Legislative Assembly

Tuesday, 17 April, 1979

Petitions — Questions without Notice — Escapes from Morisset Hospital — Sitting Days — Cognate Environment Bills (Int.) — Cognate Corporate Affairs Bills (second reading) — Apprentices (Amendment) Bill (second reading) — Cognate Energy Authority Bills (second reading) — Factories, Shops and Industries (Amendment) Bill (second reading) — Dairy Industry Authority (Amendment) Bill (second reading) — Cognate Crimes Compensation Bills (second reading) — Adjournment (Tweed Heads Bypass) — Questions upon Notice.

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

Mr Speaker offered the Prayer.

PETITIONS

The Clerk announced that the following petitions had been lodged for presentation:

Sunday Hotel Trading

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

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

(2) Alcohol is a contributing factor in a large proportion of road accidents causing many fatalities and maimings and more facilities for weekend drinking will inevitably add to the problem.

(3) The high incidence of alcoholism among our young people is causing much concern.

Your Petitioners therefore humbly pray that your honourable House:

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

(2) If however it is intended to submit legislation to the House, this should not be done until the people of New South Wales be given the democratic right of vote by referendum on this important issue.

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

Petition, lodged by Mr Flaherty, received.

Prison for Parklea

The Petition of certain residents in the electorates of Blacktown, The Hills, Hawkesbury and adjacent electorates respectfully sheweth:

That they are in opposition to the erection of a maximum security prison or other penal institution at Parklea or thereabouts, as such will adversely affect the interests of the community in the aforesaid and adjacent areas.

Your Petitioners therefore humbly pray that your honourable House will rescind the proposal.

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

Petition, lodged by Mr Rozzoli, received.

Health Services

The Petition of Whalan School Parents and Citizens Association respectfully sheweth:

That we deplore the reduction in State Government expenditure on community health programmes which could lead to a severe reduction in services offered to the residents of our community. We are especially concerned that lack of funds may eventually curtail the training and employment of community nurses.

Your Petitioners therefore humbly pray that your honourable House urgently remedy this situation by restoring the entire range of community health services which existed prior to the freeze in funding.

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

Petition, lodged by Mr Johnson, received.

Mental Health Services

The Petition of the undersigned citizens respectfully sheweth:

That we condemn the strangulation of mental health services by severe cutbacks to the public service sector of the Health Commission.

Your Petitioners most humbly pray that the Legislative Assembly, in Parliament assembled, will take immediate steps to enable a full programme of mental health services to continue and expand in New South Wales.

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

Petition, lodged by Mr Brewer, 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 Tcwnobile 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 oversea production of Townobile electric buses is not lost, by placing forthwith an order for production of a trial batch of ten 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 ever pray.

Petition, lodged by Mr Cameron, received.

QUESTIONS WITHOUT NOTICE

STRIKE AT COAL LOADERS

Mr MASON: My question without notice is addressed to the Premier. Has he continually assured this House that his Ministers have been using their best endeavours to resolve the coal loaders dispute? As the Deputy Premier, Minister for Public Works and Minister for Ports and the Minister for Industrial Relations, Minister for Technology and Minister for Energy have so far been incapable of getting the men back to work, and as the Premier has stated in this House that the stoppages are unjustifiable and irresponsible and that if there is not a resumption of work soon the stoppages will do incalculable harm to Australia's coal export trade, has the Premier considered setting in motion machinery under the Industrial Arbitration Act to deregister the union concerned, with a view to obtaining from the Industrial Commission an order under section 8B (1) of the Act to expel from the Federated Ironworkers' Association of Australia the sixty-two metal tradesmen's assistants who have ignored the commission's orders and union requests to return to work?

Mr WRAN: There is no doubt at all that the Deputy Premier, Minister for Public Works and Minister for Ports and the Minister for Industrial Relations, Minister for Technology and Minister for Energy have done everything within their power to obtain a resumption of work by this relatively small handful of metal tradesmen's assistants, whose actions, as I said last week, are unjustifiable and irresponsible. A number of compulsory conferences have been held; indeed there was one as late as 6th April when Mr Justice Macken spoke in the strongest possible terms in support of his directions to the men to go back to work. What must be understood by the Leader of the Opposition and honourable members of this House is that this small group of tradesmen's assistants is not acting with the approval of and in concert with their union, for on at least two occasions on which meetings have been held in an endeavour to obtain a resumption of work the relevant union or unions have recommended that there be such a resumption.

A further meeting of the men concerned and their union representatives is to be held tomorrow and I am told that again there will be a firm recommendation that work be resumed and the coal loaders in question be maintained to enable the export

of this vital commodity in our internal and international trade. At this stage the Government is hopeful that there will be a resumption of work tomorrow and it will rot deliberate upon any further step until the result of that meeting is known tomorrow morning.

GRAIN ELEVATORS BOARD

Mr SHEAHAN: I desire to ask the Minister for Agriculture a question without notice. In view of the continued disruption of overtime work at the State's grain terminals, will the Minister indicate whether the Grain Elevators Board has insisted on its employees foregoing overtime conditions that have applied for many years? Will he tell the House the present position with the dispute and what the Government will do about it in the near future?

Mr DAY: The honourable member for Burrinjuck certainly has a much greater awareness of the real problems involved in the Grain Elevators Board than any members of the Opposition, in particular members of the Country Party. It should be understood that the basis of the present problem at the Grain Elevators Board relating to overtime is not one resulting from a demand by the men for any additional condition or any additional benefits. The dispute concerns the retention of a condition that has applied to these workers for many years and it should be looked at in that context. For many years the rule that applied—and it is provided for in their respective awards—was that overtime was worked on a one in all in basis, that is, when overtime is called all or any employees could accept. The Grain Elevators Board demanded as a price for not retrenching people in the slack period last year that this condition be foregone by the unions concerned. I chaired a meeting between the unions and the board that failed to reach agreement and the dispute subsequently went to the Industrial Commission of New South Wales and was heard by Mr Justice Watson. In my absence in New Zealand earlier this year, the Premier was involved in an endeavour to reach some agreement between the parties so that the record grain harvest in New South Wales could be shifted expeditiously. I regret to say that no agreement was reached.

Last week a case was to be heard by Mr Justice Watson concerning stand-downs applied for by the Grain Elevators Board. Had those stand-downs been ordered, a major industrial problem would have been created, causing a shutdown of the terminals and putting in jeopardy the shipping of this massive harvest. After talking to the chairman of the Grain Elevators Board and accepting his suggestion that I use whatever good offices I have to talk to the trade union leaders, I contacted them and we had some discussions. As a result of those discussions the men agreed to work full shifts for a fortnight; they agreed also to work half shifts in particular circumstances, to be agreed upon between the board and the unions and set down in writing in the form of an exchange of letters. As a consequence, it was not necessary and, indeed, it would have been quite provocative, for the Grain Elevators Board to proceed with its application for stand-down orders from the court.

It should be appreciated that in the main these people live in the outer suburbs and very often overtime is called on the day it is to be worked. This interferes with family plans and social engagements of the men concerned. However, they are prepared, if it is worth while, to work through to 10 o'clock, but they do not like their domestic plans disrupted any more than any other person. To work on until 6 o'clock ruins their plans for the evening.

[Interruption]

Mr DAY: Obviously some Opposition members need to be given some explanation about the position. They are so one-eyed that they believe that ordinary workers in the Grain Elevators Board terminals should not be given any consideration. However, while I am the responsible Minister I will do all in my power to ensure that they are given every possible consideration, as will the grain growers of this State. I shall not be a party to any irresponsible or provocative action by the Grain Elevators Board that might place in jeopardy the shipment of our wheat harvest. As **a** result of the discussions to which I have referred, the employees are now working overtime and there is no dispute at any major grain terminal.

Hopefully, agreement will be reached within the course of the next week or ten days about the conditions that should apply in the working of half shifts. I hope that the confrontation and disputation now taking place may prove to have been needless. With a view to obviating or reducing these disputes the Government has arranged **for** an examination to be made of the structure of the Grain Elevators Board with the idea of providing employee representation on the board. Any action in this respect will recognize the position of growers who pay a great deal of the cost involved in the board's operations. I thank the honourable member for Burrinjuck for asking a pertinent question on an issue that has been deliberately misinterpreted by the Opposition.

GRAIN ELEVATORS BOARD

Mr PUNCH: My question without notice is directed to the Premier. Did he apply pressure on the Grain Elevators Board to bypass the process of arbitration and meet the demands of unions employed at the Sydney grain terminal, as a means of settling the present dispute, knowing full well that the whole of the cost, including the increase, would have to be met by New South Wales wheatgrowers?

Mr WRAN: The answer to the honourable member's question, which is a figment of his imagination, is no.

ACCIDENT AT LUNA PARK

Mr WHELAN: I direct my question without notice to the Minister for Industrial Relations, Minister for Technology and Minister for Energy.

[*Interruption*]

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

Mr WHELAN: In view of the near tragic accident that occurred at Luna Park yesterday, what action is proposed to ensure that there is no recurrence of such a serious incident in the future? In view of the serious nature of the incident will the Minister order the expedition of any report into it?

Mr HILLS: It is unfortunate that a serious accident occurred at Luna Park yesterday----

Mr Fischer: Because of antiquated equipment.

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

Mr HILLS: ----when thirteen persons were injured, unfortunately, one of them seriously. **An** officer of the Department of Industrial Relations and Technology has already visited Luna Park and made a full investigation of the incident and the reason why it occured. The reason is that a thrust plate came loose and jammed one

of the trains. The people were removed from it, but the unfortunate injuries occurred when another train ran into the rear of the first train. Every two years a consulting engineer inspects in detail all equipment used at Luna Park. Moreover, he is charged with the responsibility of issuing a certificate to my department certifying that it should continue in operation. The equipment cannot be used unless that certificate is obtained. Further, two or three times a year officers of my department inspect the equipment at Luna Park to ensure that it is operating satisfactorily and that the operators are competent. Following receipt of the interim report I shall be getting a detailed report on this incident. Everything possible will be done to ensure that a similar incident does not occur in the future.

ESCAPES FROM MORISSET HOSPITAL

Mr MADDISON: I direct my question without notice to the Attorney-General and Minister of Justice. Did the Crown prosecutor in Newcastle seek an order from the Minister early in March to empanel a special jury to decide whether John Ernest Cribb was fit to plead on charges of triple murder and rape? Has he yet made an order and if not, can he inform me and the House why there has been such a delay in the light of the escape of Cribb from Morisset Hospital? If the Minister has made an order to empanel a special jury, when was it made?

Mr WALKER: When the man Cribb appeared before the court of petty sessions at Newcastle on 5th March I understand the case was stood over generally. I believe an application was then being made for a trial to be held to determine whether or not he was fit to plead. A number of such applications are made each year. In this matter to date all I have received is a psychiatric report from the Health Commission. I have not received an application of the sort referred to by the honourable member. Had one been received it would have been processed in the normal way and a panel formed. I have not got to the point of dealing with that paperwork, but in the normal process I have called for a psychiatric report.

Mr Barraclough: Have you no apology to offer the parents of the two girls who were assaulted by Cribb and Munday?

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

Mr WALKER: That is disgusting.

Mr Barraclough: It is not disgusting.

Mr SPEAKER: Order! I warn the honourable member for Bligh that if he continues to act in a disorderly manner I may have to name him.

FIRE BRIGADE SIRENS

Mr McILWAINE: My question without notice is directed to the Minister for Lands and Minister for Services. Is the Minister aware that many motorists are ignoring the requirement to bring their vehicles to a halt when an emergency siren is sounded on a vehicle that is proceeding in the vicinity? Is it a fact that the New South Wales Fire Brigade is in the process of introducing a new electronic siren system to its fleet of vehicles? Will the Minister advise the House why the new system is being introduced and in what ways it will improve public safety?

Mr CRABTREE: The New South Wales Fire Brigades is implementing a programme of providing all vehicles with a new electronic siren system. I congratulate the honourable member for Yaralla for the interest he has shown in the administration of the fire brigades and other emergency services in New South Wales. He has a

commendable record as a volunteer fireman in the Rhodes district, and his advice and assistance in matters dealing with emergency services generally is appreciated by me as Minister and by the Government.

The new electronic siren being installed on fire vehicles in this State will provide a more efficient system, in the interest of public safety and fire crews. The new sirens are being progressively attached to all vehicles in the Sydney fire district. They will be standard attachment on all new vehicles brought into service. The advantages of the new electronic siren is that it has three modes or sounds—the normal siren, the high-low or heehaw sound, and the electronic yelp. Firemen can select the most appropriate mode for use against different noise backgrounds to ensure that drivers of motor cars and pedestrians are well warned of the approach of a fire vehicle.

Officers of the service have been delighted by the efficiency of the yelp siren in congested and heavy traffic conditions, as it was obvious that civilian drivers had difficulty hearing the old style siren. The new electronic siren system can also double as an amplified public address system, which is a real advantage in emergency situations. This innovation in the fire services in New South Wales is but one aspect of the continuing programme of improvements that have been instigated by the Wran Government, The new siren and light set-up is being fitted at a cost of approximately $400 a vehicle and, with 30-odd new appliances this year and a statewide fleet of approximately 600, it is obvious that the changeover will not be completed overnight. However, I can assure the House and the honourable member that the Government has a constructive and considered programme for the improvement of fire protection services in New South Wales, and the example I have given today accounts for only a small part of the $49 million it is spending on the service during 1979.

DECENTRALIZATION LOANS

Mr SINGLETON: I direct my question without notice to the Minister for Agriculture representing in this House the Minister for Decentralisation. Did the former Liberal–Country party Government provide loans of up to 100 per cent for the decentralization of industry in certain areas of New South Wales? Is the Government considering reducing those 100 per cent loans to a maximum of 60 per cent? If that is so, when will the reduced loans commence?

Mr DAY: It does not befit the honourable member for Clarence to cndeavcur to compare the effort put into decentralization by the Liberal–Country party Government in its eleven years in office with the effort of the present Government. I know of no basis for the move suggested by the honourable member for Clarence, which seems to have emanated from the fertile minds of Opposition members, who dream up something different every day. It is completely out of the air. The honourable member's question is an invitation for me to draw some comparisons. All sorts of claims have been made about expenditure on decentralization. In this financial year an estimated $27.5 million will be spent from the country industries assistance fund. That compares with $6.8 million spent by the former Government during its last year in office. That is indicative of the different spending by the former and present governments. The Liberal–Country party Government provided in its last seven years in office less assistance to industry for decentralization purposes than the present Government has provided during three years in office. During the three years from 1976 to the current financial year the Government has spent some $54.5 million.

Mr Mason: Will the Minister provide a detailed list?

Mr SPEAKER: Order!

Mr DAY: I am quite sure that the details will be provided by the department. If the Leader of the Opposition wants the figures, he should write a letter to the Minister for Decentralisation, who I am sure will provide the honourable gentleman with the details. He will get a surprise at the much bigger number of industries helped by the present Government than were helped by the former Liberal–Country party Government. In addition to the provision by the Government for a vastly increased expenditure through the country industries assistance fund, an enormous range of additional benefits has been made available that was not considered by the former Government, including payroll tax rebates, the financing up to 100 per cent of the cost of studies into the feasibility of moving industry to decentralized locations, and many other forms of assistance. I could give many examples of the former Government's lack of genuineness in the field of decentralization and of the funds that have been made available for decentralization since the Government came into office in 1976.

GRAIN ELEVATORS BOARD

Mr O'CONNELL: I ask the Minister of Agriculture a question without notice. Have I shown the Minister evidence that the Grain Elevators Board has acted with utter irresponsibility in a matter concerning the use of insecticides? Have I shown also that the board lied to the Minister in reports generated by my inquiries? In view of recent actions indicating the board's inability to conduct its affairs, will the Minister take immediate action to disband it and replace it with an organization that is willing to accept and discharge its responsibility?

Mr DAY: Over a number of years the honourable member for Peats has shown a commendable and intense interest in insecticides and their use in stored grain, as well as the consequences that sometimes flow from that use. He has produced to me a considerable amount of evidence relating to the use of insecticides in stored grains. I cannot deal with matters that are before the courts. As the honourable member knows, some of the matters he has discussed with me are in the course of being resolved by civil action. It would not be proper for me to reflect upon them in any way. Those claims involve not only the Grain Elevators Board of New South Wales but quite possibly the Australian Wheat Board. The division of responsibilities in respect of those matters has not been determined.

Accusations have been made about the careless use of insecticides and lack of knowledge of their side effects and safe concentrations, particularly in grain dust where the concentration has been significant because it builds up to levels higher than would be registered in ordinary applications to whole grain. In the past, possibly because of lack of knowledge, some matters were not fully considered relating to the multiplier effect of using two chemicals together or in close proximity. Those multiplier effects have been the object of study by the Department of Agriculture. There have been differences of opinion between those officers and officers of the Grain Elevators Board of New South Wales about the use of insecticides. However, I am satisfied that a full awareness of the dangers now exists. I assure people that there is no risk in the use of these grains for fowl feed or any purpose whatever. I mentioned other aspects of this matter in answering a question asked earlier by the honourable member for Burrinjuck. I cannot add anything further. I thank the honourable member for Peats for his continuing interest in this important matter.

INDUSTRIAL ARTS TEACHERS

Mr MOORE: I address a question without notice to the Minister for Education. In November 1976 did his department advertise for industrial arts teaching trainees and, in the advertisement, state that successful applicants would be appointed as

teachers on completion of the course? Is the department now refusing to honour its obligation to students who undertook the course, including a number of persons trained in the Newcastle area? Why has that refusal been occasioned?

Mr BEDFORD: It is true that an advertisement was placed in the press in November 1976 calling for persons to take industrial arts training courses specifically at the Newcastle College of Advanced Education. At the time the advertisement was placed words to the effect that appointments could be expected or would be arranged were included over the signature of the Director-General of Education. I point out that when prospective students presented themselves for enrolment in the course at the college there was a clear intimation to them that jobs would be available only if vacancies occurred.

Honourable members will remember that by that time bonds had been abolished in New South Wales for all those who entered teacher education courses. At the beginning of 1977 those persons went in with the clear understanding that there was no guarantee of employment when they completed their training. All those who applied for traineeships had it presented to them in black and white at the time of undertaking the course that there was no guarantee of employment. Even at that stage, in November 1976, it would be fair to say that the expectation of the personnel division of the Department of Education would have been that jobs would be available on completion of the course.

The fact that is bedevilling the whole employment situation in education, and indeed in almost every other area. is that resignation rates are falling at a dramatic rate. When this Government came to office in May, 1976, the resignation rate in the teaching service stood at about 12 per cent. That figure represented something like 6 000 vacancies a year, which had to be filled. The resignation rate at the moment stands at 4.5 per cent. With every 1 per cent decrease in the resignation rate there are 500 vacancies that do not emerge at the beginning of each academic year. Despite the fact that we are eniarging the establishment and putting more people on the teaching staff. we have no control over the resignation rate. I believe the rate is closely associated with current economic circumstances: people who hove jobs hold on to them as lcng as they can. Whereas in the past many young teachers decided to go overseas for a few years, in the knowledge that they would he able to re-enter the service after that period, they are not now taking that course. In the past, many fema'e members of the staff have taken leave for a number of years to begin their families before re-entering the service. Now females are accepting accouchement leave and returning to the service after such leave, and are therefore being held on strength.

We have no control over the resignation rate. Until conditions change I see no real prospect of being able to offer employment to some of the graduate teachers in industrial arts or other courses. Notwithstanding the improvements that the Government is making to the teaching staff establishment, it would be quite impossible to increase the establishment by the many thousands who have indicated they wish to work. Another feature of unemployment is that, although there is an extensive list of teachers who have indicated they wish to teach, only a few hundred of the 4 000 are prepared to serve anywhere in the State. which is a normal term of service for teachers in the permanent section of the Department of Education. The Government tried all it could do to see what might be done for graduates in industrial arts at Newcastle. I know the Department of Technical and Further Education examined every one of their applications to see whether any one of them could be fitted into that class of service or other work in technical and further education. As soon as the situation improves and the Government is in a position to increase staff numbers, or the resignation rate increases, they will be welcomed into the service. I assure honourable members that the qualifications of the applicants would be completely acceptable and adequate.

UNEMPLOYMENT STATISTICS

Mr MAHER: I ask the Minister for Industrial Relations, Minister for Technology and Minister for Energy a question without notice. Do the latest unemployment figures show unemployment to bc increasing at a slower rate in New South Wales than in any other State? Does this good result reflect the sound employment policies of the State Labor Government?

Mr HILLS: It is a fact that the increase in unemployment in this State is substantially less than that occurring in the other States of Australia. As the honourable member indicated in his question. there is no doubt that the policies of the Government are having a dramatic effect on unemployment in this State, particularly when one considers that in the current financial year some $17.5 million is being expended by the Government to reduce the effects of unemployment. Further, the fact that the Premier and the Treasurer were able to locate a substantial sum of money, namely. $1.000 million. and make it available for capital works expenditure in this State during the past two years, has also dramatically reduced the rate of increase of unemployment in this State compared with other States.

The Government is still not satisfied. At the next Loan Council meeting, which will be attended by the Premier and the Treasurer, this Government hopes that the Commonwealth will bend its attitude on reducing capital expenditure by the States and ensure that additional sums of money are made available to the States, particularly for housing, where a great contribution can be made not only directly but in the manufacture of white goods and the like. The answer to the two questions posed by the honourable member for Drummoyne are yes, and that the Government sincerely hopes that it will be able to further reduce unemployment in this State.

FREIGHT OFF-LOADED AT CASINO

Mr BOYD: My question is directed to the Minister for Transport. Is freight consigned to Murwillumbah being off-loaded at Casino for transport by road to its ultimate destination? What is the reason for this curious policy? Will the Minister give an assurance that that policy will not have a detrimental effect on the future of the Murwillumbah—Casino rail link?

Mr COX: I am unaware that freight is being off-loaded at Casino as the honourable member suggests. A freight centre is to be established at Casino, of which the honourable member is fully aware. In fact, tenders have been called and I understand that a local Casino builder was the successful tenderer. I shall look into the matter raised by the honourable member and give him and the House a full reply.

GLADESVILLE BRIDGE

Mr CAVALIER: Is the Minister for Transport aware of the difficulties encountered by many motorists attempting to gain access to Gladesville bridge in the morning peak hour? Will he personally review the present arrangements for traffic coming from Tarban Creek bridge into the citybound lanes and the overall problem of improving traffic flow?

Mr COX: The honourable member for Fuller has spoken to me about this matter and has expressed concern at the build-up of traffic on Gladesville bridge. He takes a keen interest in traffic matters in his electorate.

[*Interruption*]

Mr SPEAKER: Order!

Mr COX: During the recent State elections I had the pleasure of making a tour of the honourable member's electorate. One of the things that came out strongly was his intense interest in traffic problems in his electorate. I shall take notice of the matters that he has raised today and look into them as quickly as possible. I shall give him and the House a detailed reply later.

URANIUM

Mr McDONALD: I direct my question without notice to the Premier. Is it a fact that information from a Cabinet minute relating to a recommendation about the uranium potential in New South Wales was recently leaked to the news media through one of his Ministers? Did the recommendation propose in part that Cabinet adopt a policy of permitting exploration for uranium ore in New South Wales in the context of the continuing assessment of the State's overall energy resources? When will the Premier announce his policy on uranium exploration, mining and enrichment so that the Minister for Mineral Resources and Development will have the guidance that he apparently seeks?

Mr WRAN: Normally one would not say anything in relation to a matter that had or had not been before the Cabinet. All I should like to say is that no minute such as the honourable member referred to has been before the Cabinet of this Government and no decision has been made.

