Fortunately, passage of this bill through the Parliament will change that and eradicate the injustice. Throughout that period the Liberal Party in its usual cunning, backhanded fashion, made certain that it would not suffer the political odium involved in the sleight of hand. Throughout those years it always had, ensconced in a safe seat, a Country Party member as Minister for Local Government. But Liberal duplicity reigned supreme. If a Liberal Party member were approached with a complaint concerning the revaluation of property by an individual he could simply say, "Oh! You can't blame the Liberal Party; it's those Country Party devils who are looking after that department." So much for Country Party's consideration for farmers.

Recently the honourable member for Young made great play of the fact that the Labor Party's socialist policies in New South Wales were designed through death duties to take from the people what was rightly theirs, to endanger ownership of a family property on which people had worked for years. I might state that I consider a parallel occurs in local government rating in New South Wales whenever the Liberal Party has an opportunity in New South Wales to mismanage the State's economy or to foist a further imposition on people. It has always done it through the Local Government Act and by manipulation of valuations. I can see no difference between an urban

dweller maintaining a home, and wondering whether he will be rated out of it in the next year or two if rates continue to rise, as they did under the previous Liberal Government, or whether he will have to sell it. This State Government and other governments have undertaken amelioration of death duties. However, the Liberal Party in New South Wales made no such concession to people who were worried sick as they saw not only their council rate bills, but also their water rate bills, increasing at dramatic speed each time they received their annual notices.

In a cunning ploy the Liberal Party, using the old assessed annual value situation, tied the Landlord and Tenant Act to that outrageous valuation so that landlords could appeal annually for a rent increase. No wonder they wanted to apply a new valuation figure every two years. Added to that, of course, was a further admission that rates had got out of hand under a Liberal government when it allowed payment of rates in four instalments during any calendar year.

The bills before us, as the Minister pointed out when presenting them to Parliament, are known as the Valuation of Land (Rating of Land) Amendment Bill and the Local Government (Rating of Land) Amendment Bill. They have nothing to do with land tax. They propose that the Valuation of Land Act be amended to require the Valuer-General to determine what will be known as land value, previously widely referred to as site value. This value will be determined in the same way as the unimproved value of land is determined, except that certain site improvements, called land improvements, made to the land will not be required to be excluded from consideration in determining the land value, as it was under Liberal-Country party legislation. At long last equity is to be restored in New South Wales.

Since assuming office in 1976 the present Government has carried out a most comprehensive review of the valuation and rating systems, and some reforms have been effected. Others, including a progressive change to a system of land values, are incorporated in this bill. During the course of the Government's review many submissions were received from interested organizations, including the Local Government Association and the Shires Association, primary producers bodies, the valuing profession and others, as well as from commerce, industry and members of the public. It is expected that it will take the Valuer-General three years to furnish land values for all districts coming under the Valuation of Land Act, 1916. It is contemplated that land values will become compulsory in 1982 when all councils have been supplied with those values.

One of the most pleasing things in the bill is that schedule 5 does not require the whole of the amount of postponed rates to be paid. Where postponement of rates is involved, a fair-minded and fair dinkum Labor government will make suitable adjustments and the total outstanding amount, which would be a millstone round the neck of city or country dwellers, will not have to be paid. In all, this provision will do much to ease the rate burden on the rural man who desires to continue to work his land, but finds his land taking on a higher value because of external pressures. The burden will also be eased on the city dweller.

A wide discretion has been conferred upon councils to deal with any specific local problems under their differential rating powers. Like the Minister, I am confident that our initiatives in the valuation and rating fields will result in a much greater degree of flexibility and equity than was formerly the case, with rates in rural areas being more closely related to the productive capacity of the land. The honourable member for Oxley wondered what people in country areas could do. I have some advice for them. If they elect Labor representatives to their local council and employ the differential rate they will be a lot better off. The Minister has assured the House that the

Government intends to continue monitoring the position and will examine any further options that may become apparent to achieve its objective of the fairest possible distribution of the rate burden. I commend the bills to honourable members.

Mr BOYD (Byron) [9.56]: I congratulate the honourable member for Burwood on his maiden speech. I feel sure that if he remains in this House for a few years he will look back on his speech as a historic one and probably will wish that he had had the opportunity to speak more freely than he was able to tonight, for it is difficult to make a maiden speech on a specific bill, particularly as it was obvious that he had to do so at short notice. I am sure he has applied himself well. He has a good sense of humour and will do well in this House.