INSURANCE BROKERS

Mr MALLAM: I desire to ask a question without notice of the Minister for Consumer Affairs. Minister for Housing and Minister for Co-operative Societies. Is it a fact that the Fraser Government refused to do anything about the licensing of insurance brokers or the setting-up of a fund to control them? Will the Minister inform the House whether this Government has any plans to control insurance brokers, and how many insurance brokers have defaulted in the past two years?

Mr EINFELD: The honourable member for Campbelltown shows his usual assiduity in attending to matters of this sort, which interest so many people. The fact is that a former member of the Opposition was recently divested of some funds through the dishonest operations of an insurance broker. It is regrettable ihat legislation does not exist to deal with defaulting insurance brokers. The insurance Acts of the Commonwealth deal generally with insurance matters and are administered by the Commonwealth's life assurance commissioner. New South Wales has no such legislation mainly because the Commonwealth is charged with the task of looking after these matters.

As recently as two weeks ago, the federal Treasurer announced that Commonwealth Government was about to introduce legislation to regulate the insurance broking industry. He said it would be a self-regulating authority. The Government of New South Wales is anxiously looking at this situation, as indeed it is looking at all areas where money is taken from clients by people who are not acting as agents and therefore are not responsible to discharge the obligations for which they accepted the money.

The honourable member for Campbelltown would rightly know that the Consumer Claims Tribunal and Department of Consumer Affairs receive many complaints about weaknesses that are apparent in the industry generally. These complaints relate particularly to the number of times insurance brokers take money as premiums which they do not pay to the insurance company on behalf of the customer who therefore is not insured at all. I assure the honourable member for Campbelltown and other

members of this Parliament that the Government is eagerly awaiting the honourable J. W. Howard's introducing legislation that will effectively deal with these people. Should he not do so, the honourable member may be assured that the New South Wales Government will do something in the best interests of consumers.

ESCAPES FROM MORISSET HOSPITAL

Mr BARRACLOUGH: I direct a question without notice to the Minister for Corrective Services. Since the escape from Morisset hospital of prisoners Cribb and Munday on 4th April has the Minister had any discussions with his colleague the Minister for Health concerning the obvious security risk at that institution? If so, how many meetings has the Minister held with his colleague, and will he advise me and this House of any decision reached in an attempt to prevent future escapes by potentially violent prisoners held in Morisset-type mental hospitals?

Mr HAIGH: My colleague the Minister for Health did reply to the question addressed to him in this Parliament following an escape that took place from the Morisset hospital. The Minister gave the details of the escape and indicated also that discussions were taking place between the Corrective Services Commission, the Health Commission and the police to assess whether additional security measures should be instituted at Morisset. The honourable member for Bligh has asked me to give an opinion in relation to the security at that hospital.

Mr Barraclough: I have not asked that at all.

Mr SPEAKER: Order!

Mr Barraclough: I did not ask for an opinion.

Mr SPEAKER: Order!

Mr HAIGH: In my area of administration over the past two years careful consideration has been given to setting up committees of the type referred to in the reply given by the Minister for Health to look at the security in establishments controlled by the Corrective Services Commission. I was appalled at the limited security that existed in maximum security institutions under my administration and the way in which the Opposition when in Government had given scant regard to the safety and security of the citizens of this State.

[Interruption]

Mr SPEAKER: Order!

Mr HAIGH: A number of initiatives have been taken by the Corrective Services Commission to ensure increased security. On 7th February this year the honourable member for Kirribilli and the honourable member for Bligh were given an opportunity to visit Goulburn gaol. It was unique for members of Parliament to have such an opportunity.

Mr Barraclough: On a point of order. I asked the Minister a question about Morisset Hospital. I did not mention Goulburn. Will you, Mr Speaker, direct the Minister to answer my question?

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

Mr HAIGH: The honourable member for Bligh is concerned at the evidence that is coming forward exposing the attitude of the Opposition when in Government in failing to set up proper security measures within what was then the Department

of Corrective Services. I have given honourable members of the Opposition an opportunity to see the improvements and advancements made. At the request of the honourable member for Bligh, he and the honourable member for Kirribilli visited Goulburn gaol on 7th February this year. That was unique. When the Liberal–Country parties were in government members of the Labor Party in opposition made many requests for permission to attend and inspect penal institutions and on each occasion the request was refused. The issue was treated as a closed shop. On many occasions the present Minister for Education, as the member for Fairfield, was refused permission to inspect a penal institution, as was the honourable member for Illawarra on several occasions. The honourable member for Georges River, now the Attorney-General and Minister of Justice, also was refused permission. Every member of the Labor opposition of that time who made a request to inspect an institution was refused that permission. I am indicating to honourable members the lack of security that was evident in the Department of Corrective Services when the Liberal–Country party Government was in office. If the honourable member for Bligh is reflecting upon security levels at the Morisset Hospital ——

Mr Pickard: What nibbish!

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

Mr Barraclough: I have not made——

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

Mr HAIGH: It all comes back to the ineptitude of the Opposition when in Government to do what it should have done. It should have examined the system under which people were held at Morisset, and, if necessary, increased security.

Mr Barraclough: What is the Minister doing about it?

Mr SPEAKER: Order! I warn the honourable member for Bligh that he has had his last chance. I call the honourable member for Bligh to order.

[Interruption]

Mr SPEAKER: Order!

Mr HAIGH: For the information of the honourable member for Bligh, mental health facilities come under the administration and control of the Health Commission of New South Wales, not under the administration and control of the Corrective Services Commission. Following the report of the Royal Commission into Prisons, particularly the recommendations made in that section of that report covering mental health facilities, I had discussions in July last year with the Minister for Health regarding the needs, approach and direction that should be taken.

Mr Barraclough: On a point of order. I asked the Minister about discussions that may have occurred since 4th April this year. He is now speaking about July, 1977. I wanted to know whether he has had any discussions with the Minister for Health since the recent escape.

Mr SPEAKER: Order! The Minister's reply is relevant. I rule that he is in order.

Mr HAIGH: Meetings were held in July, 1978, because of the concern shared by the Minister for Health and myself following the recummendations by the Royal commission. In August, 1978, it was decided to set up an interdepartmental committee to examine the medical care of prisoners as recommended in the report of the Royal Commission into Prisons. That committee has been meeting continuously and has given advice which has been accepted and implemented. For the information of

honourable members the members of that committee are: Mr N. Day, the deputy chairman of the Corrective Services Commission, who is representing the department together with Mr A. V. Bailey, the full-time commissioner, and Dr John Ellard, who is a part-time commissioner of the Corrective Services Commission. The Health Commission members are: Dr J. Harley, Dr M. Frame, Dr P. Houston and Mr R. G. Jolley. In consideration of the need for health care for prisoners the committee made recommendations for the provision of alternative accommodation and suggested that as an interim step accommodation should be provided which would result in the closing of the observation section at Long Bay that was roundly criticized by the Royal commission. The report of the Royal commission criticized the attitude of the Liberal–Country party Government for not taking positive steps to remove that blot from the history of the prison system in New South Wales.

Following the recommendations of the committee the Government is undertaking reconstruction of No. 11 wing at the Metropolitan Remand Centre at Long Bay. Action has already been taken on the recommendations relating to Mulawa training and detention centre. The committee sees a need for a prison medical hospital and for that hospital to have adequate security. The siting of the hospital and funding for it have been considered. The Minister for Health has indicated that the Health Commission will bear the cost of funding for that hospital.

We see the matter in a slightly different way from that set out in the recommendations of the Royal commission. It is appropriate that the honourable member for Bligh should become aware of it, for he does not seem to know the area for which he is the shadow minister. When he directed a question to me last week about Morisset Hospital he was not even aware that anyone placed there under schedule 2 or 3 of the Mental Health Act was under the care and control of the Health Commission of New South Wales, not the Corrective Services Commission. It is a very worrying situation when people get out of these institutions, whether they are there under the control of the Corrective Services Commission or the Health Commission.

[Interruption]

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

Mr HAIGH: The important point that the Deputy Leader of the Country Party tries to evade is that the last escape of any magnitude from Morisset Hospital was of six prisoners during the period when honourable members opposite were in government. Although they now state that there should be an increase in security at the hospital, they took no action at all. If they are now saying that regard has not been had to the interests of the community, they stand condemned for their own attitude during their period in government.

Mr Pickard: That is what you say.

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

Mr HAIGH: Since the honourable member for Hornsby last raised this matter there have been continued consultations between the Minister for Health and myself——

Mr K. J. Stewart: Including this morning.

Mr HAIGH: That is so. Everything possible will be done to ensure that the best security measures are taken at Morisset Hospital.

ESCAPES FROM MORISSET HOSPITAL

Adjournment (S.O. 49)

Mr SPEAKER: I have received from the Leader of the Opposition notice under Standing Order 49 that he intends to move the adjournment of the House for the purpose of discussing a specific matter of recent occurrence and of sufficient public importance to warrant urgent consideration, namely: the circumstances surrounding the alleged rape and abduction of two girls at Bondi at the weekend and the very real threat now posed by the presence at large in the community of the escapees Cribb and Munday. The Leader of the Opposition in his motion uses those very words. Although it is not specifically stated it is certainly implied, first, that the two girls were abducted and raped and second, that Cribb and Munday were the abductors. The motion rests upon an allegation and to that extent it may be considered hypothetical. As the motion is not specific, I do not consider it a matter proper to be discussed.

Mr Mason: Mr Speaker, will you hear argument on that?

Mr SPEAKER: I take it that the Leader of the Opposition is rising to a point of order?

Mr Mason: Yes, Mr Speaker. I invite your attention to paragraph (d) of Standing Order 49, which sets out the grounds upon which the Speaker shall determine whether or not a matter should be debated under such a motion. Subparagraph (i) of Standing Order 49 (d) indicates that the subject of a motion must come under the administration of the Government. I put it to you, Mr Speaker, that the motion meets that requirement. The second determining factor that you must consider is whether the matter could be brought before the House in a reasonable time by any other means. I put it to you that the only other way of handling this matter would be by way of urgency, and that of course would be determined by the Government according to how it viewed the business of the day. I put it to you, Mr Speaker, that Standing Order 49 specifically requires the Speaker to make a determination on this matter so that it will be right outside that context. I submit that in determining the matter under subparagraph (ii) you should consider whether this is a matter for urgent consideration in the public interest. I put it to you as strongly as I can that although the Government may want to set the motion aside because of the pressure of government business, you should allow this matter to be discussed because of its great importance to the community.

The third determining factor set out in the standing order is whether the matter is specific. Nothing could be more specific than the alleged abduction and rape at the weekend of the two girls at Bondi or the threat that is currently being posed to the community. This morning the police called a press conference and stated that they wanted women in the eastern suburbs to remain off the streets. In these circumstances, surely this is a matter of pressing, public urgency. Surely it is specific in the way in which it has been sought to be raised.

The final determining factor in the standing order is whether it is urgent. I put it to you that such is the fear and concern of the public over this matter that it is of supreme importance that it be discussed in this House. Therefore, Mr Speaker, I ask you to allow the debate. One of your privileges and responsibilities is to weigh heavily the rights of honourable members to bring matters before the House. I put it to you that Standing Order 49 is designed to allow matters such as this to be aired and that there is really no other provision for them to be aired in this House. I assert most sincerely that this matter should be aired today in this Parliament.

Mr Wran: On the point of order. There is no doubt about the gravity of public concern over the activities of the two recent escapees from Morisset Hospital. Everyone would be filled with abhorrence at the reports of the alleged abduction at the weekend

of two young women at Bondi and, as I understand it, the alleged rape of one of them. There is no doubt that the two escapees pose a considerable threat to the safety of members of the community, particularly women. As Minister responsible for the administration of the police force, I Lend my voice to that of senior police officers who have issued a warning to women to beware while these two monsters are free in onr society.

The honourable member's motion seems to raise, as a matter of urgency requiring discussion, the very threat that is apparent to all. What the honourable member said is perfectly correct, Mr Speaker, that the decision rests with you, namely, whether the matters the subject of his notice of motion are matters that properly fulfil the criteria in Standing Order 49. I do not propose to advance anything one way or the other in an endeavour to influence your decision; however, if you rule against the Leader of the Opposition, in due course and perhaps in a calmer atmosphere than that which prevails at present in the House and the community, the Government will set aside time and will provide a vehicle to enable the honourable member to debate all relevant matters surrounding the events of the weekend and, indeed, the escape from custody of these two men. One wonders how these men were ever allowed into Morrisset Hospital, and when I looked at the circumstances, I found psychiatrists had certified their suitability for incarceration at that hospital. The mind of the ordinary citizen boggles that men with a proven track record of animal behaviour, like that of these two persons, could ever be put anywhere but behind iron bars in the most strict of custodial situations.

[Interruption]

Mr SPEAKER: Order!

Mr Wran: The Opposition never really wants to have a sensible discussion on anything. Mr Speaker, what I am saying is that both sides of the House are in your hands. Although my view is that the motion does not fall within the criteria laid down for permitting a debate under Standing Order 49, in due course, in appropriate circumstances, the Government will provide the time and location for these matters to be debated.

Mr Punch: On the point of order. The Premier said that the Government will allow time to be set aside to debate this critical. urgent and pressing need. However, the Leader of the Opposition wants this matter to be debated now, not at the convenience of the Government tomorrow or in a week's time, or some other time after the House rises, which is supposed to be next week. Perhaps there will be a debate after even further offences have been committed. There could be nothing more critical requiring debate under this standing order, which obviously you have studied. The matter must be one of recent occurrence, or of sufficient public importance. I should like you, Mr Speaker, to tell the House of a matter that is of more importance and of more recent occurrence than this one. Nothing could be more urgent than the concern of the whole community that these men are still roaming the State. They have been seen in a number of places. These violent, vicious men have to be put back behind bars that are strong enough to ensure that they cannot get out. This is what the Premier is talking about. Katingal was originally designed for men like these two, who should he in there now instead of roaming the streets of this State, terrifying men, women and children. The House has had the sorry spectacle of the Premier defending here a situation brought about by the failure to apprehend these two men. There is no doubt that the motion moved by the Leader of the Opposition properly fulfils every criteria under Standing Order 49. Mr Speaker, even if you feel in your wisdom that there is merit in what the Premier has put in his submission — and I fail to see why, having studied Standing Order 49 closely — and the Premier were genuine, and this I query,

in his stated desire that the matter be debated, now is when that debate should take place, not at a time convenient to him and the Government after some other woman is raped or attacked, or some other child is hurt. These violent, vicious men must be apprehended as quickly as possible and the Government should allow this matter to be debated forthwith.

Mr Dowd: Further to the point of order. This afternoon all members heard a most disgraceful answer given by the Attorney-General and Minister of Justice to a question asked of him by the honourable member for Ku-ring-gai. Mr Speaker, the motion, as you have seen, relates to the circumstances surrounding a matter. In this instance the matter relates to circumstances surrcunding the fact that these people are at large. You intimated that part of the motion was of a hypothetical nature in that it related to whether or not rape had occurred. To the community it is irrelevant who committed the rape. The fact is that the community believes it was committed by these two people. Many people are very worried about the safety of their children.

Mr SPEAKER: Order! Did the honourable member for Lane Cove say it is a fact that it was committed by these men?

Mr Dowd: No. I say that it is irrelevant whether or not it was committed by them. The fact is that the community believes it. Many people are worried about the safety of their children on their way home from school in the afternoon with these men at large. The Premier has said that time will be provided at a later stage for a debate of this matter. Eater today we will debate a motion whether the House will sit on Monday of next week. If the Government can allocate time for that, it can certainly allocate time today for a debate on this matter. This is the Parliament where these matters ought to be discussed. We ought to be letting the public know that this Parliament is seriously concerned about this matter. The Parliament ought to be considering also why a certain application in relation to one of these persons has not yet been dealt with by the Attorney-General. It is clear that the proposed matter for discussion complies with all the criteria set out in paragraph (d) of Standing Order 49 and, therefore, I submit that the matter should be debated today.

Mr Walker: On the point of order. This is clearly a case where the Opposition has deliberately chosen the wrong form of the House to seek a debate on this matter. Standing Order 49 requires the Leader of the Opposition to attend on you in your Chambers to discuss the appropriateness of a matter he may wish to bring up under Standing Order 49. No doubt you told him what you told the House today, that you did not think that this is an appropriate matter for debate under that standing order. No doubt you told him that the appropriate way for him to bring this matter before the House, the courageous and proper way, is to move urgency at the first opportunity. When he got the call at question time—at a time when he gets precedence over all other honourable members of this House—he did not have the courage or strength of his convictions to move urgency. Instead he has chosen this curious method, even though he knew of the advice you had given him. Now he seeks to do something that does cot come within the standing orders. He has deliberately chosen to do what he was told he could not do. I submit that the Leader of the Opposition is being frivolous and vexatious about a most serious matter. The Premier has said that he is willing to move for the suspension of standing order+

[Interruption]

Mr SPEAKER: Order! I give a warning that several honourable members are close to being removed from the Chamber. I ask them to desist from interjecting.

Mr Walker: The Premier has said that at the appropriate time he will agree to leave being granted to allow this issue to be debated. That would be the appropriate way to deal with it, not by way of a motion under Standing Order 49.

Mr Bruxner: On the point of order. From the moment that you allowed a debate to take place on the point of order—and in particular from the moment you allowed the Premier to make what was virtually an initial reply to the motion, had you ruled it in order—there has been no question but that you should allow this debate to proceed. The Premier has admitted that we are dealing with a matter of paramount importance. He expressed his concern at the events in question. Moreover, he said that he would allow sufficient time for the matter to be debated. Honourable members believed the Premier when he said those things. However, we are now asked to listen to the Attorney-General and Minister of Justice accusing the Leader of the Opposition of acting in a frivolous manner. The Premier does not agree that this matter is frivolous. He has told the House that it is extremely serious and urgent. For the Attorney-General and Minister of Justice to suggest that an honourable member lacks courage by using one of the standing orders of this House—a standing order that has been written into the rules and procedures of this House for many generations—is trifling with the House.

Standing Order 49 has nothing to do with the courage or wisdom of honourable members; it is specifically included in the rules and procedure of this House to allow a motion such as the one under consideration to be debated here. The Leader of the Opposition has said that the decision to allow debate on a motion of urgency rests entirely with the Government. An honourable member who moves urgency is allowed only ten minutes to state his case. The fastest talker in the land could not explain in ten minutes the whole of the circumstances surrounding this dreadful episode. For that reason the Leader of the Opposition has used another form of the House and he used it in the proper way. If he had had your concurrence originally, he would have had more time at his disposal, and whoever replied for the Government would have had a similar amount of time at his disposal. If the debate had proceeded, honourable members could have participated in it.

We are not dealing with a question of courage; we are dealing with a question whether you, Mr Speaker, regard this matter, on the advice of the Premier, as being of sufficient importance to be debated now in that calm atmosphere to which the Premier referred. I am certain that the Leader of the Opposition, in dealing with a matter as grave and important as this, would debate it calmly and with as much consideration as possible.

Mr Cameron: On the point of order. I submit strongly that although this is certainly a matter in which great discretion reposes in you, Mr Speaker, the Leader of the Opposition has chosen the right and proper form of the House to ventilate it. Just as it is open to you in Chambers to give a preliminary opinion in favour of a motion and then change that opinion later, equally it is open to you to be persuaded by what is put to you in the House that it is a proper matter to be dealt with. I submit that on the words of the Premier alone, with nothing added to them, all of the necessary criteria have been established. The consideration is whether the

matter is definite, urgent and of public importance. The matters put to you by the Premier have established each of those three elements. Mr Speaker, on that basis I submit strongly that you ought to exercise your discretion in favour of having the matter debated at this stage, not at some other time that the Premier happens to prefer.

Mr Sheahan: On the point of order. Nothing has worried me as a citizen more than the fact that these two men are on the loose. 1 agree with the Premier that they have a track record of monstrous animal behaviour. There is no doubt about Standing Order 49. Opposition members want to prejudge the issue. Let us be specific about it. That is where the motion falls down. The question whether the Premier ought to be willing, on behalf of the Government, to suspend standing orders to allow debate on some aspect of this matter does not relate to any motion that could be moved under Standing Order 49. It seems to me that the pre-eminent requirement of the standing order with which the Leader of the Opposition has not complied is specificity. What are the circumstances to which he is referring? Row justifiable is the motion? The only information available to honourable members at this stage is reports to the police by persons who claim to have been victims of these men. Those reports have been published in the news media.

Mr Barraclough: Claim to have been victims? The Premier knows that they were victims.

Mr Sheahan: They claim to have been victims. On one occasion before I became a member of this House the honourable member for Bligh raised in question time a case in which I had been involved as a practitioner. He asked the Attorney-General in a former Liberal–Country party government to overrule a decision. It ill behoves the honourable member for Bligh to argue about this matter. Various offences have been alleged and this is not the place where the substance of those allegations should be debated. We certainly should not have a wide-ranging debate on allegations that could be prejudicial to police efforts in apprehending these two offenders.

Mr SPEAKER: Order! The question before the Chair is whether the matter is proper to be discussed. The Leader of the Opposition, in speaking to the point of order, stated the four criteria upon which the matter should be adjudged. As to the first of those points, there are no problems. The second question is whether the matter could be raised in reasonable time by other means. The Leader of the Opposition will recall that in my discussion with him in my rooms I told him that I did not believe the question came within the terms of Standing Order 49. I might state that Standing Order 49 allows matters of sufficient public imporance to be brought before the House. I am strengthened in my view by a passage in May's ***Parliamentary Practice*** indicating that from 1972–1973 onwards the equivalent procedure in the House of Commons has rarely been used.

It seems to me that honourable members in this Chamber believe that if they cannot raise a matter on the adjournment of the House, or cannot bring it forward by way of urgency, they can have it debated under Standing Order 49, and that by taking that course they can dictate the business of the House. For those reasons I told the Leader of the Opposition that I felt he should raise the matter by way of an urgency motion.

Now that the Premier has addressed himself to the peint of order and has said that he will allow time for the matter to be debated, it may be that if the Leader of the Opposition had moved that the matter be considered as one of urgent necessity, he may have been successful in having it discussed. In the consideration of this question I must take into account the possibility of having the matter being brought

before the House by other means, and whether the matter is specific, of recent occurrence, and of sufficient public importance to warrant urgent consideration. In fairness to the Leader of the Opposition, I must say that there is no doubt that the matter is important—and that has already been agreed by all honourable members who have spoken to the point of order. If the Leader of the Opposition had not thought the matter was important, he would not have taken the action he did take. It is fair also to say that the matter is of considerable public importance, and on that ground it could possibly be raised. However, it is the duty of the Chair to consider whether the matter is one that should be brought before the House at this point of time and disrupt the business of the House.

In saying earlier that the matters raised by the Leader of the Opposition are really allegations, I was using information available to me and to the public generally. In the absence of more direct and definite information, I am of the opinion that the matter is not proper to be discussed and I rule accordingly. However, I should say that if the Leader of the Opposition had phrased a motion that referred to "the escape of Cribb and Munday", I should have considered it to be in order.

SITTING DAYS

Mr WALKER (Georges River), Attorney-General and Minister of Justice [3.40]: I move:

> That, unless otherwise ordered, this House shall meet on Monday, 23 April, 1979, and Tuesday, 24 April, 1979, at 10.30 o'clock, a.m.

The purpose of this motion will be perfectiy clear to all honourable members. Anzac Day is 25th April, next Wednesday. We shall be meeting on Monday and Tuesday rather than on the normal days so that all honourable members may attend services within their own electorates. The change in times will assist honourable members in arranging their own affairs.

Mr BRUXNER (Tenterfield), Deputy Leader of the Country Party [3.42]: The members of the Opposition have no intention of opposing the motion. Two weeks ago I told the Attorney-General and Minister of Justice that a sitting on Monday next was acceptable to us. In the light of the discussion that has just taken place in this House, and as Mr Speaker has informed the Leader of the Opposition that a motion referring to the escape of Munday and Cribb without the addition of any other words, would be ruled in order I ask that standing orders be suspended immediately to permit the Leader of the Opposition to move a motion in the exact terms that Mr Speaker said were acceptable, so that it can be debated this afternoon. Next Monday we can carry on with the other business of the House.

Mr SPEAKER: Order! It seems that the debate has been based on remarks I made earlier. If in my Chambers I express an opinion that a motion proposed to be moved might have my approval, that does not mean that after hearing points of order taken in the House I shall maintain that attitude.

Motion agreed to.

ESCAPES FROM MORISSET HOSPITAL

Mr MASON (Dubbo), Leader of the Opposition [3.44]: Mr Speaker. I seek leave to move for the suspension of standing orders to enable me to debate the escape of Munday and Cribb from Morisset hospital.

Mr SPEAKER: Order! That may not be done.

ENVIRONMENTAL PLANNING AND ASSESSMENT BILL

LAND AND ENVIRONMENT COURT BILL

MISCELLANEOUS ACTS (PLANNING) REPEAL AND AMENDMENT BILL

HERITAGE (AMENDMENT) BILL

HEIGHT OF BUILDINGS (AMENDMENT) BILL

Introduction

Mr HAIGH (Maroubra), Minister for Corrective Services [3.45]: I move:

That leave be given to bring in the following cognate bills:

(i) A bill for an Act to institute a system of environmental planning and assessment for the State of New South Wales.

(ii) A bill for an Act to constitute the Land and Environment Court and to make provision with respect to its jurisdiction.

(iii) A bill for an Act to repeal certain Acts and amend certain other Acts consequent on the enactment of the Environmental Planning and Assessment Act, 1979, and the Land and Environment Court Act, 1979, and to enact savings, transitional and other provisions consequent on and in connection with the enactment of those Acts.

(iv) A bill for an Act to amend the Heritage Act, 1977, consequent on the enactment of the Environmental Planning and Assessment Act, 1979, and the Land and Environment Court Act, 1979, and to make provisions with respect to the making of certain environmental planning instruments and the borrowing of money under the Heritage Act, 1977.

(v) A bill for an Act to amend the Height of Buildings (Metropolitan Police District) Act, 1912, consequent on and in connection with the enactment of the Environmental Planning and Assessment Act, 1979, so as to require the grant of concurrence to development applications respecting buildings exceeding 25 metres in height; and for other purposes.

My introductory remarks on these bills can be brief since it is the Government's intention to allow the bills to lie on the table until the Budget session to enable a very ample opportunity for all interested parties to study and examine the measures and if desired to make representations to my colleague in another place, the Minister for Planning and Environment and Vice-President of the Executive Council. Comments are to be received until the end of July so that they can be properly considered prior to the second reading of the bills and debate therecn in this House.

To facilitate public dissemination and appraisal of these measures, my colleague the Minister for Planning and Environment and Vice-President of the Executive Council has arranged with the New South Wales Planning and Environment Commission to forward copies of the bills, explanatory brochures and detailed explanatory notes to all local councils in the State, to professional associations in the fields of planning, valuation, development and the law, to associations in the building and development industry and to citizens and community organizations. Seminars will be arranged with all local councils and any other organization which so requests. The Minister has expressed his wish for detailed discassions with the Local Government Association and the Shires Association. Additiona'ly the advice of a number of specialized advisory bodies to the Government will be sought such as the local government liaison committee of the New South Wales Planning and Environment Commission and the building and

construction industry consultative committee. The Government will encourage and welcome constructive submissions on the bills, and after the conciusion of the three-month period for public comment, the Minister for Planning and Environment and Vice-President of the Executive Council will review the bills in the light of the contributions from the community.

These bills represent the results of the Government's comprehensive review of existing legislation relating to town planning and environmental appraisal undertaken from the vantage point of the contributions of research and public participation in the former Government's initiatives in this legislative field leading to the tabling in Parliament in November 1975 of the report of the New South Wales Planning and Environment Commission required under section 20 of the New South Wales Planning and Environment Commission Act, 1974, and the introduction into this House in March 1976 of the Environmental Planning Bill, 1976.

The essential aim of the bills is to create a system of environmental planning under which decisions on land use and resource management are made within the physical capacity of the environment in order to promote the economic and social welfare of the people of New South Wales. The principal objectives of the bills are as follows. First, to broaden the scope of planning to effectively embrace economic, social and ecological considerations in the preparation of environmental plans and in development control. Second, to provide positive guidelines for the development process to speed up decision making to foster investment and facilitate economic growth. Third, to authorize the preparation of different types and forms of environmental plans each respectively designed to deal with State, regional and local planning issues and problems. Fourth, to ensure that the State is principally concerned with matters of policy and objectives rather than matters of detailed local land use. Fifth, to co-ordinate, especially at a State and regional level, the development programmes of public authorities. Sixth, to provide an opportunity for public involvement in the planning process. Seventh, to provide for a more simplified administration of the system of planning decision making. Eighth. to provide a system for the assessment of the environmental impacts of proposals which would significantly affect the environment.

The New South Wales Government recognizes the importance of planning in fostering and encouraging economic development in the interests of the community. The Government recognizes the importance of protecting and enhancing our social, economic and physical environment in administration of planning. Legislation alone cannot solve all the problems involved in planning. It can, however, provide opportunities and remove constraints to make a more efficient system. But in the end whether this result is achieved depends very much on the performance of the authorities involved and the willingness of the community to take opportunities provided in the bills to contribute to the economic and social well-being of our State. The Government looks forward to the constructive comments of the community on these most significant measures. I commend the motion.

Mr FISHER (Upper Hunter) [3.50]: The Opposition does not oppose leave to introduce the bills. It recognizes the importance of legislation, which it has taken the Government some three years from 26th March, 1976, to redevelop, at which time it was first placed before the Parliament. My immediate reaction is that as the Government spent some three years redrafting legislation that was presented previously to the Parliament, either massive changes have been made to it or the Government has simply spent that time doing little about a matter that is of vital importance to the development of New South Wales. In view of the conflicting reports that have emanated from the press and other sources about the sort of changes that may have been insisted upon by the Minister for Planning and Environment, the Opposition awaits the bills with interest and with some apprehension. It is well known and a matter of public

debate that that Minister's strong stand has created considerable division within Cabinet. One report that appeared in the *Sydney Morning Herald* suggested that only minor changes were made at a special Cabinet meeting called quite recently to discuss this legislation specifically.

If only minor changes have been made to the bills that were proposed originally by the former Government in 1976, the Opposition may welcome all their provisions. The original legislation quite clearly required that the State should be divorced from all environment planning matters that are purely of local concern. The Opposition wishes to ensure that the same principle is retained in these bills. The Opposition sees considerable dangers in the proposal apparently contained in the legislation that a Department of Environment and Planning will be created to take the place of the Planning and Environment Commission and the State Pollution Control Commission. In other words, the Minister for Planning and Environment apparently intends to exert considerable political control over many planning, environment and economic issues. That is the area in which the division may have occurred in Cabinet. To give one Minister such enormous control of economic planning will place considerable power in the hands of one person.

Mr Walker: The House is concerned here with environmental planning.

Mr FISHER: Yes. That is what we want clearly defined.

Mr Walker: There is a difference.

Mr FISHER: Of course there is a difference. We want to make sure that that definition is clearly spelt out in the legislation. Quite apart from the fear that many Cabinet Ministers have, I recognize also that the Minister would have extraordinary powers—as the Attorney-General and Minister of Justice interjects, allegedly confined to environmental and economic planning. The Opposition wishes to ensure that that is the case. Reports suggest also that many departmental heads are considerably concerned at the vast powers that will be vested in the Minister through one department. That will seriously undermine the proper functioning and powers of many established government departments, so much so that I understand that the advisory committee has been extended to include more than thirty departments that insist on being represented on the committee to make sure that they will not be relegated to a relatively minor position once the bills become Acts of Parliament.

The most important matter to which I wish to refer, and to which I trust the Minister at the second reading stage will devote considerable time, is the acquisition of land. In January 1978 the Government, as a result of its initiative, received a report of the interdepartmental committee on land acquisition procedures. As the heart of our planning and environment legislation, adequate and proper procedures must be introduced by the Government for the adequate acquisition of land, with proper attention given to the payment of reasonable compensation to those people who might be affected. I invite the attention of the House to a question that I placed on the *Questions and Answers* paper on 22nd February. In it I asked the Minister for Conservation and Minister for Water Resources how many hectares of land in my electorate were being inundated by five water storages announced by that Minister. Part of the answer that I received today was in these terms:

> The Government is presently considering future arrangements for acquiring lands for all public purposes and the decision which is taken will apply to future water storage schemes for the Hunter Basin. The present arrangement is that the Commission is not empowered to acquire land until the project concerned has been authorized by Parliament and funds are made available.

The crux of the matter is that the Government announces plans to construct large numbers of water storages without due consideration of the devastating effect that that announcement has on people who hold the land involved. Although I am referring in this instance only to the matter of water storage, what I am saying is applicable to the whole matter of land being used for public purposes and designated in various planning instruments. Specific government action is required to provide that those people detrimentally affected have recourse to adequate compensation for their land and for their displacement.

The Minister has intimated that a number of cognate bills are to be introduced at the same time as the principal planning and environment bill, the most important of which is to provide for the establishment of the Land and Environment Court. That court will replace completely the present system of appeals to the Local Government Appeals Tribunal. The Opposition will want to look closely at the proposal to require people adversely affected by planning proposals——

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

Mr ROGAN (East Hills) [4.1]: I am delighted to speak on the introduction of the principal planning and environment bill together with cognate bills, one of which is the Land and Environment Court Bill. Naturally, at the introductory stage, one is rather restricted in what one can say but doubtless all honourable members, municipal councils, shire councils and citizens will applaud the main thrust of the bills. The bills are the culmination of intensive examination and reappraisal of ptanning and environment protection systems in New South Wales. They will indicate clearly the importance that the Government places on planning, fostering and encouragement of economic development in the interests of the community. I am pleased that the Minister has indicated his intention to proceed only with the introduction of the bills at this point. That will enable them to be laid on the table of the House and will provide sufficient time to enable full public debate on all aspects of the proposed legislation.

I am pleased that the overriding principle of the bills seeks to involve the whole of the community in planning decisions. I refer to citizens, councils and the building and development industry. I am pleased also that one of the bills will provide for the establishment of the Land and Environment Court which will replace the old Local Government Appeals Tribunal. That will be one measure that will receive the whole-hearted support of local government and the community. All parties to appeals will have precedent as a guide before embarking on sometimes costly appeals which must at the present time go before the Local Government Appeals Tribunal. Doubtless that and the other principles laid down for the operation of the court will provide flexibility in dealing with a range of matters and permit of departure from strict legal rules and procedures. The measures are welcome. I commend the Minister and the Government for their introduction.

Mr McDONALD (Kirribilli), Deputy Leader of the Opposition [4.3]: The gestation period of the principal legislation has been long and probably arduous. Originally it was promised by the Government for December 1977, but as honourable members heard from the honourable member for Upper Hunter, since March 1976, when the former Government got to the second reading stage with planning measures, the Government has been able to bring only two pieces of legislation in this field to the Parliament—the Heritage Bill and the much vaunted Coastal Protection Bill. One would have hoped that the latter legislation would have been introduced subsequent to the legislation for which leave is now being sought. The prime reason for the problem has been the accretion of power to the Premier and the Minister for Planning and Environment They have sought to take power to themselves.

In December last year the Minister for Corrective Services gave notice on the second-last day of the session that the bill was due to be introduced the next day. Then there was a report of a Cabinet split. As far as one can tell the Minister for Corrective Services representing the Minister for Planning and Environment, the Minister for Agriculture and the Minister for Lands and Services, were upset in December of last year about the legislation. They were not helped by the statement made by the Minister for Mineral Resources and Development when he was opening the Woodlawn coalmine at Tarago on 15th December, which was clearly an oblique attack on the Minister for Planning and Environment. The Minister for Mineral Resources and Development said that protection of the environment could be taken too far. The headlines were quite significant during December 1978. Such headllines as "Revenge is Sweet as Cabinet rolls Landa", appeared. That was in the Australian Financial Review. The Sydney Morning Herald reported, "Moves in Cabinet to Curb Landa's Power". The Australian had the following headline, "Anti-Miners Can't Win 'em all—Mulock". The Sydney Morning Herald had another headline reading, "Cabinet Split Holds up Environment Bill—Last Minute Hitch". Then, there was a pause until March of this year when the Australian reported, "Wran Cabinet Meets on Landa Powers". In the Sun, this headline appeared: "Divisions in Cabinet Over Environment".

The reason for the problems that existed in the Cabinet doubtless emerged as a result of a meeting of the policies and priorities committee of the Cabinet held on 14th February, 1979, when three things were decided. The first was to defer consideration of the proposed bill for two weeks; the second was to have representatives of the Premier, the Deputy Premier, Minister for Public Works and Minister for Ports, the Minister for Planning and Environment, the Minister for Transport, the Minister for Industrial Relations, Minister for Technology and Minister for Energy and the Minister for Lands and Minister for Services to meet on Wednesday, 21st February, 1979, with a view to considering the criticisms of the proposed bill and to present a report for consideration by the policies and priorities committee. The third decision was that the Planning and Environment Commission was to prepare a paper for circulation prior to the officers' meeting setting out a comparison between the existing legislation and the proposed bill and clarifying those issues about which concern had already been expressed.

The interdepartmental committee met, I understand, on 21st February of this year and made reference to what it describes as changes or amendments of both major and minor significance. The committee was not able to make specific recommendations about compensation for land acquisition and planning consents for mining operations in a definitive form. Some points will be most interesting when the legislation finally comes before honourable members. I give credit to the Government for at least arranging for the legislation to lie on the table of the House for three months so that it may be given consideration.

It will be interesting to study the bill when it is finally received and to see how much different it is from the bill that existed earlier this year when the policies and priorities committee decided to respond to the criticism that has been offered or to react in some fashion. Those criticisms included a criticism of the objectives of the legislation which were to ensure and encourage a number of things. The interdepartmental committee was insistent that the word ensure be removed from the objects of the legislation because its members regarded the objects as being far too wide. Clause 7 of the earlier bill dealt with the responsibility of the Minister. The Minister was charged with the responsibility of exercising certain functions. The Minister for Planning and Environment was to undertake planning of the distribution of population and economic activity within the State. The recommendation of the committee was that the word undertake be deleted from clause 7 (b) of the final

draft and the word promote be inserted instead. It would be interesting to know whether that recommendation was followed, bearing in mind the fight in Cabinet about which we have been hearing. It would be interesting to know which side won and whether the matter has been finally settled yet.

Other points of interest will relate to the matter to which my colleague referred, the advisory co-ordinating committee. That appears in clause 19. The petulance that naturally existed on the part of the Premier is clear, as originally twenty-four representatives were to be on the advisory co-ordinating committee and it has now been blown up to thirty. This advisory committee is yet another advisory committee for the Government. The Minister also has an advisory committee under the Coastal Protection Bill. The Minister for Planning and Environment is so desperate that he probably needs these advisory committees. By clause 27 provision was made for designation of land for public purposes. The Attorney-General got rolled on his advice. He was quite concerned about the requirement that had been proposed previously of acquisition on demand. It was unfortunate for the Attorney-General that he missed out in that respect. Clause 28 dealt with the suspension of laws by environmental planning instruments. The interdepartmental committee questioned the necessity for the Premier to be involved in all cases. It will be interesting to see whether the Premier still has the powers that were originally provided by clause 28.

I could point to twenty-seven or twenty-eight amendments of major or minor significance that were then considered. It will be interesting to know how much notice Cabinet has taken of the interdepartmental committee's recommendations. In any case, the legislation is about two years overdue and the community is looking forward to. this principal bill and the cognate bills with great interest.

Mr WILDE (Parramatta) [4.11]: I commend the Minister for introducing these bills on behalf of the Minister for Planning and Environment. I support the remarks made by my colleagues in welcoming the legislation. I am pleased that it will be allowed to lie on the table so that the public will have ample opportunity to put forward any obiections to it. There are five cognate bills before the House, the most important of which is the bill to institute a system of environmental planning and assessment for New South Wales. The second bill is to constitute the Land and Environment Court and to make provision for its jurisdiction. This is also a most important aspect of the proposed legislation.

It is noteworthy that Opposition speakers have made no reference to the outcry, from local government in particular. that was voiced when the former Government legislated to eliminate the Land and Valuation Court and the Subdivision Appeals Board and to substitute the system of the Local Government Appeals Tribunal, which, in my opinion, and in the opinion of many people associated with local government. has been a disgrace and stands as an example of monumental failure on the nart of the former Government. The fact is that that tribunal was set up by the former Government for the benefit of developers. That is what it had in mind and that is what it sought to do when it set up the Local Government Appeals Tribunal. Whilst its objectives did not succeed in every case, in the majority of cases the result was that the developers received substantial benefit as a result of being able to appeal to the Local Government Appeals Tribunal.

Possibly the greatest criticism that could be levelled at the tribunal is that it was not bound by precedent but that each application that came before it was to be judged on its merits. Of course, results depended on which particular panel dealt with the application. There was no certainty as to what the result would be. Consequently, councils could never be sure how applications before them would be dealt with when such applications eventually came before the Local Government Appeals Tribunal. With

the setting up of the Land and Environment Court the element of speculation, which has been so much the subject of decisions of the Local Government Appeals Tribunal, will be eliminated and, it is hoped, we shall once more achieve a degree of certainty in this important aspect of local government.

As the Minister said, the legislation is to lie on the table until the budget session and submissions on it can be made to the Minister for Planning and Environment up to the end of July. This procedure will ensure that objections are given adequate consideration before the legislation is finally debated in the budget session. Copies of the bills are to be widely distributed and explanatory brochures and detailed explanatory notes are to be forwarded to all councils; professional associations in the field of planning, valuation and development; associations in the building and development industry; citizens and community organizations; and any other organizations which request this information, so that all sections of the community will have the opportunity to participate in and to make a contribution towards this worthwhile legislation.

Criticism that has been directed at the Government—unjustly in most cases—with regard to other legislation certainly cannot be levelled in this case because more than adequate opportunity is given to object. It is a worthwhile procedure indeed. I am sure that even some honourable members opposite who might oppose the terms of the legislation cannot but applaud the Minister's action in allowing this long period in which submissions may be made.

The aim of these bills is to create a system of environmental planning under which decisions on land use and resource management are made within the physical capacity of the environment in order to promote the economic and social welfare of the people of New South Wales. The bills will broaden the scope of planning to embrace economic, social and ecological considerations in the preparation of environmental plans and in development control. They will provide positive guidelines for development processes to speed up decision-making, to forter investment and to facilitate economic growth. I congratulate the Ministers responsible in this House and in another place on the introduction of this legislation. I commend it to the House.

Mr ROZZOLI (Hawkesbury) [4.17]: It is indeed pleasing to see this legislation at last introduced into the House because for those of us who are decidedly interested in the passage of this type of legislation it has been a long wait. The significance of the legislation can possibly best be judged by the statistic that this is only the third time that the Minister for Corrective Services has introduced legislation on behalf of the Minister for Planning and Environment in another place, and one of those pieces of legislation could only be regarded as infinitesimal. So, to all intents and purposes, this is only the second piece of legislation in almost three years that has been introduced within the planning portfolio. It is legislation of tremendous concern and importance to this State. The Government must take upon its shoulders responsibility for the delays that have occurred in the introduction of this legislation, which is vital to the prospects and good fortunes of this State.

Honourable members can view with alarm the trend of the previous legislation of the Minister for Planning and Environment which has been introduced into the House—even including the infinitesimal piece of legislation to which I referred, which was the Local Government (Footway Restaurants) Amendment Bill. That trend typifies the intention of the Minister for Planning and Environment to embody tremendous power in himself. The Opposition believes that to be one of the reasons for the long delay in introducing the legislation. The inherently grave danger in this type of legislation is that, notwithstanding any capabilities on the part of the Minister, the area is so tremendous and comprehensive in its involvement that no man, no matter how

brilliant, could possibly attend to all the matters that would come within the scope of the legislation if the five cognate bills are written in the same terms as the two previous pieces of legislation.

It has been alleged—with some substance—that the Minister sees himself as the grand architect of New South Wales. It is beyond any man to achieve that goal and beyond the capabilities of the Parliament to frame such legislation as would control that function. Planning is a living thing which arises from the constantly changing needs of society. What we need to do is establish a set of principles and a method by which society, through those principles and that method, can arrive at its own determination of what it believes is the right thing to do.

That brings me to my second broad point. Members on the Government side have said that this legislation will give the public a greater sense of involvement in planning for the benefit of the community. Involvement is all very well, but responsibility for the decision-making process should be firmly established. I hope that the legislation is clear in this regard because one of the great evils in planning to date has been the tendency for local government to blame the Planning and Environment Commission or its forerunner, the State Planning Authority, for things that went wrong. Similarly, planning bodies have blamed councils and, when both of them considered that they were right, they blamed the developer for what went wrong. If we are to have a system that works, it is essential to clarify the areas of responsibility. That is much more essential in this legislation than involvement. We can have consultancy programmes and invite submissions and take into account all of the information that they provide, but the essential part of the process is the ultimate responsibility and how it is administered in planning.

I wonder whether the time that has been allowed for the lodgment of submissions is long enough when one considers the time that it has taken to develop this legislation. This will depend on the clarity of the legislation and how effectively it meets the planning challenge. Though the Minister has said that the Government will consider submissions that are made before a particular date, I hope that it will take cognizance of representations that are made after that date.

Some of the five bills are big and some are small. The real meat lies in the first one; the others to a certain extent follow through from it. The second bill, which constitutes the Land and Environment Court, gives me considerable concern. It requires close examination. I disagree with the honourable member for Parramatta, who seemed to be critical of the Local Government Appeals Tribunal. In my opinion it has fulfilled a useful function in the time it has been in operation and has solved many planning disputes. Its value should not be overlooked. It was not alone in not always giving a decision that pleased all parties. I fear that the introduction of the Land and Environment Court will involve the public and councils in an expense that will add tremendously to the cost of development in this State. One of the reasons why the Local Government Appeals Tribunal was established was to reduce the cost of litigation to the public. In many cases the previous cost structure was out of all proportion to the consequences of a particular development application.

I fail to see how the results achieved by the Land and Environment Court will differ greatly from those achieved by the Land and Valuation Court, which previously dealt with development matters. There is undoubtedly a need for an appeal mechanism of this kind, but I fear that it is being achieved at the expense of the Local Government Appeals Tribunal. I shall be interested to know what the amendments to the Heritage Act are in regard to appeals. The Opposition said a good deal about that matter when that legislation was introduced. At present it suffices to say that the Opposition is pleased that, at last, the legislation is before the House. We are pleased also that time

will be allowed to consider it and for the public to make an input to it. I hope that the Government and the Opposition will be able to co-operate on this legislation because the public deserves, above all else, decent planning legislation.