I want to talk specifically on certain aspects of the bill because one or two things need clarification and probably rectification. During his second reading speech the Minister said emphatically that there would be complete shelter for irrigation and water conservation works. The words complete shelter mean in effect that those works will not be included in land values. Therefore, a person who is fortunate enough to have that type of improvement on his property will receive consideration for it. If an owner puts water on to a property by means of irrigation or keeps water on it by means of water conservation, he will be one of the favoured few. I suggest that there are certain discriminatory aspects about this. The bill says quite clearly that three things can be done with drains. They can be used to take water on to land or keep it on or take it off. In the case under consideration if an owner does the third thing and takes water off he is discriminated against. I should like the Minister to examine that aspect. Indeed, he has already very fairly indicated that he will do so. I hope I can convince him that he should do it, and possibly I can give him some help in arriving at a conclusion.

Throughout the floodplains of this State, and probably in other States as well, groups of people have banded together in what are called drainage unions. A drainage union is a group of people who come together to handle a common problem. They are constituted under the Drainage Act, which is administered by the Minister for Public Works, for the purpose of providing mutually satisfactory drainage to land. Each year these people pay rates to the drainage union for the maintenance and development of the drainage scheme. They are rated on a value that accrues through drainage and that value is frequently arrived at by officers of the Valuer-General who go on to the land and assess on the basis of its unimproved state in 1788. Then they look at the land as it is now. Obviously they see major improvements and they assess the benefits that have accrued from the drainage work that has been done by the collective efforts of individuals. That is broadly how drainage unions work, and they work very well indeed. I have been chairman of a drainage union for about twenty-five years. I still occupy the position of chairman of one of them. It is the sort of job that one cannot give away. It is unpaid and the work is done on a voluntary basis to help one's neighbours. The Dulguigan drainage union has four directors who work voluntarily, and pay rates as well.

I have here two rate notices that apply to portions 40 and 42, road purchase 31/30, roughly 56 hectares of land, with an accrued value through drainage of $3,370. The rating factor is 6 per cent, which means that on this piece of land $196.20 is paid annually in drainage rates. I make that information available to the Minister. That is the sort of thing that is happening. I have another rating notice from Tweed shire council on the same parcel of land. The local government rates on an unimproved capital value of about $80,000 are $1,237.60. There are two rate notices on that piece of land. If the bill is not amended, quite obviously that type of farming operation and that type of individual will be discriminated against. He will be rated twice on the one piece of land and will be denied the value that accrues through drainage. There will

be discrimination, particularly in relation tp the other types of land where water is kept on the land by water conservation and where water is put on by irrigation. The man who does drainage work will be an all-time loser.

I suggest that the Minister give deep consideration to this aspect because it applies to many hard-working people who through individual and collective endeavours have managed over the years to convert absolutely useless swamp country into some of the richest productive land in the State. They have done this not only through the drainage unions, but also by putting in at their own expense private drains and floodgates, which are not easy to instal and are fairly costly to maintain and operate. They have done it through using dewatering pumps, on which they have to spend enormous amounts of money and time to ensure that they work well. They have done it through mole draining, an operation in which mole drains are placed about 2 feet 6 inches under the ground, with moles about 1½ inches to 2 inches in diameter at 4 feet intervals across the paddocks. In this way subterranean drainage is operating all the time, eliminating subsoil moisture. By these means we are able to have a cane industry in New South Wales. It is a valuable and important one, so much so that the Minister for Agriculture made a grant of over $100,000 to assist the industry, as well as a loan of $3.1 million out of the country industries assistance fund although this does not compare with the grant of $2 million to the Mountain Maid cannery.

The cane industry and many other industries on the flood plains are worth developing and preserving. The Minister will be doing them a great service if he extends to them the same treatment as the other people are getting under the bill. As the honourable member for Oxley has said, this aspect has not been brought to the attention of Caucus or Cabinet by the Minister for Agriculture, who must be well aware of it, even if no one else on the Government side is aware of it. The Minister represents more cane land than I do. I am surprised that he did not bring it up in Caucus and take the opportunity of doing something at that level. Surely he is one man who could and should have brought it up there. Whether he did mention it is something that only Government supporters know, but quite obviously it needs to be considered in the bill. I hope the Minister will give it serious consideration and remove the discrimination that still exists. I have heard so many times from the other side of the House how the Government hates discrimination. We have the Anti-Discrimination Act and the Premier says he will not tolerate discrimination. Let us not have it in this bill. Let us have equity between the people who put water on, keep water on and take water off their land. Surely they are all doing the same job, moving water and doing something with it. Let us try to achieve a fair bill for which the Minister will be remembered.

I have always found the Minister fair. He has said that he has had representations from the cane growers association and is willing to consider incorporating amendments in the bill, if not in the committee stages then in another place. I should like to make the documents to which I have referred available to the Minister, if they can be of any use. If there is anything I can do to explain them to him outside the House, I shall be happy to do so.

Debate adjourned on motion by Mr R. J. Brown.

ADJOURNMENT

Liverpool Bridge

Mr JENSEN (Munmorah), Minister for Local Government and Minister for Roads [10.8]: I move:

That this House do now adjourn.