Mr HATTON (South Coast) [4.25]: The Environmental Planning and Assessment Bill and its four cognate bills have as their aim the planning of land use and resource management and the examination of associated ecological, social, economic and environmental considerations. If those aims are achieved, it will be nothing short of a miracle. The Ministers concerned—the Minister representing in this House the Minister for Planning and Environment, and the Minister for Planning and Environment—and the department will be the first to admit that. The bills aim also to set down guidelines on investment for economic growth.

The framing of environmental plans at the State level, the examination of policy and objectives, the co-ordination of activities of public authorities in regard to development, the involvement of the public, the simplification of administration and the gauging of environmental impact are exceedingly difficult tasks and it would be a brave government that would tackle them. In my experience in local government, planning must always mean in large measure involvement with many people. Because it is a projection based on estimates and assessment, it can only be approximate. People like to know where they are going, yet a plan must, by its nature, keep up with changes and commitments in society. Conflict will always exist between a developer and what he sees as his own interest and what he sees as the public interest, and what the public sees as the public interest. How can the public interest be monitored? Planning is unpopular because of delays, interference, discipline and costs.

One of the difficulties is the definition of environment, for that word means different things to different people. The most important thing in these bills—their success will depend on it—is the devolution of power downwards. I welcome the Minister's statement that there has been a continuing attempt to set the principles on which other bodies will act, to decide the policy and the policy objectives. If it is possible to have simplified administration it must be local administration, despite its dangers. The Minister knows what pressures are placed on local aldermen and councillors. Local government is sensitive to what the peple in the area want. It is also open to much pressure. Therefore, the establishment of the principles and guidelines is the important task at the State level.

The best of British luck to the government that tries to co-ordinate all of the public authorities in future. Even at the local government level to try to co-ordinate what the councils and the county councils want to do at any particular time is extremely difficult. To try to get statutory authorities to look at what other statutory authorities are doing is an extraordinarily difficult task. When planning for the projected Armco steelworks was taking place at Jervis Bay I was the only elected representative to talk with representatives of sixteen government departments, such as housing, transport, railways, public works, maritime services, forestry, the Treasury, education, main roads and decentralization and development, to name some of them. It was incredible what each government department did not know about what the others were aiming to do.

There is a basic conflict in getting the public involved in obtaining quick decisions. The honourable member for Campbelltown complains constantly in this House about delays in decisions in an area that is supposed to be well planned. Some of the problems are in defining who is to make the decision, what should be the precise steps taken in making the decision and getting a decision on a subject. Another problem is in getting public involvement. That takes time because the public must be educated as to what the proposal is and the issues involved, and given an opportunity to have a say.

One thing that must happen in regard to planning in Australia is the introduction of computers, because of the vast amount of information that must flow in for any plan. The accuracy of the material that is fed into a computer and the system of gathering the information together, data preparation and programming are vital considerations.

One of the commendable actions of the Government is that many important bills are allowed to lie on the table of the House. There could not be a more important bill from the point of view of local government and householders. It is tremendously important that any planning bill should be given wide publicity so that honourable members may have the benefit of information from their electorates, local government bodies, progress associations and other organizations. They would then be able to debate the bill in a meaningful way. However, meaningful debate will not be worth a stamp if the Government is not willing to accept meaningful amendments to the bill. That is the whole point in having the bill lie on the table of the House and not to have it bounced round so that when honourable members come back armed with suggestions the Government might say, this is the bill and we will not accept any amendments. The House would then have a debate but it would all be hot air and of no particular value. The ordinary householder often gets chopped up in the system and does not have the facility to get his point of view across. Usually, a person's biggest single investment is in a house and the matter that is of greatest social importance to him is his family and the environment in which he brings up his family. He is concerned at the loss of his amenity, the lost of his picturesque view, noise, smells, traffic and other things that occur as a consequence of changes in planning or the consequences of bad planning.

In the past there has been no real way in which the ordinary citizen could protest and have something done. Let us hope that the land environment court which is proposed to replace the Local Government Appeals Tribunal does not become too legalistic, therefore too expensive and get bogged down. The bill will succeed or fail on the success of the information gathering and processing, public education and involvement, and its conflict with investment and economic growth. Above all, it will depend upon the administration's ability to control bureaucracy, to wind down inevitable delays that have occurred to date, to define the steps and responsibilities of those involved in the decision-making process, the responsibility of those who make the decisions and in appropriate cases to have some form of time frame in which decisions must be made.

Mr O'CONNELL (Peats) [4.33]: I am amazed that Opposition members have talked about delay. I vividly recall when the Liberal–Country party Government was in office a similar bill was prepared and a green book was introduced to tell honourable members about the marvellous proposals envisaged for planning. After twelve months that was followed by a blue book which amended the original proposals. Another twelve months later it was followed by a white book which, after the staff had got at it, knocked out most of the good proposals and left only the doubtful ones intact. I am sure that in the life of that Parliament no planning legislation was contemplated. As a dying gesture that Government introduced a bill that was never intended to be debated and I am sure the Government did not want passed. It was allowed to die with the Parliament, without any debate having occurred.

I am proud that after only three years the Government has produced this legislation. It has virtually had to go back to taws because the bill proposed by the Opposition when in Government was based on bad premises. Although I have not seen the legislation I am confident that it will do all the things that the Government proposed when in opposition. I am pleased that the proposals of the committee of which I was a member and that were approved by the Labor Party will be implemented through the bill. One of those proposals is the setting up of a department. Since

the establishment of the portfolio of planning and environment the ridiculous situation has existed that the Minister has not had a department; he has virtually been a Minister without portfolio. Two autonomous commissions have been under his control, but no department. I am pleased that as part of the bill the Minister will have a department to implement planning. Another part of the legislation that pleases me is that it will do away with that dreadful excrescence—probably the most obnoxious thing ever inflicted upon the people of New South Wales—the Local Government Appeals Tribunal.

Mr Caterson: Rubbish!

Mr O'CONNELL: It has been a dreadful organization, developer-orientated and without any consideration for the community. In areas such as the Central Coast if one sees subdivisions that should never have been approved one can guarantee that the subdivision was rejected by the local council but approved on appeal by the Local Government Appeals Tribunal. It was established to do a job that should be abhorrent to everyone—to give developers the right of appeal against a decision that rejected a development application, though no such appeal right was given to persons in the community who might be aggrieved by such a development taking place. I am pleased to see that the bill will institute third party apoeals. This was an original proposal of the former Liberal–Country party Government, but was withdrawn when the white book was published. It is of undeniable importance that people aggrieved by a proposed development that will affect their locality should have some right of appeal and be heard on the matter. The court that is to be set up to replace the Local Government Appeals Tribunal will give that right.

Another thing that gets me is that people always complain about the time it takes for decisions on planning matters. Decisions that are delayed are usually those in which a developer has made application to have the law changed to suit himself. It should always be remembered that when a plan is prescribed it becomes the law of the land. The only decisions that take time are applications by developers to have the law changed to suit themselves. An aggrieved person could not hope to have the planning laws changed to suit himself. Developers not only want the law changed. they want it done immediately. They complain because it might take a few months for investigations to be made before the law can be changed. That is unreasonable and unjustified. I strongly believe that the proper way to deal with planning is as proposed by the bill—from the grass-roots up. Once it is proposed and enacted, it should be extremely difficult to change the law. At present it is too easy to change some aspects of planning. The fact that it takes time to implement changes is not detrimental.

I am pleased that the Government has introduced the bill. I hope that the land environment court that is to be set up will be community-orientated rather than developer-orientated. I suppose that is hoping for too much. In a society dominated by lawyers the application of the law is more important than the advancement of community interests. I do not suppose one should expect a court to be community-orientated. However, one can only hope.

Mr J. H. BROWN (Raleigh) [4.39]: I am pleased that this bill has been introduced. I shall be particularly keen to see whether it will have the effect of decision being conveyed speedily to the public. The honourable member for Peats said that the Minister has had no department. That has probably been why decisions have not been made. Early last year the Department of Lands published a map. covering the area from north of the Hastings River and taking in the lower Macleay area, depicting land that was proposed to be added to a State or national park. The people there were concerned that they could not get decisions about what was going

to happen to their property. The then Minister for Lands came to Port Macquarie and met representatives of all the councils concerned. He said that the map would be on display until July and that all objections would be considered. He said further that if people did not want their land taken it would not be taken and it would all be right by September. The Minister obviously knew when he made that remark in July that an election was coming up in October. After the elections there was a change in portfolios and this proposal became a planning matter. Try as we might, we cannot get a decision from the Minister for Planning and Environment as to what is going to happen to this land.

The honourable member for Peats said it does not matter if decisions of this nature take a long time. It matters if you own the land, it matters if you have got a farm with which you want to do something and you cannot because you are unable to get a decision. I ask the Minister for Corrective Services to see if he can get a decision from the Minister for Planning and Environment whom he represents in this Chamber about what is happening to land proposed to be added to those parks. For a long time proposals for a State park in the lower Macleay area, in the area behind Crescent Head, in the Maria River area and through to north of the Hastings, have been discussed but we cannot get a decision. The Kempsey shire council has written to the Minister through me. I have written covering letters saying to the Minister for Planning and Environment, "Please won't you give a decision; won't you meet them?" Nothing has happened. I hope that when the Attorney-General and Minister of Justice takes on the planning portfolio in the not too distant future, he will heed some of the good advice I gave him when he was a little boy at school and get on to the job and do it. If we have to wait until he is the Minister for Planning and Environment I might have an in with him to get a decision. I hope this bill will remove delays so the ordinary citizen is not going to have his ordinary work affected and hindered by lack of decision by the Minister or the Department.

Mr HAIGH (Maroubra), Minister for Corrective Services [4.42], in reply: I thank each of the members who has spoken on this bill. Their interest displays the importance that the Parliament places on this bill and the cognate bills under discussion with it. Planning for the community and planning in the best interests of the people of this State is most important. No fewer than nine speakers contributed to this bill. The only member I found difficulty in understanding was the honourable member for Kirribilli and in his usual fashion he led off by——

Mr Mallam: He was only passing by.

Mr HAIGH: Yes, he was just passing by, but apparently he was trying to apply himself in his usual fashion and on this occasion coming on with some weight directed, I think, towards assisting developers. He kept prefacing his remarks with the terms, on the basis of, I understand and it is my advice. Obviously if one were to follow the hope that he was trying to establish—that people would accept those expressions as being fact—all I can say is he has a very vivid imagination in the creation of fiction. It is sheer hypocrisy for that honourable member to preface his remarks by such expressions as I understand and it is my advice and expect that people will accept those expressions as being truthful and factual. The honourable member showed his usual petulance at the initiative and capacity of the Labor Government to go ahead in whatever field it may be pursuing its endeavours. On this occasion the Government through planning and environment legislation is attempting to improve the living conditions and welfare of everybody in this State. As I indicated earlier in my speech, the importance of this legislation is that a number of considered assessments have been carefully made, put into legislation and brought before the Parliament in the form of cognate bills. They are here for the consideration of all the people of this State interested in planning and the welfare of the people. People will be

able to express their views until the end of July. Those expressions will be most carefully considered by the Government. In this way it is hoped that most valuable and effective legislation will be considered and passed through this and another Chamber and become law to secure better living for the people of New South Wales.

Motion agreed to.

Bills presented and read a first time together.

SECURITIES INDUSTRY (CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

COMPANIES (CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

BUSINESS NAMES (CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

STATUTORY AND OTHER OFFICES REMUNERATION (CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

Second Reading

Debate resumed (from 12th April, **vide** page 4161) on motion by Mr Walker:

That these bills be now read a second time.

Mr CAMERON (Northcott) [4.47]: The Corporate Affairs Commission is the headpiece of the State's network of vibrant private enterprise companies. However structured, it will remain so until replaced by a supra-State commission of the kind already agreed upon in principle, but not in detail, between the various States and the Commonwealth. The fact that this restructuring bill is before us at this stage rather suggests that ironing out those little matters of detail is expected to take longer than was hoped. Perhaps it will ultimately be a Liberal–Country party Attorney-General who, in New South Wales, will move for implementation of the grand State-Commonwealth scheme. Sydney Smith spoke rather derisively of the companies of his time—creatures then rather recently spawned—as having neither souls to lose nor bodies to kick. Our Attorney-General's kicking foot still moves back and forth in their direction in response to some inner compulsion. However, I suspect he is rather chagrined by this absence of soft, yielding bodies into which to sink it. I see companies in a rather different light. In my eyes they encapsule the most positive virtues of our private enterprise system.

Just what kind of Corporate Affairs Commission do such companies deserve? Last sitting day, during the course of question time, I suggested to the Premier that in recognition of the role of these companies as the main generators of prosperity and employment he might proclaim the coming year, 1980, as the Year of the Joint Stock Company. Surprisingly, the Premier—a man so voluble about such causes as the Year Against Racism, Book Year, Women's Year and the like—was constrained and unresponsive, dismissing my suggestion with a monosyllabic No. I wonder why. Surely he does not imagine that prosperity and employment are made by him, or made by governments of any rank or persuasion. Governments, after all, make but little. They are part of the surplusage, part of the baggage that the earning, productive segments of the community, companies and individuals, carry on their backs. But, true enough, for all of their creativity and all of their virtues generally, I suppose it has to be conceded that companies need some kind of supervisory policeman watching over them. This, in part, is the role of the Corporate Affairs Commission, whether a one-horse outfit or a three-horse team; whether an independent agent or prodded by the spurs, looking through the blinkers, guided by the reins of the Attorney-General.

People in government, however, need to keep their priorities in sequence. Companies and the entrepreneurs, directors, shareholders and managers contributing to their work behind the corporate shield, are primarily benefactors *vis-à-vis* the rest of the community. It is wrong to view them, as I believe the Attorney-General does, primarily as potential miscreants, corporate scoundrels, white-collar criminals, requiring the Minister's own personal control and direction. They are providing most of the horsepower needed by our community, as well as most of the innovative ideas and expertise. They are among those still pulling, rather than being pulled. They are prime movers, rather than passengers riding along behind. All the time their tax load is getting heavier. Looking through the corporate veil to the individuals underneath and placing these individuals among earners generally, we can quickly see how much heavier. Ten years ago every 1 000 earning Australians supported 176 other people on income security programmes. Today they support 276.

The cognate bills now before us have two central objects. As to the first, mainly by paragraph 11 of schedule 1 to the Securities Industry (Corporation Affairs Commission) Amendment Bill, we are to get a new section 133 of the Securities Industry Act, 1975. Instead of remaining a corporation sole, as created by the previous Liberal-Country party administration, it will in future consist of three commissioners —a committee of three, as it were. As to the second, by paragraph 15 of the same schedule the Government proposes a new subsection 139 (3) of the same Act, which aims to make the Corporate Affairs Commission subject to the direction and control of the Minister—the Attorney-General and Minister of Justice. The first of these objects is in harmony with most of the legislation which now comes before this House. It is a machinery object, a matter of detail rather than principle. Especially is this true of bills introduced by the Attorney-General and Minister of Justice. Hence, so far as the first object as distinct from the second is concerned, to spend any significant time on it would be to give it rather more attention than it deserves. Do we really need a commission of three rather than a corporation sole, a one-man commission? The answer probably depends on the expectations of the commission's work. I expect relatively little of it, hence I am led to accept a three-man commission with reasonable equanimity.

Whose product is superior, that of one individual or that of a committee? Perhaps that depends on what is being produced. Could a committee have written Shakespeare's ***As You Like It,*** composed Beethoven's ***Pastoral Symphony,*** sculptured Michelangelo's ***David,*** or painted Da Vinci's ***Mona Lisa?*** Hardly. It is widely accepted that it was an attempt by some committee to design a horse that resulted in a camel, so it is better not to speculate on what would emerge if committees tried to be artists. But in a governmental context it may be different. Where an important parliamentary responsibility is performed by an individual member, is it likely to be better performed if entrusted to a commission—or a committee, it makes no difference---of three? Would the responsibilities of the Attorney-General and Minister of Justice, for example, be better performed if entrusted to a ***troika*** comprising, say, the honourable member for Ashfield, the honourable member for Hurstville and the honourable member for Drummoyne? Was the Union of Soviet Socialist Republics better governed after Kruschev was replaced by a triumvirate comprising Brezhnev, Kosygin and Podgorny? If so, perhaps this move for a three-man Corporate Affairs Commission is well conceived. Generally speaking, I subscribe to the old theory that the best committee is a committee of three, with two apologies for absence and myself presiding. A gentleman named Lincoln, whose given name was not Abraham, described a committee as a *cul* de sac to which ideas are lured and then quietly strangled. It would be interesting to assess how many

ideas have been lured to their ends in the various committee rooms of this Parliament, speared to death with neatly sharpened red pencils, the blood mopped up with pages tom from white scribbling pads.

In the corporate affairs field or elsewhere, by spreading and diiusing responsibility from one individual to three, we normally assure ourselves of a safer and less controversial, but duller and more lacklustre discharge of it. If three streams of brilliant individualism are merged in a committee what emerges is the lowest common denominator of all three. Committees have taken over the bulk of affairs political. That is why they have become so insipid, colourless and devoid of magic. Whatever we do with the Corporate Affairs Commission we must do for the best reasons. I should hate to think, for example, that the creation of two extra jobs for commissioners was influenced, yet again, by any scope thereby created for extended political patronage. I sincerely hope that is not so, but the acid test will come when the appointments are announced. The commission's work is of some utility, especially in terms of the pursuit of the persisting sliver of real corporate criminals. If it were not so, a government of my political persuasion would not have created it. Whatever is done to it now by way of structural reorganization must leave it worthy of the great mass of successful companies of unblemished reputation, whose affairs it helps to supervise and regulate.

I have described the commission as the headpiece of the State's network of vibrant private enterprise companies, but it must remain a headpiece that matches the essence of that which it heads and is no more elaborate than basic needs require. Even on a warm day, beautiful Venus, glorious in her lack of adornment, needs only a halo —not a 10-gallon Stetson, useful as that might seem. Nevertheless, in the political world, if not in the arts, it does appear as if troikas have some advantages over a corporation sole. Hence, I have no real objection to proposed new section 133 of the Securities Industry Act, 1975, as set out in schedule 1, paragraph 11, to the main bill before us, provided all that is expected from the Corporate Affairs Commission is a safe, competent, and probably dull discharge of its responsibilities. For my part I will be content to receive that from it, believing that in the corporate affairs realm the real pluses and dynamism come not from the commission but from the corporations. I cannot help feeling that there must be more important issues for discussion by the Assembly than whether the Corporate Affairs Commission should comprise one man or three.

All over the world, parliamentary democracy, of which we are part, is giving ground to totalitarianism, but we do not discuss that: education is failing to educate, but we do not discuss that: crime and delinquency are running wild, but we do not debate that: non-elected unions are supplanting the elected parliaments, but nothing is said about that: a handful of over-large seaboard cities grow fatter, while the population of the hinterland wastes sparser and sparser, but we do not discuss that. But, if the Government really wants us to talk about whether a one-man Corporate Affairs Commission should become a three-man commission I am happy to advise it that I do not really mind one way or the other.

However, I feel I cannot maintain the same detached equanimity concerning the second object before us. I am not indifferent to the question whether or not the Corporate Affairs Commission is to be stripped of such independence as it has, and brought in subjection to the direction and control of the Attorney-General. It would be possible to take a more stoic view if one looked upon the office of Attorney-General simply as being enduring but depersonalized, that of the first ministerial law officer, whomever he may be, of the government of the day, whatever political complexion it may chance to exhibit. The inescapable fact is that today when we deliberate on this bill the incumbent Attorney-General displays characteristic political views, and these

will undoubtedly influence the mode of discharge of any additional power over corporations conferred upon him. These views are undoubtedly out of harmony with the spirit of our private corporations. I say this without rancour, for I do not feel that at all. Both the Attorney-General and I did our articles at the same law firm.

Mr Einfeld: With two such different results.

Mr CAMERON: When I first went to the bar I remember the young solicitor with short back and sides hair style who used to hand my briefs up to me, now the Attorney-General.

Mr Walker: I was also the honourable member's instructing solicitor.

Mr CAMERON: After all, what are corporate affairs? They are the affairs of bodies corporate—artificial persons, each legally authorized to act as if a single individual although comprised of many, an extensive company of individual shareholders in fact.

Overwhelmingly, bodies corporate are made up of companies whose basic motive is the earning of private profit for the individual shareholders. The directors of those companies are in a position of trust and are duty bound to seek to maximize the private profit of the shareholders. It is that profit motive, completely voluntarist, which provides the source, drive and energy of the whole economy. It contrasts markedly with the state compulsion which characterizes socialist societies. Yet, the central incongruity is that the Attorney-General and Minister of Justice, to whose direction and control the affairs of the corporations, through the commission, are to be subjected, is a socialist. Though the Premier signs his party's socialist objective, I believe that he is not, at heart, a true socialist. The Deputy Premier, Minister for Public Works and Minister for Ports is a socialist. Of course, the honourable member for Illawarra, the honourable member for Fuller and the honourable member for Woronora are socialists. But, none of them is as deeply steeped in socialism as the man to whose direction and control by these bills it is proposed to make the Corporate Affairs Commission subject.

Had it been proposed in 1880 to make Henrich Karl Marx president of the London Stock Exchange, it would not have been, in essence, much more incongruous than the proposal contained in item 2 (a) of the schedule to the Companies (Corporate Affairs Commission) Amendment Bill. It is just that honourable members have been softened up to the proposal now before the House by three years of experience of the Attorney-General occupying the ministry most relevant to corporate affairs. Throughout those three years the Attorney-General has pursued a relentless personal vendetta against companies generally.

The Attorney-General is clearly identified with other aspects of political ideology. He is the leader, within the Cabinet, of the fiercely environmental group which pursues the bona fide environmentalist cause to such extreme as to harm irreparably the interests of private corporations in Australia. When it comes to exports, it is obvious that the costs heaped upon private industry by the mindlessly excessive environmentalism of which the Attorney-General is such a fierce advocate, make the position of private industry completely untenable. Those are some of the reasons why I think it is entirely inappropriate for this particular Minister to be the first recipient of powers of direct control over and guidance of the affairs of the Corporate Affairs

Cammission. I shall strongly support the amendment that the Opposition proposes lo move in Committee to strike out the paragraph in the relevant schedule that would confer that new element of ministerial control and direction on the Attorney-General.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [5.3], in reply: Three issues seem to have arisen in the debate on this rather small bill. The first was the one just raised by the honourable member for Northcott on the question of ministerial direction and control of the commission. I understand that the only amendment to be moved by the Opposition relates to that matter. The Opposition's objection seems to take two forms: first, the argument just put by the honourable member for Northcott, namely, that the power would be acceptable in any hands of any person other than mine. Second was the slightly more principled approach by the honourable member for Ku-ring-gai to the effect that the power should not be conferred in any circumstance whatsoever.

I pointed out in my second reading speech and by way of interjection that what I am proposing very much mirrors what is proposed to be done at a national level with the National Companies and Securities Commission. One of the objects of expanding the membership of the State commission to three was to mirror what was happening at a national level, so that the structure in New South Wales would fit neatly within what was planned federally. That was only one reason. The workload was the more important reason. Section 7 of the proposed National Companies and Securities Bill reads:

> Where the Ministerial Council, the Minister or a State Minister——

By the way, it gives power to individual State Ministers:

> ——gives to the Commission—
>
> (a) pursuant to the Agreement; or
>
> (b) pursuant to a power conferred by an Act or a State Act in accordance with the Agreement,
>
> directions with respect to the performance of any of the functions or the exercise of any of the powers of the Commission, the Commission shall comply with those directions.

The national bill will give the Ministerial Council as a whole, and individual Ministers, power to direct the commission. That is as it should be. It is a matter of unanimous agreement by all Ministers in all States of Australia because all have those sorts of powers already and exercise them already. They are the sorts of powers that are exercised daily by Ministers of State in respect of all sorts of commissions. They are the same powers that were given time and again by the former Government and have been given by the present Government. I shall give a few examples. The Liberal-Country party Government gave Ministers the same powers over such bodies as the Health Commission of New South Wales, which is one of the most important commissions, for it deals with matters of life and death, not companies and securities. The honourable member for Ku-ring-gai and his colleagues agreed to give a former Minister for Health that power before he forgot to nominate. Section 4 (2) (c) of the Health Commission Act reads:

> ——shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

That is, word for word, what is proposed by the bill. A bill relating to the Public Transport Commission of New South Wales was another measure that was introduced and supported by the honourable member for Ku-ring-gai and his colleagues. Section 4 (c) of the Public Transport Commission Act reads:

> ——shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a report or recommendation made by it to the Minister) ——

The honourable member for Ku-ring-gai thought there was something sinister about that but it appears in almost every bill relating to a commission that he supported. The section continues:

> —be subject to the direction and control of the Minister.

The honourable member for Ku-ring-gai voted for that and supported it. The Public Transport Commission of New South Wales is an important commission indeed as far as the funds of the State go. The Health Commission of New South Wales and the Public Transport Commission of New South Wales account for most of the State Budget. That will give some idea of their importance. The bill relating to the New South Wales Planning and Environment Commission also was supported by the honourable member for Ku-ring-gai and his colleagues. Section 5 (c) of the New South Wales Planning and Environment Commission Act reads:

> ——shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

The clause I am proposing is identical with those three clauses. The same words appeared in bills that were before the Parliament in the past two or three years and were supported by the Opposition. I refer to the Ethnic Affairs Commission Bill, which was recently debated. The same sort of powers were given to the Premier. By the Energy Authority Act similar powers were given to the Minister for Industrial Relations, Minister for Technology and Minister for Energy. In the Land Commission Bill similar powers were given, though the Opposition might not have agreed completely on that aspect. With ethnic affairs, energy, planning and environment and a bill relating to the ambulance service similar powers were provided. I could go on and on. This is the normal everyday clause. The only difference is the Minister administering the Act. That is the only argument that can be put forward. It is a power that is available to Ministers in every other State. The power will be available to the Ministerial Council when the National Securities Commission comes into being. There is nothing sinister about it. It is perfectly normal. It should, in the normal course of events, appear in the bill.

The honourable member for Ku-ring-gai, in his efforts to be nasty and difficult, suggested that the Attorney-General might interfere in prosecutions. Since the passage of the Australian Courts Act in 1928 the Attorney-General of New South Wales has had powers to prosecute informations in the court. Section 572 of the Crimes Act, 1900, provides that the Governor may appoint persons to prosecute in the criminal jurisdiction of the District Court, provided that nothing shall be construed to limit or control any authority vested by law in the Attorney-General. Proceedings on indictment relating to serious charges may be stayed, as I pointed out by interjection at the time, if the Attorney-General wishes and if such a decision is not subject to the control of the courts. That authority has been vested in the Attorney-General for probably as long as the office has existed. In fact, decisions go back as far as 1718 on the subject of Attorneys-General interfering in prosecutions.

Mr Walker]

That the honourable member for Ku-ring-gai cavils at the thought that the Corporate Affairs Commission amendments can give the holder of the attorney-generalship power to interfere with prosecutions brought by the commission is amusing. That power pales into insignificance when compared with the powers that are already vested in the Attorney-General to no bill a prosecution begun, no doubt in good faith, by the police force. As Attorney-General, the honourable member for Ku-ring-gai exercised that power on hundreds of occasions, and his predecessor exercised it on thousands of occasions, particularly in abortion cases. The honourable member does not place much faith in the office of the Attorney-General, even though he once bore that proud commission for the Government. It was wrong of him to raise that matter in the way that he did. Although the Opposition is entitled to move amendments, there is no magic in the foreshadowed amendment unless members opposite have some personal vendetta against me. That is their privilege; I shall bear that, as I must. I think the Opposition's amendment is ludicrous and will be seen to be so by the business community.

Motion agreed to.

Bills read a second time together.

In Committee

The CHAIRMAN: The Committee will deal first with the Securities Industry (Corporate Affairs) Commission Amendment Bill.

Schedule 1

Page 10

(15) Section 139 (3)—

Omit the subsection, insert instead:—

(3) Except as to the content of a report or recommendation by the Commission or a Commissioner, the Commission and the Commissioners are, in the exercise or performance of powers, authorities, duties and functions under this or any other Act (other than those exercised or performed as an inspector under Division 2 of Part II or Part VIA of the Companies Act, 1961) subject to the direction and control of the Minister.

Mr MADDISON (Ku-ring-gai) [5.14]: Despite the special pleading of the Attorney-General and Minister of Justice during his remarks in reply to the second reading debate, I move:

That at page 10, all words on lines 9 to 18 be left out.

The Attorney-General and Minister of Justice, in attempting to ridicule the Opposition's arguments about the direction and control powers that he seeks to write into the legislation, quoted as examples a number of commissions that were the subject of legislation during the period of office of the previous Government and some commissions and authorities that have been set up by the present Government in the three years that it has been in office. He mentioned the Health Commission, the Public Transport Commission, the Planning and Environment Commission, the Ethnic Affairs Commission, the Energy Authority, the Land Commission and the ambulance service. He said that, therefore, what he was seeking to do in amending the Securities Industry Act was to insert an everyday clause that was to be found in many other pieces of legislation. I remind him that, although they may be everyday clauses that find their

way into these various pieces of legislation in regard to commissions, they affect substantially administrative bodies, the powers, authorities, duties and responsibilities of which cannot be equated in any way with those of the Corporate Affairs Commission.

I shall not labour the point—it has been dealt with by the honourable member for Northcott and by me—but it seems to me that the clause is far too widely drawn, particularly in relation to the policing and prosecution powers and the functions of the Corporate Affairs Commission. One does not find in the Police Regulation Act any such ministerial powers of direction and control vested in the Minister who is responsible for the police force. The community would be up in arms if the Government sought to amend that Act to politicize the operations of the police force. Indeed, as I said at the second reading stage, what is sought in these amendments is to politicize the Corporate Affairs Commission in a way that is far too wide and beyond the powers of any Minister.

The Attorney-General and Minister of Justice tried to draw a distinction between what the honourable member for Northcott said and what I said. According to the Minister, the honourable member for Northcott became personal about the present incumbent of the office of Attorney-General but said that I took a broader view and was trying to put it on the basis that any Attorney-General, regardless of his politics, should not be vested with this extraordinarily wide power. One could understand the granting of a much more limited power than the one that has been provided here. I remind the committee that the powers that already exist in the Securities Industry Act and in the Companies Act are such that in respect of policy matters the Attorney-General has full control over the direction in which the Corporate Affairs Commission is moving. In the view of the Opposition, on account of the function, role and responsibilities of this commission, that power is sufficient to enable the Attorney-General to achieve the ends that he seeks.

It is not to the point for the Attorney-General and Minister of Justice to talk about what is to be found in the legislation for the establishment of the National Securities and Exchange Commission. It may well be that the only people who are in step are the Opposition in New South Wales and that the Attorneys-General in the other States and in the Commonwealth are out of step. It might be rash of me to say that, but nevertheless I am willing to advance the view that all wisdom does not repose in Attorneys-General, no matter from which side of politics they come. I am not making fish of one and fowl of the other. I am putting it on the basis of principle. The Attorney-General already has sufficient powers in the existing legislation. The amendment that I propose has the endorsement of the Opposition.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [5.20]: Repetition of what I said earlier will not make my point any stronger, but I shall repeat it in case the Opposition quotes me out of context, as is their wont. Every other Government in Australia has given its Attorney-General the power now proposed to be conferred on the Attorney-General in New South Wales. The Attorneys-General insist that the same power should go into the National Companies Bill. The Queensland Attorney-General was particularly firm in that view. He said that the Government should be able to ensure that the job was done properly. That is the attitude of the Government of this State also. We believe in responsible Government. We believe that Minister should be answerable to the electorate.

The honourable member for Ku-ring-gai asserts that it is wrong for the Attorney-General to interfere in prosecutions. When he was Attorney-General and Minister of Justice in the former Liberal–Country party Government he interferred in prosecutions hundreds of times. He no billed hundreds of prosecutions of indictable offences—including serious matters such as rape and abortion. That is the proper

role of an Attorney-General. I do not suggest that the actions of my predecessors were not proper. They were all taken on advice anyway. I do not understand why the honourable member for Ku-ring-gai should suggest that with company prosecutions the role of the Attorney-General should be any different. Why should the Corporate Affairs Commission be any different from the Electricity Commission, the Health Commission, the Transport Commission or any other commission that has been set up and that has precisely the same powers?

The honourable member for Ku-ring-gai has not made out a case. He might have been able to convince his party meeting that he had a point. If he has a point it is concerned with me personally rather than with the office of Attorney-General. An object of debate in Parliament is to enable an honourable member to make such a conclusion, but having made it he cannot suggest seriously that what the Government proposes is any different from the norm, from what is appropriate in society, or from what is done throughout the country.

Question—That the words stand—put.

The Committee divided.

Ayes, 61

Mr Akister	Mr Gabb	Mr O'Neill
Mr Anderson	Mr Gordon	Mr Paciullo
Mr Bannon	Mr Haigh	Mr Petersen
Mr Barnier	Mr Hatton	Mr Quinn
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 Cavalier	Mr Johnstone	Mr A. G. Stewart
Mr R. J. Clough	Mr Jones	Mr K. J. Stewart
Mr Cox	Mr Keane	Mr Wade
Mr Crabtree	Mr Knott	Mr Walker
Mr Day	Mr McCarthy	Mr Webster
Mr Deaen	Mr McGowan	Mr Whelan
Mr Durick	Mr McIlwaine	Mr Wilde
Mr Egan	Mr Maher	Mr Wran
Mr Einfeld	Mr Mair	
Mr Face	Mr Mallam	*Tellers,*
Mr Ferguson	Mr Mulock	Mr Cleary
Mr Flaherty	Mr O'Connell	Mr Ryan

Noes, 34

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

Question so resolved in the affirmative.

Amendment negatived.

Schedule agreed to.

The CHAIRMAN: The Committee will now deal with the Companies (Corporate Affairs Commission) Amendment Bill.

Schedule 1

Page 3

5 (2) (a) Section 7 (1)—

After "Act", insert "but, except as to the content of a report or recommendation by the Commission or a Commissioner, the Commission and the Commissioners are, in the exercise or performance of powers, authorities, duties or functions under this Act (other than those exercised or performed as an inspector under Part VIA) subject to the control and direction of the Minister".

Mr MADDISON (Ku-ring-gai) [5.29]: I move:

That at page 3, all words on lines 5 to 13 be left out.

I do not propose to speak to the amendment as my comments in relation to the amendment I moved——

[Interruption]

The CHAIRMAN: Order! Honourable members will resume their seats or leave the Chamber quickly.

Mr MADDISON: ——because the arguments on that amendment are the same as those that I have put in respect of the amendment that I proposed to the Securities Industry (Corporate Affairs Commission) Amendment Bill and on which the Committee has just divided.

[Interruption]

The CHAIRMAN: Order! I call the honourable member for Cronulla to order.

Mr CAMERON (Northcott) [5.31]: I support the amendment moved by the honourable member for Ku-ring-gai. I put only one proposition that has not been put previously. There is an essential incongruity in conferring upon this particular Attorney-General and Minister of Justice direct control and direction over the affairs of the relevant commission by virtue of the fact that he is the very Minister who has moved in this Parliament to deprive people charged with corporate crimes of their traditional right to trial by jury. The man who moves to take away this long-established right, which is revered by all supporters of the English legal system, is not the appropriate person to be given direct personal control and direction over the affairs of the Corporate Affairs Commission. I put strongly that this is a further reason in support of the Opposition's move to delete paragraph (2), lines 5 to 13 in schedule 1 at page 3 of the Companies (Corporate Affairs Commission) Amendment Bill.

Amendment negatived.

Schedule agreed to.

Adoption of Report

Bills reported from Committee without amendment, and report adopted on motion by Mr Walker.

Third Reading

Bills read a third time together, on motion by Mr Walker.

APPRENTICES (AMENDMENT) BILL

Second Reading

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [5.37]: I move:

That this bill be now read a second time.

As I stated at the introductory stage of this bill, the aim of the proposed legislation is to permit the employment of persons under the age of twenty-one years in apprenticeship trades on a voluntary basis where a regulation has been made permitting that to be done. This amendment would enable apprenticeships to be granted in the dairy industry which has displayed keen interest in having such training established where practical. Honourable members will generally concede that the apprenticeship system has long been accepted as the traditional and proven method of training skilled tradesmen in industry. In fact, today it is more than that. From the ranks of apprentices flow not only the skilled tradesmen essential to industry—and of which there are still too few—but also many of the technicians, technologists and other specialist operatives required in this increasingly technological age.

These highly trained people, in turn, are a major force in raising the standards of manufacture and the quality of goods produced, enabling individual industries to meet the challenges of domestic and international competition. This granted, it is incongruous that the obvious benefits of the apprenticeship system have not been extended to a rural sector where an equally high level of training and skill is required and which also faces equivalent challenges in the market place. It is the firm belief of this Government, and I am sure other honourable members present, that in the interests of the dairy industry, of young people wishing to enter it and of individual farmers as well as consumers, where practical, the benefits of the apprenticeship system should be extended to cover these agricultural skills. As I said at the outset, the dairy industry itself has been actively pursuing such an arrangement. This applies not only in New South Wales, but also in Victoria where such a scheme has operated for the past two years and now has some 900 apprentices in training with courses being conducted in twenty-three technical colleges throughout the State. Tasmania also has accepted the scheme; South Australia and Western Australia are studying the proposition.

In New South Wales the dairyfarming apprenticeship scheme has been developed through consultation between the New South Wales Dairy Farmers Association and the Department of Agriculture, the Department of Technical and Further Education, and the Department of Industrial Relations and Technology. The prime objectives of the scheme are to meet the basic formal needs both of male and female persons entering dairyfarming careers. The aim of the course is to give rising and future generations of farmers and farm employees the benefit of modern training and technology. It would supplement and complement the on-farm training in basic dairyfarm skills, increase apprentice proficiency and competency and give both theoretical and practical instruction in animal production and husbandry, agronomy, dairyfarm mechanization, marketing and dairyfarm management. This formal recognition of the training would bring also to the dairy industry the benefits of the Commonwealth rebate for apprentice full-time training or CRAFT scheme whereby the employer of an apprentice in a proclaimed trade receives a rebate for each day the apprentice is released during paid working hours to attend technical college. However, it is in the matter of attending the appropriate technical college that this dairyfarm apprenticeship scheme creates particular difficulties requiring amendment to the Act to enable the scheme to operate. Dairyfarms are spread out over the countryside, many of them at great distances from centres where technical colleges are established. As it stands, the Apprentices Act, 1969, prohibits the employment of any person under the age of

twenty-one years in a trade prescribed by an award of an apprenticeship committee unless that person is a probationer or an apprentice; or approval has been given to the establishment of an apprenticeship for that person; or that person has completed a term of apprenticeship. In other words, it would become compulsory for all junior employees performing agricultural work on dairy farms to be either apprentices or qualified tradesmen as, say, applies in the metal trades. Clearly, this is not practical.

The purpose of the bill now before the House is to resolve this problem to the advantage of all concerned. The introduction of voluntary apprenticeships to the dairy industry would allow those within reach of a technical college to become apprentices without inhibiting the training and employment of those not so favourably situated. I should stress that the legislation has been drafted in such a way as to guarantee that any regulation introduced under the amended Act granting exemption from the section 26 provisions I quoted a moment ago would be strictly limited in effect. This means that any regulation made relating to voluntary apprenticeships in the dairy industry cannot inadvertently, or otherwise, affect or apply to any other industry whatsoever or to other persons in the dairy industry not being apprentices. It follows that the Government would not entertain any extension of this type of apprenticeship to any other industry without a full inquiry involving employees, employers and all other interested parties. With that premise clearly enunciated, I now turn to the provisions of the bill.

Clause 1, as is customary, gives the short title of the Act. Clause 2 (a) provides that the operation of an award may be made conditional to a regulation being made granting exemption from section 26 of the principal Act so that every time a new trade is being prescribed, parties to the award may be guaranteed that the award will not have any unintended consequences. The clause achieves this by inserting additional subsections 2 and 3. Thus, what was the whole of section 26 becomes subsection 1 thereby retaining in their entirety the prohibition of employment of any person under the age of 21 years in a trade prescribed by an award of an apprenticeship committee unless that person is a probationer or an apprentice, or approval has been given to the establishment of an apprenticeship for that person, or that person has completed a term of apprenticeship. New subsection 26 (2) will provide that an apprenticeship committee may make an award prescribing a trade and at the same time make the award conditional upon the award being excepted from subsection 26 (1). New subsection 26 (3) sets out the way in which such an exemption may be granted. Clause 2 (b) of the bill amends section 63 (1) of the principal Act so as to prevent any rates prescribed by an award granted an exemption from the provisions of section 26 (1) inadvertently becoming applicable to other workers in the industry not intended to be covered by the award. That concludes my introduction and explanation of the bill, which I commend to the House.

Mr SCHIPP (Wagga Wagga) [4.55]: I am rather surprised that the Minister for Industrial Relations, Minister for Technology and Minister for Energy has brought forward this measure now. I do not say that out of lack of support for the amendment to the Apprenticeship Act to allow for voluntary apprenticeships, but mainly because since the Minister sought to introduce this bill he has made an announcement about setting up an inquiry into the apprenticeship system. That announcement was quite a detailed statement suggesting that the whole area of apprenticeships was to be looked into. Now we have an ad *hoc* measure to make certain amendments but when the inquiry is completed and reported upon it may be found that something better than this bill provides could be done. The chairman of that committee has announced that submissions are to be lodged by Friday, 11th May, indicating that a report will be produced fairly quickly. Surely the Government could have waited for that report. We

are entering a new area in apprenticeships by these provisions. The bill should have been delayed to allow the committee of inquiry to look at the provisions we have before us.

Speaking with people who claim to have a knowledge of apprenticeship I understand the delay would be of assistance in allowing for the introduction of the voluntary dairy apprenticeship scheme by other regulations, which may clear up some confusion. There is still a deal of confusion about the form of the amendments put before us. It has been described as an upside-down Chinese bill—one with which it is very hard to come to grips. The Minister must face that. If he were to speak with people, as I have done, at the Livestock and Grain Producers Association, he would hear of the difficulty they have in understanding this bill, however small it may be in bulk. There is need for explanation.

It has been put to me that the bill should have been prepared in a far simpler way by confining it at this stage to the rural industry, particularly the dairy industry, with its wider ramifications to be looked at later. Obviously the Minister confined his remarks mainly to the dairy industry as that is the industry that has accepted the concept of a voluntary apprenticeship scheme. My credentials are available in regard to this. It is unfortunate that the honourable member for Burrinjuck is not here because, at the introductory stage of the bill, he challenged me to produce evidence that the Minister for Primary Industry, as he then was, was not aware of the scheme operating in Victoria when I asked him a question on 16th September, 1976. I was challenged at that stage to bring forward evidence that the Minister had said he was not aware of that scheme. If the honourable member for Burrinjuck looks at *Hansard* for that date at page 956 he will see that the Minister made the following remark:

> I am not aware of the scheme referred to by the honourable member for Wagga Wagga. I shall have the matter looked at, as the honourable gentleman suggests, and later provide him and the House with a more detailed reply.

The honourable member for Burrinjuck is becoming quite adept at making misleading statements to the House. It is part of his form to go about trying to mislead the public as to what is happening in this Parliament. I asked that question because, on my understanding, the scheme in Victoria has been one of the great success stories of agricultural activities in that State. As the Minister rightly says, there are something like 900 students passing through the system which is entering its third year. Even before the last election the Opposition endorsed the scheme though I was aware that certain sections of the rural industry were not impressed with the idea of an apprenticeship scheme operating in their facet of the industry. I suggested it should be part of the Opposition's policy to include the introduction of farm apprenticeships on a voluntary basis in New South Wales. The legislation before us will give effect to exactly what was in that policy.

It was suggested that if people within other rural industries were not ready to accept the scheme the dairy industry should not be prevented from bringing it into operation. Last year the annual conference of the dairy industry approved the introduction of this system of voluntary apprenticeships. I have supported the scheme for three years. In one way it is disappointing that New South Wales is so far behind Victoria. At least we are on the way now and, given adequate financial backing from the State Government, the scheme should proceed. It is not a matter of saying that the federal Government must provide the money and that sort of thing. Within New South Wales we will need fairly substantial expenditure on some technical colleges and to gain areas from landholders to allow rural studies to be carried out fully. The technical education system is not affluent. It has been described as the Cinderella of the education system

not only in New South Wales but throughout Australia. There is good cause to hope for the financing of technical education; an approach by this Government should have been made to the special loans council last year for about $100 million to be spent under the dairying programme. It might be suggested that that would be outside the guidelines but when one considers what Victoria applied and got in concessions outside the guidelines, New South Wales may have been able to slip that one through.

Had an application been made New South Wales may have received a fair injection of finance in a hurry to provide for this scheme and for a whole range of pre-employment courses, youth training courses and retraining courses in the present difficult job situation. Rural courses and farm apprenticeship schemes may have been able to be considered in a more competent way. When the scheme has proved itself in the dairying industry in New South Wales I feel certain that eventually applications will be made for an extension of that type of course into horticulture, poultry and general farming. That would be a good thing. As the Minister has pointed out, technical training is needed today more than ever before. The Livestock and Grain Producers Association represents the largest group of primary producers in New South Wales but has not yet endorsed the scheme. If that association is perpetuating a decision made back in 1976—such as may have been made by the Graziers Association and I think the United Farmers and Woolgrowers Association—that is a pity.

A considerable amount of correspondence has been exchanged outlining the objection of the Livestock and Grain Producers Association to traditional apprenticeship schemes in rural industries. Traditional ground is being broken by bringing in the voluntary concept for people under the age of 21 years. The scheme will allow a young person employed in the dairying industry, in the first instance, to come within the apprenticeship scheme on a voluntary basis. A4 agreement between the employer and the employee to allow the young person to enter the scheme will be necessary. I hope that those responsible for developing policies in the Livestock and Grain Producers Association will change their attitude to the farm apprenticeship scheme. I understand that the association is still hoping that the federal Government will fund a traineeship or cadetship scheme which will take employees outside the ambit of industrial awards for apprentices.

Last year I spoke with the federal Minister for Employment and Industrial Relations, the Hon. A. A. Street. He was unable to agree to such a scheme and still have it funded under CRAFT which is applicable only to apprentices. The Minister has intimated that he will not agree to calling this scheme by another name to avoid what the association fears will be a flow-on of increased wages because of the additional cost of training employees. In my recent discussions with representatives of the Livestock and Grain Producers Association they have given an indication that they are still hopeful a different type of scheme could be made available in New South Wales. I hope that that organization will re-think its stance on that aspect.

When one looks at the objections to the scheme, most of them can be written off. This is not a traditional apprenticeship scheme; it is a totally new concept. The points raised previously involved looking at alternatives to the proposed scheme. From my assessment and inquiries I have made of the federal Minister no alternative proposals could be funded as apprenticeship schemes. The association was adamant that the scheme should be voluntary. That is certainly endorsed. Yet another objection was that it should have widespread acceptance within the farming community. Initially, that is not always possible. Sometimes farmers take a while to come to grips with new ideas. The proposed scheme could be misrepresented in some way by people who had a reason not to want it introduced.