Mr PACIULLO (Liverpool) [10.8]: The subject that I wish to raise tonight has aggravated and frustrated innumerable motorists over a period of ten years and continues to disrupt seriously the normal life of the city of Liverpool. I refer to the daily traffic chaos at the Liverpool bridge. It is probably the worst traffic bottleneck in this State, and I include the Sydney Harbour Bridge. This is not a subject with which the Minister for Transport is unfamiliar. He has acted immediately and positively to provide the eventual solution to this problem, quite in contrast to his predecessors in that portfolio. The Minister is beyond any criticism whatever. He has ensured the provision of an underpass, despite some departmental reluctance, and work will commence on it at any time. The necessary funds have been included in the 1978–79 capital works programme for the commencement of the planning and construction of the continuation of the south-western freeway from the Crossroads over the Georges River to Moorebank Road, which will include a new bridge over the Georges River south of Liverpool.

The underpass on the expressway will be critical to the relief of the Liverpool bridge situation, but I must add that these proposals will take some time. That is understandable. In the meantime the growth and development of the Liverpool and Campbelltown areas will ensure that the traffic queues grow longer and longer at the Liverpool bridge. That is the reason why I raise the subject tonight. In an effort to provide some short-term solution, in May of this year I wrote to the Department of Main Roads. The letter was addressed to the divisional engineer at Parramatta and said, in part:

> I have received strong representations from a number of sources in the district in recent times suggesting a three lane and one lane changeover during peak hours as a temporary measure to solving the traffic chaos at Liverpool bridge.
>
> I am aware that this has been considered by traffic authorities in the past and rejected. I personally believe however, if for nothing else, it is worth trying on a temporary basis to actually determine whether or not the scheme would be successful. On the face of it I find it difficult to defend in public that it would not have advantageous results.

I then went on to seek the divisional engineer's co-operation. I received a reply to that letter dated 14th August, part of which is in these terms:

> This matter has been investigated in greater depth since my last letter to you on 12th May, 1978. As a result, it must be stated that, in view of the traffic volumes proceeding in the opposite direction to the major peak hour flow, the reduction of the available traffic lanes would lead to lengthy delays to traffic and therefore your suggestion is not favoured.
>
> It has been assessed that traffic congestion at the Liverpool Bridge can best be relieved by the construction of a new bridge across the Georges River and a short length of the South-Western Freeway to connect the Hume Highway, Casula with Moorebank Avenue, Moorebank.
>
> It is hoped that a tender for the construction of the new bridge will be let in approximately 18 months, and that the construction of a traffic relief route be commenced in the 1979/80 financial year.

That reply completely avoids the issue I raised. My suggestion was that a trial be carried out to test the effectiveness of a three lane and one lane changeover on Liverpool bridge. This type of traffic arrangement is used with success on other bridges, so why not on Liverpool bridge? I ask the Minister to ensure that the effectiveness or otherwise of my proposal is determined. No money will be involved in such a test: a lot could be gained and nothing lost.

For the thousands of motorists wasting millions of man-hours sitting in their cars anything is worth a trial. I appeal to the Minister to use his influence and to continue to show an interest in motorists, particulary those who reside in my area and who travel through the southwestern suburbs of Liverpool. Many motorists are affected by this major traffic bottleneck which has occurred for about ten years and is getting worse day by day.

Mr COX (Auburn), Minister for Transport [10.12]: The honourable member for Liverpool has raised an important matter that concerns traffic flow over the Georges River bridge at Liverpool. I agree that motorists in that area have a serious traffic problem. I have been in contact with the honourable member for Liverpool on a number of occasions about the construction of a new bridge over the Georges River at Liverpool. Recently I had advice from the Department of Main Roads following a request from the Premier to give some detailed proposals on important decisions flowing from my ministry. The Department of Main Roads has advised me of the construction of an arterial road along the route of the southwestern freeway, with the first stage being a new bridge over the Georges River at Liverpool to commence in 1979. I understand the concern of the honourable member because even after work commences on that bridge, a considerable time will elapse before it is completed.

The honourable member has now put forward a proposal suggesting a three lane and one lane traffic arrangement. It is true that such an arrangement operates successfully in other areas. I have had discussions with the Traffic Authority of New South Wales about such a proposal. I intend to have the director of the Traffic Authority, Mr Harry Campkin, who is a world expert on traffic management control, visit the area in company with the honourable member for Liverpool to carry out an inspection there. If my commitments allow me to do so, I shall accompany Mr Campkin on that inspection, meet the honourable member for Liverpool and examine the proposal he has put forward tonight. The honourable member's suggestion is worthy of examination because a considerable time will elapse before the new bridge is built over the Georges River at Liverpool. I give the honourable member an assurance that I will keep in contact with him on this matter and arrange for a site inspection to take place when the proposal he has put forward tonight will be examined.

Motion agreed to.

House adjourned at 10.15 p.m.