Mr Schipp]

In Victoria those who successfully completed the course received an increase in wages of approximately $15 a week. Those employees would be worth every cent of that after wmpleting a course that brought them up to date in farm management, mechanics, welding, animal husbandry and that sort of thing. A person trained in that way must be a better employee. I do not see any objections to the scheme other than I have covered. It is unfortunate that more information was not available from the Minister on how the scheme will work. I know that the Minister has to confine his remarks to the dairying industry as other sectors of the rural industry have not agreed to implement the scheme.

Honourable members should have looked at the matter from the point of view of whether young apprentices will be required to go to college one day a week or on a block release basis. The Minister mentioned the isolation of some farms in the dairying sector and the need for young people to attend colleges for training. That may require a block release scheme. When the legislation is enacted, there will remain quite a way to go to wnvince various sectors of the rural industry which qualify for the scheme that it will be of benefit. One may still have to convince them that it is in the interests of people employed in the farming sector. I hope that the Minister will do a good job in discussing this scheme with the various organizations and convince them that better training will be to the benefit of the industry as a whole.

At the commencement of my remarks I mentioned the inquiry being conducted into the apprenticeship area. That inquiry pre-empted somewhat the remarks that I wanted to make about apprentice training. Insufficient information is available about apprenticeships in New South Wales. That inquiry was well overdue. The apprenticeship side of employment should be looked at in its entirety. More sophisticated training will be demanded in the future. Skilled people are in great demand overseas and are attracting salaries higher even than those of professional people. I foresee that happening in Australia. All matters affecting apprenticeships should be examined. I am pleased that that inquiry is taking place.

Apprenticeship activities in government departments should be considered also. It seems that no credit is given to firms which employ apprentices when they tender for government contracts. I instance the case of a local firm in Wagga Wagga which tendered for a job worth $1 million at the Wagga Wagga base hospital. That firm was beaten in the tender by approximately 1 per cent by, a Sydney firm. When the tenders were analysed it transpired that the Wagga Wagga firm employed seventeen apprentices in the carpentry and building trades and seven metalwork apprentices. The firm that successfully tendered by a miserable 1 per cent less than the Wagga Wagga firm did not have one apprentice on its books. No recognition of employment of apprentices was given by the Minister for Public Works. I approached him and suggested that the firm that employed apprentices should have a preference in the tendering. That sort of thing should be considered carefully.

I hope that the Minister will bear in mind all aspects of apprenticeship, particularly the new scheme being introduced, and will discuss these matters with the Minister for Education to ensure that adequate funding and facilities are made available so that the scheme can get away to a good start and not be held up. The college at Wagga Wagga is bursting at the seams and needs additional funds for expansion. I certainly endorse the scheme proposed. I hope that the organizations representing the bulk of primary producers in New South Wales will come to realize the benefits of the scheme. Doubtless when the scheme has proved highly successful in the dairying industry it will be seen to be of benefit to all young people employed in the rural sector.

[Mr Speaker left the chair at 6.1 *p.m. The House resumed* ***at*** **7.30** *p.m.*]

Mr ROGAN (East Hills) [7.30]: My remarks will be brief. I want to say a few words about the contribution made by the honourable member for Wagga Wagga who led for the Opposition. He supported the scheme, and that is good. He wonders why the Government is proceeding with this legislation when it has initiated an inquiry into apprenticeships. I daresay the Minister will reply to that, but I do not see why apprentices should be denied the opportunity of participating in the scheme while there is an inquiry going on. The fact that an inquiry is proceeding should be no obstacle to the passage of this legislation. The honourable member attacked the honourable member for Burrinjuck, who is a very honourable member of this House. He makes a sound contribution both inside the Parliament and outside. He does not need me to defend him; his contributions are on record and whatever he says in this Chamber has great merit and is said in a way that brings credit to himself and to the electorate that he represents.

This bill will permit the employment of persons under twenty-one in apprenticeship trades on a voluntary basis where a regulation has been made permitting that to be done. In particular, it will enable apprenticeships to be granted in the dairy industry which has displayed much interest in having facilities for such training established where practicable. The Minister has shown a keen awareness of the need for more apprenticeships in all trades and callings. Recently I directed a question to the Minister asking what action the Government has taken or will take in the future to ensure the availability of sufficient skilled tradesmen for New South Wales. In his reply the Minister stated that he had had discussions with the federal Minister and other State Ministers who have the same responsibility as he carries in this State, and he added:

> The discussion revealed that in several States there has been a substantial drop in the number of young people being trained, particularly through apprenticeships. I propose to set up an inquiry comprising employer and employee representatives, chaired by an independent person to review every aspect of the apprenticeship system in New South Wales. The last piece of legislation dealing with this subject was introduced into this Parliament ten years ago.

One can see that this measure is long overdue. Credit should be given to the Minister for taking the initiative. The Minister's reply continued:

> New South Wales has made a concerted effort to increase the number of apprenticeships available. Last year the Government was able to increase the intake of apprentices by 10.6 per cent. More than 14 000 young people were taken into apprenticeships.
>
> The Premier has announced that this year the Government, through the Public Service Board and its various instrumentalities, has increased the number of apprentices in training by approximately 400 young people. With the exception of Victoria and Western Australia, the number of apprentices in training has decreased in the other States. In New South Wales the number of apprentices in training during this financial year has now reached approximately 41 000.

That is proof of the sincerity of this Government and the Minister in respect of the training of apprentices in the vital trades that are needed for the future development of this State. This measure, which resulted from discussions and consultations between the New South Wales Dairy Farmers Association and the New South Wales Department of Industrial Relations and Technology, together with the Department of Agriculture and the Department of Technical and Further Education, is another step towards ensuring the availability of proper training, thus guaranteeing the passing

on of the knowledge that is essential to the farming community and, indeed, the whole State. This scheme is recognized as being likely to be utilized principally by the sons and daughters of dairyfarmers who are unable, for various reasons, to attend existing agricultural colleges. It is expected that it will provide openings for young people who seek to enter the industry.

I understand from the Minister that this measure is conditional upon agreement that has been reached with the Commonwealth Government for the CRAFT—that is, apprenticeship rebate for employers—and NEAT, or allowances for trainees—subsidies to apply to the voluntary farm apprenticeship scheme. I understand further that negotiations are under way to extend voluntary apprenticeship schemes to other rural industries. This is a further example of the commitment of this Government to treat city and country people as equals. That commitment was reiterated at the last State elections when, in delivering Labor's rural policy speech, the Premier said that Labor's programme for the next three years would be—

> a—— programme to promote the welfare of all New South Wales and all the people of New South Wales, wherever they live.
>
> The basic message of that speech is the same as the message I want to bring to the country people of New South Wales tonight.
>
> We seek a mandate to provide New South Wales—all New South Wales—a further term of stable, firm, united Government, responsible and progressive Government.
>
> A Labor Premier cannot speak with two voices—one story for the city; a different one for the country.
>
> The luxury of that sort of political doubletalk is reserved for our coalition opponents—two separate conflicting parties with two separate conflicting policies.
>
> By contrast, we must—and do—speak with one voice, and speak for all and govern in the interests of all.

The Premier reiterated what he had said in his 1976 rural policy speech. He stated:

> The Labor Party rejects the concept of conflict between city and country. We give complete recognition to the interdependence of town and country, the interrelation of all our problems, wherever we live, whatever our occupation, whatever our status in life. We need each other; we rely upon each other.

Referring to the Government's commitment for education for rural New South Wales, which had been denied by the former Government, he said:

> In education we have increased living-away-from-home allowances for secondary school children and further eased the means test for this benefit; increased the subsidies for conveyance of schoolchildren in private vehicles and extended the access to correspondence school facilities to pupils at non-Government schools.

Now, by this legislation, the Government is providing further educational advantages to the sons and daughters of people on the land. This scheme will provide excellent training opportunities for young people, particularly in areas like Lismore, Taree, Nowra, Deniliquin and the far south of New South Wales. I am surprised that more country members are not in this House tonight to hear the debate on this measure. It is particularly important to the rural areas of the State. I should have thought that when a measure like the present one was being discussed, conferring the advantages that it does, more country members would have wanted to be associated with the legislation.

The Minister said that Victoria has had such a scheme for the past two years. Same 900 apprentices are in training. Courses are conducted in twenty-three technical colleges throughout that State. Tasmania also has accepted that type of scheme. South Australia and Western Australia are currently studying the proposition. I am confident that equal, if not greater, numbers of young people in rural New South Wales will avail themselves of this far-sighted training scheme, to obtain knowledge of efficient farming methods. The benefit of college training will add significantly to their knowledge and be of great benefit to the State. Young persons seeking employment in rural New South Wales face many difficulties, particularly in the dairy industry which is widely distributed in the State. The Minister alluded to that fact in his second reading speech. The bill will allow persons who are within reach of technical colleges to become apprentices, without inhibiting the training and employment of those not so favourably situated. I congratulate the Minister and the Government on introducing this most welcome legislation to give persons in rural New South Wales opportunities that were hitherto not available to them.

Mr TAYLOR (Temora) [7.41]: I support the legislation. Some of the problems involved in rural areas have been mentioned already. I shall make special reference to what was said by the honourable member for East Hills. The honourable member forgets that before the Liberal-Country party Government came to office school buses were not available to students attending technical colleges. That Government made it possible for people to travel on special school buses to technical colleges. At that time buses were partly subsidized and operated under all sorts of agreements with various people. The Liberal-Country party Government made it possible for persons living in country areas to attend courses at technical colleges. It opened up the whole field of technical education to people living in country areas. It is pathetic for the honourable member for East Hills to read from policy speeches and pretend that the Opposition did nothing about technical education.

I do not deny that there are difficulties for country people relating to technical education. On behalf of the Country Party and on my own behalf I welcome the approach by the Minister to this voluntary scheme. The bill will rightly restrict the scheme to the dairy industry which has peculiar interests and is in a difficult situation. The voluntary apprenticeship scheme is much more applicable to that industry than to many others. People in other industries often live hundreds of miles away from technical or agricultural colleges.

It has been proved in Victoria that it is important to have young people living in country towns who are trained to go on the land and to work on the land. Farming has become extremely technical. The equipment on a mixed wheat farm is often worth more than the land itself. Persons are required to operate equipment costing hundreds of thousands of dollars. Most of the farmers on mixed wheat farms are loth to take on a young cove unless he can be given the opportunity to obtain technical training so that he can cope with and handle the sort of equipment involved. I do not intend any criticism of the high wages that are available, but a plain fact of life is that because of the wages situation the old system is no longer economic. Young people who were taken on to the land had no special training in the skills involved in farming and the cost of training over their non-productive period was a cost against the industry and the individual employer.

I congratulate the Minister on introducing the voluntary apprenticeship scheme which will operate in the dairy industry. It is important that such a scheme be implemented so that young people in rural areas might have the opportunity to develop their skills and be able to make a constructive contribution towards the industry. The scheme will make it possible for them to earn the sort of wages and salaries that they must be paid. One of the problems in the rural industry is that so many apprentices and young

people who come into the industry do not have the necessary dedication. I speak from personal experience. A farmer might take in a young person from the town environment and because of the accommodation situation the young person is required to live in. The farmer hopes to train him to the point where he is able to make a contribution to the economic running of the farm. He often finds that the young person does not have the advantage of going to a technical college or the advantages conferred by this scheme and therefore does not dedicate himself to the task or is not committed to it, in the sense that he would be committed if he were in a voluntary scheme similar to that proposed by the legislation.

The Livestock and Grain Producers' Association, which is the main rural organization, has reservations about the scheme because it applies principally to the dairy industry. That organization thinks in terms of other areas and in terms of a compulsory apprenticeship scheme whereby it would be affected in a sense because it is virtually impossible to get access to the type of training involved. There has been talk of block training. Massive problems are involved with training country apprentices. In my electorate 16-year-olds leaving school and taking apprenticeships must travel long distances to obtain training. The Minister for Education would appreciate this situation in the area he knows so well round Ungarie. The nearest technical college at which apprentice carpenters can receive training is at Forbes where a block education system does not exist. Once a week early in the morning parents drive apprentices to Forbes some 70 or 80 miles away and then have to wait the whole day to bring them home. The 16-year-olds cannot drive because they do not have licences. These people should take advantage of the block release scheme. Young people in my electorate attend electrical trade courses at Parkes but cannot get a block release arrangement and have to go to Wollongong to obtain apprenticeships. The Minister would appreciate that it is a traumatic experience for a 16-year-old to be lifted out of a school and placed in that sort of situation with no family or relations living anywhere near him.

It is important that apprentices have access to these courses. That access must be acceptable from the point of view of the people concerned and their families. The second point I make is that the people who will undertake these courses are mainly involved in the dairy industry. I appreciate that the scheme lends itself much better to that industry than to many other rural industries. It is important that the course should be tailored.

Over quite a long period of time the honourable member for Goulburn has been involved in talks with educationists trying to arrive at an appropriate technical or agricultural college course. It is not as simple to devise an apprenticeship in dairy-farming as it is in carpentry or in one of the more clearly defined fields. What does one teach an apprentice dairyfarmer, or an apprentice in any aspect of rural industry? On my mixed farm there are people with welding and mechanical skills; those skills enable them to maintain valuable equipment. That is one of the areas where a great deal can be done. We are right at the core of whether this is going to be successful or not. Who decides upon and works out the type of training needed by an apprentice dairyfarmer?

The Opposition has policies and those policies were not accepted. The Government has policies that were accepted. Our policies are aimed at keeping young people on the land, and giving them a chance to take over from the older farmers. This is one way we can do that, irrespective of whether the young people live in a town or the city. We are only talking about dairy industries. The Livestock and Grain Producers' Association of New South Wales is concerned because they are thinking about the broad-acre farming and access to the sorts of education about which the Minister was talking, as well as the reaction of the Australian Workers Union to

some of these plans. It is useless sitting here saying, "You have something in your policy speech and we have something in ours". If this is going to work the Australian Workers' Union and the Livestock and Grain Producers' Association will have to say, "This is what we should be doing". We have to get to a particular point and this is a step in the right direction. We talked about funding and inevitably it comes back to this. Apart from having the courses set up, one has to get people to those courses.

I have mentioned that we already have the situation in technical education where mothers have to drive young people 16 years of age, not old enough to have a driver's licence, to these courses. I do not doubt the Minister will answer some of these questions and say what is going on between the State and the Commonwealth in these areas. I am not here to protect the Commonwealth any more than I am here to criticize the State for what it is doing. I represent a lot of young people; I represent a lot of parents of young people who are not necessarily in the dairy industry but in other industries. These people are faced with a situation where they have to up stakes and leave their towns and districts after getting to a school certificate level. Over a period of time the surplus of young people from the areas of Temora and West Wyalong found that Canberra and Wollongong were their main areas for work opportunities. That has changed. The unemployment in the young people in Temora is not an unemployment created by a crisis in Temora itself. Because of the wheat season most of the businesses have been able to carry on on a reasonable level.

There is no other opportunity to expand and develop and there will not be until the Government accepts the fact that servicing industries need as much support and encouragement as manufacturing industries. Every person who makes a living in servicing industries does so because he is servicing the surrounding industries or districts. I wuld not get Ministers to accept that fact. There would be opportunities in those areas for young people if we assisted those industries as manufacturing industries have been assisted. Had we developed the servicing industries and the tertiary industries in those towns, we would have kept more people in those industries. If the apprenticeship scheme were to be compulsory, I should have to oppose it and I think any rational person would have to oppose it simply because it is not possible to give everybody access to it. I hope everybody will agree with me that those people who can take advantage of it as voluntary apprentices will do so. The day of dad keeping a son on the land or somebody living in the town having an opportunity of getting out on to the land has disappeared. That has occurred because the job on the farm requires the young fellow to have more technical knowledge; it requires him to do an apprenticeship so he can pull his weight within the structure.

I am proud of our standard of living. I have been in other countries and I should not like to think we would ever aspire to have their standard of living. If we are going to maintain our standard of living and develop it, we will have to make it possible for a higher degree of skills to come into the basic export earning industries earlier. This measure will achieve that aim. I support what is being done. There has been talk of the whole apprenticeship scheme. We are here dealing with something specific. I have strong views on the problems of country people in the area of apprenticeship training and endeavouring to get into the sort of trade they are attempting to enter. I am not going to broaden this aspect tonight. What you are doing here in relation to a voluntary scheme will work, provided there are funds available; it will work provided the people who are setting up the particular type of education schemes do their homework properly and design a scheme that works effectively so somebody going on to a dairyfarm gets the type of apprenticeship that is necessary. This will enable that person to become an effective unit within the industry. The scheme will work provided all organizations, the

Mr Taylor]

Australian Workers Union, the Livestock Grain Producers' Association and the like recognize it as a chance for our young people to be more efficient, more effective in the industry of their choice.

Mr HATTON (South Coast) [8.0]: I welcome this bill. All of those who have had any connection with it, either in opposition or in Government, are to be congratulated. This bill will enable the use of unused resources in areas where they ought to be utilized, and enable practical farming techniques learned over generations to be better employed. It allows the boy or girl concerned with apprenticeship to add to the farm the benefit of modern farming techniques.

I taught the subject of agriculture for a number of years. One of the things I emphasized to pupils at all times was that farming must be regarded as a business. It surprises me that it has taken government so long to adopt this approach. Farm training in technical colleges has been looked at in various ways because of its range of activities. From a business point of view there must be a flow of knowledge incorporating practical use of farming techniques in order to make a profit. It has taken us a long time to accept the concept of a farming apprenticeship scheme. I do not underestimate the problems involved. I wish to congratulate the Minister for Industrial Relations, Minister for Technology and Minister for Energy and the Minister for Agriculture, for their dynamic work in getting this moving.

I understand quite a number of lessons were learned from Victoria. Farming is a mixture of a tremendous number of skills, not the least important of which is the financial management of the farm, the learning of techniques of bookkeeping, problems associated with taxation, working out true costs and profits, allowing for depreciation, questions of capitalization on the farm, the purchase of materials and stock and the 101 financial decision thzt have to be made by a farmer. These skills are often overlooked. As an agricultural teacher it was an interesting exercise for me to go through the capitalization of a dairyfarm, looking at the sort of profit that could be realized from that farm. I refer to true profits, as it is easy to come back in twenty years and see that a farm has been quietly going to the wall without anyone taking real note of the depreciation perhaps because a fence was not replaced when it should have been, or a shed was not repaired, or the tractor was now so many years older and quite inefficient. The highly complex mixture of skills and sciences required on a farm must be recognized.

Perhaps the biggest single problem facing agriculture throughout the world is the rate of discovery which is outpacing the knowledge disseminated to the practical farmer. Farmers encounter numerous problems. Quite often some discovery has been made which would avoid the difficulty but the particular farmer was not made aware of this happening. These are problems which cost him money but could have been avoided. Real attempts have been made through the Department of Agriculture for on-farm extension courses and field days. Progress has been made through agricultural colleges and high schools, encouraging boys and girls to keep pace with techniques. The scheme encompassed in this legislation is tremendously important. It fills a gap for the boy and girl who leaves high school in years 8, 9 and 10, not having had the opportunity to gain further education because their parents were unable financially to keep them there. This bill represents a real and practical method whereby children can develop skills by attending college and, at the same time, help the farm in a real and practical form, from day to day adding to the knowledge of their parents acquired during a lifetime of farming. There has been a spin-off through the changing attitudes of parents also.

Research may be difficult, abstruse and complex, but its practical application is simple. That is the whole point to be learned. Farming is no longer a catch-as-catch-can situation. These skills include animal husbandry, breeding and feeding techniques,

disease control, selection of sires and dams, purchase of stock, hygiene and disease prevention. Study of the soil is complex in itself. Soil is in our care. This is an important factor, often overlooked. When a person owns a piece of land in fee simple, it is not God's gift to him to do with as he wishes. It is something bequeathed to all of us through centuries of processes both natural and artificial. We have not learned to deal with the soil in the same manner as the people of China who have had 4 000 years experience in caring for the soil and learning the skills involved.

An inch of mature top soil on the coast of New South Wales takes between 800 and 1000 years to form. This can be so easily lost through soil erosion and lack of proper care. Also, soil has a very delicate ecological balance that the use of fertilizers and chemical can upset. There are skills to be learned in cultivation and cropping practices to ensure that this heritage that was bequeathed to us, in turn can be bequeathed to future generations as unspoiled as possible. The learning of skills in crop production and rotation, and the choice of crop types are a tremendously important economic factor, to improve efficiency. Pest and disease control and the role of chemicals are factors needing consideration. I am particularly concerned, as is also the honourable member for Peats, with the role of chemicals on farms. Common use is made of chemicals for drenches, dips, injections, crop sprays and soil pest control. The toxic effects of chemicals upon animals, plants, humans and the environment, and lack of sufficient information as to how long it takes to leave the environment, are important factors.

There is also the question of the flow of energy on the farm, the recognition of the fact that farming is an energy equation, and that in fact energy costs money. We do not look at the fact that harvesting grass by animal grazing is in some situations a most inefficient way of conversion of that energy stored in plants to the energy stored in the flesh of the animal. That inefficiency is overcome by harvesting crops and taking them to the animals. That equation will change in time as the energy crisis proceeds. The conservation of water, soil and fodder is another matter of importance. The use of water farming techniques and the implementation of proper methods are of particular economic importance not only to the farm but also to the State. How many times have we seen the results of flooding? How many times have we seen the results of lack of conservation of fodder on the farm, resulting in drought relief payments by the State? In many cases much of this—though not all—can be avoided by proper farming. More so than perhaps in any other industry the farmer is subject to the whim of the climate. The factors of economic production need to be learned and kept pace with. We are all the better off for keeping pace with research. The importance of this proposed apprenticeship scheme is the effect that it will have on farming. It is in the development of practical skills in farming that we can get the benefit of modern advances. More important, this apprenticeship scheme will develop an attitude on the farm towards changes, so that changes are accepted and not resisted. Those who remain on the farm will develop this attitude, accept change, move with the times and treat farming as a business.

It is necessary to treat farming as a business. Much of the work put in by the Government to dairying legislation will go for nought if farmers do not keep pace with the challenges of economic production. Dairying country in New South Wales is climatically and agronomically superior to Victoria. It is nonsense to worry about the threat of Victorian milk coming over the border if we are farming in the way we ought to be farming on the coastal belt in the dairying country. New South Wales has a superior climate and soil that is at least the equivalent to, and in many cases better than, that of Victoria. It is a matter of developing grass farming methods. The bill is the means of developing trade training by allowing on-farm work.

Mr Hatton]

The measure has taken a long time but it is welcome. I should like to see an extension of the scheme as lessons are learnt from its application to cover cash crops, vegetables, orcharding, grass seed farming and a whole host of skills some of which are not provided for at the moment. It is my pleasure to support the bill. I congratulate the Government on its introduction.

Mr BREWER (Goulburn) [8.12]: It was interesting to listen to the contribution made by the honourable member for South Coast. I hope he has not put over the people in his electorate some of things he has said tonight about this important piece of legislation. The honourable member for South Coast did not know that what he was talking about tonight falls within the field of the technologist. Ample training opportunity exists in the agricultural colleges and in the universities for people in that field. That is where technology of farming is developed. I have been an employer in the agricultural sphere for thirty-five years. Unfortunately basic training in the skills of welding, elementary surveying, doing minor repairs and sometimes major repairs on machinery have nothing to do with the technology or the business of fanning. I had a considerable amount to do with the development of some farm management courses related to dairying and wool, beef and grain production eight or nine years ago at the Goulburn technical college. The pilot scheme for that sort of technical training so important to farm hands was developed at that college.

I am delighted that this type of legislation is being introduced. It could only be a voluntary scheme because of the difficulties involved in providing the technical training essential to the farm work force. It is important as far as a farm work force is concerned that there should be an accredited scheme whereby if a person starts as an apprentice he can evenually attend a university. I have been fearful—perhaps this is why the Livestock and Grain Producers Association was fearful about the scheme and has not endorsed it for other areas of agriculture--of problems that might be involved with craft union dictatorship in relation to an apprenticeship scheme. The one thing that worries me about the legislation is the cut-off at age 21. There should be no cut-off at any age. I know a problem exists with industrial awards but if someone in **the** farming community, irrespective of whether it is in the dairying, woolgrowing or grain industry, is interested in being trained technically and the employer wants trained people to work on the property, that should be possible. Employees on farms are not just workers; they are part of the farm. They are provided with accommodation and become almost **part** of the family. It is important that Tom, Dick or Harry should be competent to do a responsible job on a machine or on a fence. It should not be overlooked that much technology is involved in fencing.

I welcome the legislation. I am disappointed that the most important pastoral and agricultural body in New South Wales is not in favour of it. The technical training course that I helped to develop covered welding and various bits and pieces within each of the agricultural industries. I was involved also in the negotiations for the Argyle technical college on behalf of the former Minister. It was most unusual for a politician to be involved in negotiations between a church and the department but that is exactly what happened. The first live-in block release courses in Australia came out of those negotiations. Considerable advantages are derived from people attending block release courses in agricultural apprenticeship training. Some give and take must occur in these apprenticeships. If owners of properties want more technically trained people it is in their own interests that they should contribute in some way. Government support both federal and State is needed, but everyone, right down to the person who undertakes the apprenticeship, must give a little.

The measure is an important break-through. I congratulate the Government on introducing it. I do not always congratulate the Government. It is true that it is against the wishes of one of the primary industry organizations. The scheme

involves voluntary apprenticeship training and it will always remain voluntary. Some accreditation should be possible for people who complete an apprenticeship and gain a certificate, or whatever is awarded, as a competent farmhand to go on and continue training to become a technologist. The honourable member for South Coast is all talk and does not have much knowledge of this subject. Some people have lacked opportunities to learn. I am referring not only to people who want to work on farms but also to many sons and daughters of farmowners who have lacked education opportunities. Opportunities should be afforded for an apprenticeship course covering the multitude of skills, some of which are common to every aspect of agriculture and some of which are not.

It is important that the apprenticeship scheme go ahead on a voluntary basis. Points should be awarded to enable people to continue to higher levels of education. The best men have always been thrown up from the bottom. The bill offers a great opportunity for people interested in agriculture. I commend the legislation. I trust that good use will be made of the block release courses introduced by the former Government. Everybody along the line should be willing to subsidize and assist those workers who are needed so desperately at this level. People at the technological level have already 'been trained for the tasks they perform.

Many farm technologists are unemployed. There is an over-supply of people in the technological field. It is all very well for honourable members on the Government side of the House to grin, but the industry needs people who can pick up a spanner and know what to do with it, who can work a lathe or a welder, and can repair a milking machine, a harvester or a mower. They are commonplace things on a farm today. There is a tragic gap between the technologist, the agricultural community, and people who have been trained to carry out technical work. It is everyone's responsibility to make a contribution. I shall always be of the view that during the training period the employer and the employee must contribute equally but when the employee becomes qualified and proves that he is capable he should get his just reward by way of remuneration. I commend the legislation.

Mr CAMERON: Mr Acting-Speaker ——

Mr **FLAHERTY** (Granville), Government Whip [8.22]: I move:

That the question be now put.

The House divided.

Ayes, 59

Mr Anderson	Mr Degen	Mr Johnson
Ivfr Bannon	Mr Durick	Mr Johnstone
Mr Barnier	Mr Egan	Mr Jones
Mr Bedford	Mr Einfeld	Mr Keane
Mr Booth	Mr Face	Mr Knott
Mr Brereton	Mr Ferguson	Mr McCarthy
Mr Britt	Mr Flaherty	Mr McGowan
Mr R. J. Brown	Mr Gabb	Mr McIlwaine
Mr Cahill	Mr Gordon	Mr Maher
Mr Cavalier	Mr Haigh	Mr Mair
Mr Cleary	Mr Hills	Mr Mallam
Mr R. J. Clough	Mr Hunter	Mr Mulock
Mr Crabtree	Mr Jackson	Mr O'Neill
Mr Day	Mr Jensen	Mr Petersen

Mr Quinn	Mr Sheahan	Mr Whelan
Mr Ramsay	Mr A. G. Stewart	Mr Wilde
Mr Renshaw	Mr K. J. Stewart	Mr Wran
Mr Robb	Mr Wade	*Tellers,*
Mr Rogan	Mr Walker	Mr Akister
Mr Ryan	Mr Webster	Mr Paciullo

Noes, 35

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

Resolved in the affirmative.

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

Motion agreed to.

Bill read a second time.

In Committee

Clause 2

Mr CAMERON (Northcott) [8.31]: Apart from the short title, clause 2 is the whole bill. Everything that is encompassed in the legislation before the House is therefore encompassed in that clause. I was greatly impressed by an article in the ***Sydney Morning Herald*** of Tuesday, 10th August, 1976, written by the Minister in his capacity as Minister for Industrial Relations. He began with a simple proposition that I do not think anyone would dissent from, namely that Australia today is not training sufficient apprentices. I am critically interested in the issue of not training sufficient apprentices for I regard the maintenance of high levels of craftsmanship as of vital importance to the survival of every economy. We have to face the fact that just as Great Britain has allowed standards of craftsmanship to fall, with the result that she is being squeezed out of market after market all over the world, Australia is on the same set of tracks. Apprenticeships are absolutely vital to the standard of craftsmanship in any country.

A couple of facts must be accepted clearly and forthrightly. The Australian Labor Party is largely to blame for declining numbers of apprenticeships because of the attitudes it has fostered within the industrial arena. The arbitration system also is largely to blame. In 1973–74 the intake of apprentices was 15 386; in the following year it had fallen to 13 835 and by the year 1976–77, to 11 598. A report in the ***Sydney Morning Herald*** the year before examined a whole range of occupations and found that a rise had occurred in apprenticeships only in steel construction and fitting and machining. In every other sphere—electrical crafts, motor mechanics, other metal trades, bricklaying, carpentry and joinery, plumbing and gasfitting, other building trades, furniture trades, printing trades, vehicle trades and the food industry—the number of

apprentices had gone down. All had declined, all had shrunk, some within a single year, and by as much as 53.85 per cent in the bricklaying trade. That is symptomatic of a disease that must be arrested. We must be honest enough to seek the cause of it.

I welcome clause 2 because it is a marginal, a fractional improvement. It has the advantage of a voluntarist principle in its make-up, which I endorse. Possibly it will do something towards improving the situation, but it will not affect the basic pattern until this Parliament is courageous enough to look at the real causes. What are the real causes? The real causes are that the original margins for skill were pared to the bone. I hold the arbitration system primarly responsible for that. The net result of paring down to the bone margins for skill was that young people asked, "What incentive is there for me to take on a skilled trade?" The honourable member for Wollongong has a personal association with the blacksmithing trade, a trade for which I have always been a fierce champion. As the honourable member for Wollongong knows, my father was a blacksmith for the whole of his working life. Once one pares down margins for skill, young people ask, "Why bother? If I can get good rewards as an unskilled tradesman, why should I go through arduous processes to become an apprentice, just to get a minimal kind of reward or advantage?"

Second, when the skilled tradesman is deciding whether he will take on an apprentice, he is confronted with the possibility of heavy ecenomic penalties. If he considers taking on an apprentice, he is not only faced with paying such an apprentice a high wage in terms of what an unskilled person is able to provide; he is also faced with enormous cost burdens. The net result is that the skilled tradesman says, "Why should I bother to take on an apprentice? Let us have a decline in the number of skilled tradesmen, each of whom will get an enormous income regardless of the award rates." Plumbers and gasfitters are in receipt of high incomes, and while the numbers of apprentices remain few, their incomes will stay high; as far ahead into the future as you can look they will be part of the economic elite of the community. Not only were potential apprentices discouraged from seeking apprenticeships by arbitration involvement, but also the skilled tradesman has been discouraged from seeking out an apprentice. In the article to which I referred in the *Sydney Morning Herald* the Minister set out what was involved. He said:

> The apprentice attends a trade course at a technical college which, while it may include some practical instruction, encompasses theory, trade science and calculations, drawing and allied subjects. This entails attendance at the college one day each week.

Mr Day: On a point of order. Under the guise of speaking at the Committee stage to clause 2 of the bill, the honourable member for Northcott is giving the speech that he attempted to deliver at the second reading stage but was prevented from delivering when he was gagged. I submit that he should be directed to confine his remarks to clause 2.

Mr Cameron: On the point of order. Mr Chairman, I have tremendous respect for the decisions you have given as Chairman of Committees.

Mr Einfeld: I taught the honourable member to say that.

Mr Cameron: The Minister was a wonderful debate adjudicator when I was a small boy and I was encouraged by him always to say, "with respect". The short title of the bill is continued in clause 1. The whole of the residue of the bill is in clause 2, to which I am speaking. If I speak to clause 2, I am talking about the whole of the bill. I put it simply that nothing I have said could in any feasible way be objected to.

Mr Cameron]

The CHAIRMAN: Order! The House has accepted the principle of the bill. The Committee has been charged with the responsibility of discussing how best the decision of the House should be implemented. As this is a bill of only two clauses, the honourable member for Northcott is in order at present.

Mr CAMERON: The Minister was pointing out what was involved in courses for apprentices. He proceeded as follows:

> This entails attendance at the college one day each week for a total of thirty-six days in each of the first three years of the apprenticeship.

That adds up to a substantial economic penalty on the skilled tradesman. I say quite frankly that New South Wales cannot afford to find itself in the peril of declining numbers of apprenticeships. As apprenticeships go down, the level of potential craftsmen goes down proportionately. If we want Australia to be a nation of great secondary industry as well as a nation of great primary industry, we must build up apprenticeships. I appreciate that the application of this bill will be primarily in the dairying industry, which I support strongly and enthusiastically.

The bill does not mention primary industry or the dairying industry. It is general in its application. It is time that the House looked honestly and courageously at the whole apprenticeship problem. From the standpoint of all honourable members, particularly the Minister for Industrial Relations, Minister for Technology and Minister for Energy, whom I greatly respect, it is time he and all Government members said, "Look, if our attitudes have been at fault, if we have been party to the artificial pushing up of the kinds of costs associated with taking on apprentices, if they have been pushed to a level where they are now counter-productive, where we are getting fewer apprentices, it is time for us to be honest". The whole community must say that, because nothing is more important to the future of this country than having large numbers of competent, skilled, dedicated, ambitious young Australian apprentices.

Mr PICKARD (Hornsby) [8.41]: I wish to commend the Government for bringing this bill forward. I shall work for its early passage. I wish to say one or two things about implementing it. Unfortunately, at this stage the Minister is unable to spell out the details of the initial course in terms of block release programmes and what that will mean. One gentleman who has now retired from the service, Wilf Robinson, a man who suffered a great physical damage in a motor car accident, gave his life to technical education and the development of apprenticeship courses. He gave attention particularly to rural industry, trying in all possible ways to make it possible for young people in the rural areas to find for themselves a complete education in terms of a trade or an apprenticeship leading to a trade, even if it were on a farm.

I can remember his speaking to me when he was pursuing the case of trying to get Argyle College. He came to me and pleaded that we try to get that college to enable for the first time the establishment of a full residential block release programme for those young people who are far from all the technical facilities that are available to people in the city. I commend his work in the establishment of Argyle College. I wm-mend the Government also on taking this step. Mr Mills, who was in the Ministry of Labour and Industry in those days, worked very closely with Mr Robinson in an effort to initiate some of the courses. They were working together for the establishment of courses similar to those that the Minister is seeking to implement through this bill. They were trying to establish particularly, where practicable, residential accommodation in relation to colleges.

The honourable member for The Hills pioneered block release programmes in Papua New Guinea in the early 1960's. One listens to men of his experience. I commend the Government and I commend the officers of his department and of the Department of

Education who paved the way for these proposals. I hope they go forward endeavouring to establish residential accommodation in association with technical colleges so the young country people can get a complete technical education.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [8.44]: Student accommodation is to be established in the second term of this year at Nowra, Lismore, Taree, Deniliquin and on the South Coast. My department has had great co-operation from the Minister for Education; the Minister for Agriculture also has been of tremendous help to us. We are considering courses based on farm mechanics, welding, maintenance of tractors and other equipment, animal husbandry, pasture management and crop production, and we feel we will cover the full field in that way.

Clause agreed to.

Adoption of Report

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

Third Reading

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

ENERGY AUTHORITY (AMENDMENT) BILL

ELECTRICITY DEVELOPMENT (ENERGY AUTHORITY) AMENDMENT BILL

STATUTORY AND OTHER OFFICES REMUNERATION (ENERGY AUTHORITY) AMENDMENT BILL

Second Reading

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [8.46]: I move:

That these bills be now read a second time.

As I indicated briefly at the introduction stage, the main purpose of the bills is to strengthen the Energy Authority of New South Wales so as to permit it to fulfil its proper role in the increasingly complex and active energy scene. Since its inception in 1976 the Energy Authority has been somewhat hampered in the exercise of its role partly as a result of lack of manpower and partly as a result of the provisions in the legislation under which the authority was constituted. As a result of these inhibiting factors, the authority has existed to a considerable degree under the auspices of the Electricity Commission of New South Wales and the former Department of Mines. Though this arrangement served its purpose well during its formative years, if the authority is now to pursue the very urgent role allocated to it by the Government, it will be necessary to strengthen the authority by providing it with the necessary staff and appropriate powers. The most obvious and practical way of achieving this is to merge the functions of the Electricity Authority of New South Wales with the Energy Authority. This has the effect of providing the Energy Authority with the necessary technical and administrative personnel and will also clothe the Energy Authority with additional powers consistent with its role.

The additional powers that will be conferred upon the Energy Authority as a result of the merger are those contained in the Electricity Development Acts and include power to promote and regulate the co-ordination, development and expansion of electricity supply throughout the State. The most appropriate way to effect this

merger is to dissolve the Electricity Authority constituted under the Electricity Development Act and to transfer the functions of that authority to the Energy Authority. The membership of the Electricity Authority is a full-time chairman, who is shortly to retire; six part-time members, of whom one holds office as a part-time deputy chairman, two are members of councils, one a manager of a council electrical undertaking, one a person representing employees in the industry, and one an engineer having special knowledge of the industry.

The Energy Authority consists of seven part-time members. Three of them are ex *officio* members, being the chairman of the Electricity Commission, who is also chairman of the Energy Authority, the chairman of the Electricity Authority, and the under secretary of the Department of Mines. The remaining four appointed members are representatives of the oil industry, the gaseous fuel and coal industry, the nuclear energy industry and a representative of the Labor of New South Wales. With the proposed expansion of the authority both in manpower and functions, it is considered essential that there be a provision for a full-time chairman to facilitate the day-to-day decision making within the authority and the general conduct and management of its business. It is considered essential that the basis of membership of the authority be expanded so as to enable it to become more independent and place it in a position of being impartial in the complex and active energy tasks it will undoubtedly face. Accordingly, the proposed legislation provides for the reconstitution of the Energy Authority to give it seven members, one full-time chairman and general manager, and six part-time members who will represent the electricity industry, the mining industry, the oil industry, the gaseous fuel and coal industry, the nuclear energy industry and a member of the Labor Council of of New South Wales.

With respect to the personnel administering the Electricity Development Act, the officers concerned are employees of the Electricity Commission. Once the legislation effects the merger, those officers will be given an election under the legislation to either remain as servants to the commission or to transfer across to the public service. With respect to those officers who do decide to transfer to the public service, the legislation will protect their existing rights as to salary, leave, superannuation and any other conditions contained in the appropriate award or industrial agreement. The conditions of employment applicable to those officers will continue to apply until they are overtaken by another award or agreement which binds the Public Service Board as a participating party. On that point, I can assure the honourable member for Hornsby who, at the introductory stage, referred to the protection of the rights of transferred officers, that the bills specifically guarantee the rights of those officers who elect to transfer across to the public service.

The Energy Authority (Amendment) Bill provides for the constitution by the Minister of boards whose function it will be to carry out investigations and inquiries on behalf of the authority or the Minister. It is intended that each board, which will consist of the chairman of the authority and other part-time members, will be in the nature of a specialized group operating in a specific area of the energy scene falling within the ambit of the authority's operations. It follows that the part-time members of those boards would be persons with experience over a wide range of appropriate subject-matter and the availability of this skill and knowledge must greatly assist the authority in achieving its objectives. I might add at this stage that it is my intention that one of the first such boards to be constituted once the new legislation comes into force will be one similar in representation to the Electricity Authority.

On the further point raised by the honourable member for Homsby with respect to the transfer of powers from the Electricity Authority to the Energy Authority, this has been effected with relatively few provisions. The main provision was to

redefine the authority in the Electricity Development Act so as to refer to the Energy Authority instead of the Electricity Authority. The balance of the amendments relating to the transfer of functions from one authority to the other are of a relatively minor nature.

Turning now to the provisions in the bills, I deal first with the Energy Authority (Amendment) Bill, 1979. Clauses 1 to 5 contain the short title, commencement and other mechanical provisions. Clause *6* provides for the dissolution of the Electricity Authority of New South Wales.

Schedule 1 will effect the amendments to the principal Act which will reconstitute the Energy Authority. Under its new constitution the authority will consist of seven members appointed by the Governor. The chairman and general manager will be a full-time member. The remaining members will be part-time members and will be persons, nominated by the Minister, who have special knowledge of the electricity, mining, oil, gaseous fuel and coal, and the nuclear energy industry respectively, and also a member of the Labor Council of New South Wales. That schedule provides also for the remuneration of the chairman in accordance with the Statutory and Other Offices Remuneration Act and preserves the rights of a chairman who was previously an officer of the public or of a proclaimed statutory body or who was a contributor to a superannuation scheme or had some right conferred upon him under another Act.

Schedule *2* will insert a new part IIIA into the principal Act to provide for the establishment of boards. Under this part, the Minister will be empowered to constitute boards for the purposes of the principal Act. Each board, which will consist of the chairman of the Energy Authority as chairman of the board, and such other members as the Minister determines, will be subject to the control and direction of the Minister. A board will be required to carry out investigations and inquiries as directed or approved by the Minister or requested by the Energy Authority or may carry out such functions as may be delegated to it by the authority. That schedule provides also that the procedural rules applicable to meetings of the Energy Authority under schedule **1** of the prinicpal Act shall apply to meetings of a board. The remainder of the schedule effects ancillary and consequential amendments. Schedule **3** will amend the principal Act so as to confer upon the Energy Authority power to exercise the functions conferred upon it by or under any other Act thereby enabling it to exercise the powers contained in the Electricity Development Act.

Schedule 4 provides for the savings and transitional provisions of the dissolution of the Electricity Authority and the transfer of its functions to the Energy Authority. Item (1) of the schedule contains necessary definitions and item *(2)* provides for the transfer of property, rights and liabilities from one authority to the other. Items **(3)** and (4) are mechanical provisions and item (5) relates to the duties of the staff of the dissolved Electricity Authority. Under that item the Energy Authority will be empowered to utilize the staff of the Electricity Commission previously utilized by the Electricity Authority and the duties performed by the staff shall be as determined by the Energy Authority.

Item (6) contains the provisions whereby the staff of the Electricity Authority are given an election on whether they desire to remain as servants of the commission or transfer across to the public service. That election must be exercised within one month after the date proclaimed by the Governor as the date on which these provisions come into force. Item **(7)** provides the appropriate safeguards for those officers who elect to transfer to the public service. That provision will guarantee his existing salary and position and any other condition of ernployment applicable to him under an existing industrial award or agreement. These conditions will continue to apply until superseded by a later award or agreement to which the Public Service Board, as employer, would be a participating party.

Mr Hills]

Item (8) preserves the superannuation and other rights of those officers who elect to transfer to the public service. Under this provision, service with the public service will constitute service for the superannuation scheme to which the officer contributed as a servant of the Electricity Commission. As a result, his rights and entitlements under that scheme are continued in force. The officer however will be debarred from obtaining benefits from more than one superannuation scheme. The item also recognizes the officer's service for the purposes of assessing annual leave, sick leave and long-service leave.

Item (9) prevents an officer who is a contributor to the Local Government and Other Authorities Superannuation Fund from transferring to the State Superannuation **Fund. This** provision is designed to preserve the ***status*** quo in respect of four officers of the Electricity Authority. Item (10) recognizes the superannuation and annual, sick and long-service leave rights of officers of the commission who may transfer to service with the Energy Authority outside the one month period previously referred to. Item (11) provides for the transfer of unexpended funds appropriated for subsidizing rural electrification from the defunct Electricity Authority to the Energy Authority. Item (12) provides for the completion by the Energy Authority of a function commenced but not completed by the Electricity Authority.

Clauses 1 and 2 of the Electricity Development (Energy Authority) Amendment Bill contain the short title and commencement provisions and clause **3** will give effect to the amendments contained in the schedule. Clause 4 is an evidentiary provision consequential upon the dissolution of the Electricity Authority. It will enable the chairman and general manager of the Energy Authority to sign certificates for the purposes of legal proceedings. Schedule 1 will alter the long title of the principal Act consequent upon the transfer of the functions contained in that Act to the Energy Authority. It also omits part II of the principal Act which provided for the constitution of the Electricity Authority. The definition of authority in section 4 is redefined to mean the Energy Authority. As a result any reference in the principal Act to the authority will mean a reference to the Energy Authority. For the rest, the schedule updates certain provisions in the principal Act and also omits other provisions which are covered in the Energy Authority Act and will therefore become redundant once the legislation comes into force.

Clauses 1 and 2 of the Statutory and Other Offices Remuneration (Energy Authority) Amendment Bill are the short title and commencement provisions. The sole remaining clause omits the reference in part I of schedule 2 to the principal Act to the chairman of the Electricity Authority and inserts at the end a reference to the chairman and general manager of the Energy Authority of New South Wales. I commend the bills.

Mr SCHIPP (Wagga Wagga) [9.0]: The Opposition is in full support of the measure the purpose of which is to constitute an independent energy authority. The Opposition sees many benefits accruing to the State from the role of the authority dealing with energy resources in years to come. Obviously no more important issue could be discussed in the House. Honourable members are told, and have to believe, of the problem for the near future related to energy resources and the need to establish an authority, independent of the Electricity Commission of New South Wales, to look at the whole range of energy resources. I shall, however, deal with one reservation when I consider staffing aspects of the authority constituted in its new form.

I find it a little disappointing that the Minister did not take the opportunity to give a lead as to the direction he sees the Government taking in the development of energy resources in the State and to tell honourable members something about the

functioning of the present Energy Authority. In a speech that the Minister made to the Australian Institute of Energy at Newcastle on 29th June, 1978, he stated that the Energy Authority was at crucial stages of negotiation and examination of such matters as the need for additional oil refinery capacity in New South Wales, natural gas pipelining, conversion of coal to oil products and such energy alternatives as solar energy. He could have added alcohol fuel and estanol. That is getting on towards a year ago but the only report received from the Energy Authority is the one for the year ended 30th June, 1977, printed on 24th August, 1978. That report sets out basically the role of the Energy Authority but does not have much to say about the authority's activities. One can find out from that report how the Energy Authority is staffed, its financial arrangements, functions and powers but one finds little in the way of a forward look at energy development.

This debate offered a golden opportunity for the Minister to make a statement of some consequence and to tell honourable members exactly what is happening in New South Wales in regard to energy sources. It would have been appropriate for the Minister to do so as recently the Minister for Energy in Victoria, in association with the forthcoming elections there, announced how he sees energy being developed in that State. It is about time honourable members heard from the Government what is happening in New South Wales. It is rather a coincidence that I am handling the bill for the Opposition at this stage as I recall vividly all the talk about the natural gas pipeline when the Energy Authority Bill was first debated. On the establishment of the Energy Authority not long after the Government assumed office in 1976 a bill was projected as the nautral gas bill for New South Wales. It was put forward as the bill that would get natural gas to the country areas of the State. I was criticized by the Minister and by Labor Party members from the southern parts of the State for having voted against part of the legislation. I was criticized also for being a member of the political party that defeated some aspects of that legislation in the upper House. I was told that I was one of those who had prevented the country areas receiving natural gas. It is significant that in this measure no mention is made of any changes in the establishment of the Energy Authority to allow it to get nautral gas to the country areas.

That was a topic that the Minister could have mentioned in his speech. The Minister could have told honourable members how he sees the extension of natural gas to country areas, whether the State should be involved in that matter or that it will be left to the federal Government to negotiate. I am aware that the federal Government is negotiating but I am reminded of the debate that took place back in 1976 when the Energy Authority Bill was before the House. The Minister made some sweeping statements then about the role the authority would play in getting natural gas to country areas. During this debate honourable members should have been given an updating of the Minister's thinking.

I should like to know a little more about the oil refinery capacity in New South Wales that the Minister mentioned in his speech at Newcastle. We know that that subject became bogged down in Cabinet somewhere. A Cabinet committee was set up and then the Premier went overseas. The Minister told us—and he was supported by the Premier—that shortly after the visit of the Premier to Paris in December of last year and January of this year honourable members would be told exactly what would happen in relation to expansion of the Total Oil refinery. But, when questions have been asked on that matter, the Opposition has been just about told that it is none of its business. It is the business of the Opposition to probe and to find out why the Government was lethargic in moving ahead with that project. The Total Oil group is anxious to proceed but the Government has bogged down with a six-man committee. I understand that the committee is divided three to two and that the Treasurer, on the advice of his department, is sitting on the fence. No action is being taken one way or the other.

Mr Schipp]

It is time that the people of New South Wales—not just the Opposition—were told exactly whether we will have additional oil refinery capacity or will operate on the basis that has existed over the past two or three years in which the needs of the State are barely met. If the Minister spoke on that aspect it would be a worthwhile statement. Honourable members know that two or three years ago the Government allocated a little more than $1 million for solar energy research. I remember reading about a delay in passing over the funds but where are we now? Why could not honourable members be given an indication whether that project is progressing or whether there is a likelihood of something worth while coming from those measures?

Other important energy resources have been somewhat overlooked in the past. They need to be taken into account much more in the future. I refer to the development of a refinery for alcohol fuels or estanol. A great opportunity is presented to Australia with its agriculture base to develop estanol as a supplementary fuel for power needs. Honourable members should be told whether the Energy Authority has looked at that matter or whether it intends to do so in the near future. We should be told how the authority views the various energy alternatives available for New South Wales. It seems that New South Wales does not have any worthwhile resources in the way of natural gas or uranium. New South Wales does have enormous coal deposits and steps are being taken to look at the benefits to be derived from the liquefaction of coal. But, what is New South Wales doing as far as estanol and alternative fuels are concerned?

The Minister had a golden opportunity to put forward a well prepared statement on exactly where New South Wales stands with its energy needs. What I have said is not to take away anything from the legislation. The bill is a positive step forward in developing an authority that can do the things I have said should be done. Perhaps the Minister might make more regular announcements rather than leave it virtually two years between reports of the Energy Authority. That is not a good performance. I do not know where the Minister got to with his negotiations with the staff but obviously problems exist and many questions are being asked about the transfer of staff to the new authority. As late as the 4th of this month a telegram was sent to the Minister asking for further discussions on that aspect. Quite a lot of correspondence has changed hands. Copies of the correspondence forwarded to the Minister have been sent to me, also.

A meeting was held on Tuesday, 13th March, 1979, and since that time the Minister has given a substantial list of answers to various questions raised by the representatives of the unions involved. Apparently those answers have not given total satisfaction as to the rights and privileges of these employees. Moving from the Electricity Commission into the public service will mean a loss of entitlement to sick leave, long service leave, concessional leave and so on. Employees are wondering whether they are fully protected as the Minister said they would be in his remarks to them on 13th March. He stressed that it was his Government's firm intention to ensure that no employee is in any way disadvantaged by the merger. We added that should there be any case that was overlooked he would be willing to review the position.

I know that the Minister has received a deal of correspondence since then because apparently the employees are not completely satisfied with the way the matter has been handled. They feel that there are loopholes in the bill that could disadvantage them. A Mr John Ward wrote a letter seeking an interview with the Minister on this aspect. I am not sure whether the Minister was able to sort out the questions that he raised. They were quite lengthy and detailed and concerned sick leave and that sort of thing. When the Minister was speaking on the measure honourable members should have been told whether he saw any problems. I know he said that the rights and privileges of the employees would be protected, but the employees feel that they are not being protected.

The employees have requested a longer period to decide whether they should enter the public service or remain with the Electricity Commission. As the Minister has not moved an amendment in this regard, the Opposition will move to extend the period to at least three months. It is not possible in one month to tell these people all of the ramifications of the transfer and then have them make a decision in regard to transferring. It would be a pity if some of them refused to transfer because of the lack of information which seems to exist at present. For example, with the Electricity Commission sick leave credit accumulates at the rate of twelve full days and twelve half days a year, less any leave that may have been taken. In the public service the rate is only ten days a year. Obviously, employees would not relish the thought of transferring into a system that gives them ten days sick leave a year as against virtually eighteen. The Minister should have made these matters clear prior to presentation of the bill.

Another problem is the status of the commission's employees once they have transferred to the Energy Authority if they do not transfer into the public service. Will they be treated later as being outside the public service should they apply for promotion in the Energy Authority or will they have to go back to the Electricity Commission to get their promotion? How will they fare in this transfer of employment? I have quite a detailed submission on employment conditions on transfer. I think most of the employees welcome the idea of the establishment of the Energy Authority but, naturally, they want to protect their interests. They believe there is still a lot of negotiation to be done. The Minister should consider extending the election period to six months, as requested in the correspondence. At least he should make it longer than one month, as it is in the bill. That is not sufficient time for anyone to make a decision.

There have been complaints about the lack of information available right from the time when this merger was first hinted at. I understand that the Minister said there would be ample time for the bill to be circulated, studied and commented on, but that did not occur. The legislation was made available only a few days before it was introduced into this House. Since then a lot of homework has been done to ascertain the direct effects that the bill would have on these employees. The Minister said he would open up negotiations if they felt uneasy about their position. He had given assurances that their rights and privileges would be preserved, but I do not know how far he meant that to go. For instance, once these people become members of the Public Service will the expectations that they had in the Electricity Commission carry into the future or will their promotion come from within the public service? Will their prospects be the same as they expected as commission employees?

Another aspect that deserves examination is that Energy Authority employees feel that they will be inundated by a number of additional employees who will have higher gradings than they have. I understand that most Energy Authority employees at present are on grade 3. If a number of people come in ahead of them on higher gradings, seniority and promotion opportunities will be eroded. The prospects for advancement of persons already employed could be diminished by the influx of new staff. I hope that these people will not be disadvantaged by the sudden growth of staff within the Energy Authority. That is a serious matter that must be sorted out. I hope that the Energy Authority will get going quickly in its new role and will consist of a happy group of workers who want to get on with their most important task. The House has just dealt with apprentices and has talked about how important they are. Looking at the future of this State and Australia overall there can be no more important matter than developing our energy resources and looking after our energy needs of the future.

Mr Schipp]

I give notice that later I shall move an amendment to extend the election period from one month to three months. The Minister might give consideration to that. He might also consider making it slightly longer. The employees request a period of six months. It is an important step for people to take and an extension of the election period will give them the opportunity to think rationally and calmly about transferring and to come to the proper decision. As I stated at the beginning of my remarks, the Opposition thoroughly supports the measure, and wishes the Energy Authority success in its work. It hopes that the Minister will report to the House fully and frequently on how the authority is functioning and on the Government's policy in energy development.

Mr HATTON (South Coast) [9.19]: I compliment the Minister on the introduction of this bill. There could be no more appropriate Minister to conduct this matter through to its logical conclusion, with his vast experience in local government, his obvious interest in energy and his innovative ideas on technology and its advancement. The bill gives the Energy Authority the permanence that a full-time chairman offers and allows it to examine the appropriate use of all energy resources so that they might be used to the best advantage and in the most economic way.

In my experience in local Government one of the things that annoyed me most was the false competition between the electricity and gas industries. Rarely was anybody concerned with the most appropriate use for gas as opposed to the most appropriate use for electricity. Both bodies were concerned merely with promotion of their product. An anomaly must exist when one cannot get cheap off-peak electricity as an adjunct to the use of solar water heating. This anomaly exists because electricity authorities are not concerned with saving on electrical energy but rather with the sale of electrical energy. The appointment of a full-time chairman will provide the opportunity for him to keep in touch with all the boards, most of which are subcommittees of the Authority. This will ensure that a thread of co-operation extends through the entire energy system, and that policy initiatives applied by the Energy Authority have the co-operation of all the arms of energy producers.

One of the important things the Authority will be looking at is the stimulation of energy resources in country areas. When natural gas was first discovered in Bass Strait I was investigating the possibility of a natural gas pipeline coming from Victoria along the coast of New South Wales, knowing that natural gas was not simply an energy resource but also an important raw material resource for all sorts of related manufacturing industries. The Hon. R. F. X. Connor was much maligned but one of his dreams was for the development of energy resources by Australians for Australians, and in particular determining where natural gas pipelines would go from the point of view of future development of the nation, and not for short-term gains. In that regard I strongly supported him. The wastage of energy is one matter for which this authority will have statutory backing to give encouragement and incentives for development of new savings techniques and the more economic use of energy. It will have permanence and powers for discipline and will be charged with the role of looking at the most pressing problem that our nation will face before the year 2 000.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [9.22], in reply: I thank the honourable member for Wagga Wagga and the honourable member for South Coast for their contributions. In my second reading speech I did not mention all the work undertaken by the Energy Authority. The honourable member for Wagga Wagga knows that the Energy Authority has been involved in all the studies that have taken place in connection

with the natural gas pipeline. Submissions in regard to that pipeline have been made to the federal Government, and the State Government is now waiting on loan funds to be allocated under the Pipelines Act for that construction to be undertaken. The Government did negotiate and was the in-between body in negotiations between the Australian Gas Light Company and the Wagga Wagga city council.

The oil refining situation in New South Wales is critical. The Energy Authority has made a substantial submission to the Government and that is receiving consideration. I am hopeful that in the near future a decision will be made. When the matter comes before the Parliament it will be seen why the Government has taken its time on this question. It is not only a matter of policy as to whether a pipeline should be established, but other matters will come before the Parliament for consideration if and when the question is to be determined. In regard to solar energy research, over $1 million was allocated to the University of Sydney for this purpose. That research is proceeding under the auspices of the Energy Authority. The Government reviews the findings because Government funds are involved. Despite the fact that the Government has complete confidence in the staff at the university, as they are using Government funds their research must be oversighted to see that the money is being spent effectively and well.

Investigation is proceeding into coal liquefaction. A study is about to be undertaken on ethanol and methanol. With natural gas available it is possible to manufacture methanol in this State from the natural gas piped from South Australia. I have already received approval from the Cabinet subcommittee to proceed with a study that I hope in two years will demonstrate that methanol can be made from natural gas and will increase the volume of petroleum available by 15 per cent.

The honourable member for Wagga Wagga asked a question about employees. I have spoken to representatives of the employees on two occasions. On each occasion they went away satisfied. I have since received from a Mr Ward and the unions more detailed questions. At the moment replies are being prepared. The combined unions met today and I understand that they regarded the answers given as satisfactory. It must be appreciated that about 139 employees of the Electricity Commission of New South Wales are on secondment to the Electricity Authority. Those employees enjoy privileges as employees of the Electricity Commission while on secondment. They have been told that they should decide within a month after the bill has been proclaimed whether they wish to stay under the umbrella of the Electricity Commission or come under the control of the Public Service Board. My advice to them is that they would be better to stay under secondment. In that case they would have the best of two worlds. If a position were advertised within the Electricity Commission they would be able to make an application for that job and if successful retain their rights within the commission. If a vacancy occurred in the Energy Authority for a higher position than that they presently occupy they would if successful automatically receive an appointment under the public service provisions. They would be better to stay as they are and retain all the rights and privileges of being employees of the Electricity Commission under secondment. If the Opposition wants to move an amendment I should be delighted to accept it. Opposition members should not say that I am not co-operative. If they wish to move an amendment in Committee I should be glad to accept it, although quite frankly the Government believes that employees are fully covered.

The comments of the honourable member for South Coast were relevant to a desirable policy for conservation of energy. Instead of gas undertakings competing with electricity undertakings and not giving a damn about conservation of energy or

Mr Hills]

ensuring that people get the best from both services, or from whichever one is appropriate to the needs of a particular area, the time has arrived when one body should be established, the Energy Authority of New South Wales, oversighting the question of how best to use the energy resources available to us, not only those in our own country but those imported from overseas.

That is the great thrust of this whole operation of setting up an Energy Authority that will cover the fields of energy. There ought to be a combination of the local government bodies involved in gas distribution, electricity distribution and they ought to call themselves an energy distribution authority instead of competing with one another throughout the State of New South Wales. I hope the lead that is obviously going to be given by this Parliament tonight will be adopted by the local government bodies in the area. I commend the bills.

Motion agreed to.

Bills read a second time together.

In Committee

The CHAIRMAN: The Committee will deal first with the Energy Authority (Amendment) Bill.

Schedule 1

Mr HATTON (South Coast) [9.32]: I am in complete agreement with the constitution of the Energy Authority, namely, that six members shall be part-time members and these will be representatives of the electricity industry, mining industry, oil industry, gaseous fuel and coal industry, the nuclear industry, and the Labor Council of New South Wales. That composition is admirable. However, I want to speak briefly about the nuclear energy industry, for I have taken a particular interest in it. I was involved in some controversy when it was proposed under the Prime Ministership of the Rt. Hon. John Grey Gorton that an atomic power station be established at Jervis Bay. I remember taking Sir Philip Baxter to task one night at a public meeting in Nowra over the ecology, safety, and economy of using nuclear energy. I do not trust the Atomic Energy Commission and I do not trust the American Atomic Energy Commission.

When the Minister chooses a person who in his opinion—according to the wording of the legislation—has a special knowledge of the nuclear industry, I hope he does not choose somebody from those bodies. My direct experience is that those people are willing to compromise the truth, and lie for the promotion of atomic energy; they are unwilling to look at its true relevance of atomic energy; they are unwilling to look at its true economics; they are unwilling to look at the real safety questions, the real dangers, or to look at the real benefits of atomic energy against the background of social and ecological dangers involved in its use. I need not say any more because people are well aware that I was the first and only person to move on the question of atomic energy in this Parliament, sounding a warning that the use of atomic energy for the development of power was unsafe, and that its dangers far outweigh its advantages. I am hoping that the Minister takes into account what I said in that debate on a private member's motion and what I am saying tonight when he is choosing a representative who has a specialist knowledge of nuclear energy. If he does that, the Minister will choose somebody with an appropriate academic and practical background, somebody who will give an unbiased assessment and somebody who would work hand in glove with all the other experts to ensure that we get a true picture of where nuclear energy will dovetail with other forms of energy.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [9.35]: I propose to recommend the reappointment of the present members of the authority. The person representing the nuclear side of the Energy Authority is Professor J. J. Thompson, professor of nuclear engineering at the University of New South Wales. I share the concern of the honourable member for South Coast about atomic power stations in the State. I do not see them ever being constructed in his lifetime or mine. I opposed the establishment of a nuclear power station at Jervis Bay with everything I had at my command.

Schedule agreed to.

Schedule 4

Page 17

6. (1) Upon the expiration of a period of 1 month after the appointed day, a person referred to in clause 5 shall, except where he makes an election under subclause (2) of this clause, be deemed to have been appointed, under and subject to the Public Service Act, 1902, as an officer or employee of the Public Service, as referred to in section 9 of the Principal Act.

Mr SCHIPP (Wagga Wagga) [9.37]: I move:

That at page 17, line 24, the figure "1" be left out and there be inserted in lieu thereof the figure "3".

This provision deals with the period in which staff may elect to remain with the Electricity Commission or transfer to the Public Service consequential upon the passage of the bill.

Amendment agreed to.

Page 18

(3) An election under suhclause (2) of this clause shall be made by the person entitled to make the election by notice in writing and shall be served on the Electricity Commission at any time before the expiration of a period of 1 month after the appointed day.

(4) The Electricity Commission shall, as soon as practicable after the expiration of a period of 1 month after the appointed day, notify the Public Service Board of all of the persons referred to in clause 5 who have not made an election under subclause (2) of this clause.

Amendments (by Mr Schipp) agreed to:

That at page 18, line 6, the figure "1" be left out and there be inserted in lieu thereof the figure "3".

At page 18, line 8, the figure "1" be left out and there be inserted in lieu thereof the figure "3".

Schedule as amended agreed to.

Adoption of Report

Energy Authority (Amendment) Bill reported from Committee with amendments, and Electricity Development (Energy Authority) Amendment Bill and Statutory and Other Offices Remuneration (Energy Authority) Amendment Bill reported from Committee without amendment, and report adopted on motion by Mr Hills.

FACTORIES, SHOPS AND INDUSTRIES (AMENDMENT) BILL

Second Reading

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [9.41]: I move:

That this bill be now read a second time.

As foreshadowed at the introductory stage of the bill, the main purpose of the measure is to amend existing legislation regulating trading hours for small shops throughout the state of New South Wales and matters of a minor and consequential nature. The proposals are brought forward so that, if adopted, these traders will be enabled to meet the present-day demands of the marketplace where they operate.

At the outset, I would bring to the attention of honourable members some of the complexities confronting anyone attempting to up-date this legislation and introduce some semblance of order to legislation regulating retail trading hours. Retailing is an intricate and competitive business. It is motivated by distinct and not always compatible forces arising from the interests of manufacturers, the traders themselves, employees and consumers. However, it goes deeper than that. There are also divisions within these disparate categories of interest. For instance, although they tend to carry comparable stocks of merchandise, the marketing methods of departmental stores differ considerably from those of the larger discount houses. These, again, differ from those of small shops which carry vastly fewer but nonetheless competitive lines of merchandise. Some honourable members with personal experience in the retail trade as either trader, employee or consumer will be aware of other problems that add to the difficulty of the legislator.

Because of this multiplicity of interests, there are some who advocate unrestricted trading seven days a week. They argue that given an open slather, retail trading hours would find their own level in meeting the legitimate demands and convenience of the consuming public. In the unlikely event of it doing so without sacrificing the interests of one major party or another, it would certainly be achieved only at the expense of the small traders who, as a group, have an acknowledged place and serve a particular need in our community. Also, I do not think the concept of supermarkets operating on rotating shifts and unlimited hours is generally acceptable to the Australian public. Undeniably, the seven-day-a-week trading proposition would meet with vigorous opposition from religious bodies, unions and the retailers' associations themselves.

For honourable members to see the proposed amendments to the Act in their proper perspective, it should be remembered that the original purpose of regulating retail trading hours by Act of Parliament in this State was to restrict the hours of employment of shop assistants. The interest of employers and consumers—then an unknown term in its present context—had previously prevailed. For that reason, the Early Closing Acts of 1898 and 1899 were passed. In the first instance, the Act limited the working hours of women and children employed in the retail industry to those imposed by the Factories and Shops Act, 1896, and, in the second, mainly ensured that no employee of a shop would work more than sixty hours a week. That legislation was necessary because at that time there did not exist any established system of industrial arbitration to protect employees in their hours and conditions of employment.

Subsequently, this legislation was amended many times to meet changing circumstances, as is the purpose of this bill. In 1900, the legislation was amended to meet requirements for a half-day holiday in country areas as distinct from metropolitan areas. Again, in 1910, it was amended to introduce uniformity of Saturday afternoon closing throughout the State; in 1915, it was amended to regulate the opening and

closing hours of butchers' shops; and, in 1919, it was amended to meet the needs of hairdressers, tobacconists, chemists and druggists. Eventually, these Acts were consolidated into one Act, the Early Closing Act of 1934.

In 1936, this legislation was repealed by amendment to the Factories and Shops Act, 1912, which consolidated and amended the law as it then stood. That is the basis of the legislation now under review. I should point out at this stage that the hours during which shops are now permitted to operate under this legislation vary according to the type of shop as defined in the Act. Also, trading hours for individual shops are at present fixed partly by the Factories, Shops and Industries Act and partly by reference to the appropriate industrial awards—a nexus that the proposed amendments would rationalize to the satisfaction of all parties concerned.

In recent years some criticism has been expressed by some sections of the retail industry and others of the suitability of this legislation under modern merchandizing methods and the demands of the day-to-day marketplace. The public also has, on occasions, shown support for innovative retail operations not strictly within the law. Accordingly, as Minister for Industrial Relations, I directed officers of the then Department of Labour and Industry to observe and report to me on Saturday afternoon trading by some retailers in certain sections of Sydney on the two Saturdays prior to Christmas, 1976, and other trading practices that followed.

After reviewing that report and holding extensive discussions with the associated employer and employee organizations I established a committee of inquiry into retail trading hours to provide government with the fullest possible information on all aspects of retailing to ascertain whether it was necessary or desirable to alter existing legislation regulating retail trading hours. To cover all interested parties, the committee consisted of two representatives of each of the following groups: persons employed in shops, retail shopkeepers, and consumers. The committee accepted both written and oral submissions. It visited various city, suburban and country marketplaces and retail outlets to examine marketing procedures and to ascertain on location the views of shopowners, shop employees and consumers alike.

Submissions to the committee were made by the largest departmental stores, the operators of supermarkets and chain stores, trade and employer associations, chambers of commerce, municipal councils, trade unions, representatives of small shop owners, consumer organizations and individual consumers. Many of the submissions were, naturally, of a conflicting nature; some from members of what otherwise would be considered compatible groups such as one departmental store disagreeing with another. The inquiry occupied twenty-four sitting days and, as I said earlier, visited retail establishments in the Sydney metropolis, and Tweed Heads to study conditions at the Queensland border and a centre of tourism, and Tamworth and Manilla.

The committee heard the evidence of fifty witnesses over and above the submissions received from interested persons. The committee, therefore, was faced with an onerous task in determining its recommendations within its terms of reference which directed it to have "regard to the reasonable requirements of persons who purchase goods, the interest of persons engaged in the business of retail sales of goods, the employees engaged in such retail sale and the public interests".

On the 7th September, 1977, the committee of inquiry into retail trading hours submitted its report to me and the proposed amendments to the Factories, Shops and Industries Act, 1962, set out in this bill flow from some of those recommendations and subsequent discussions with representatives of those involved. Generally speaking, the committee found that if all restrictions were to be removed and the

market allowed to operate in an unregulated way, and the larger retailers adopted a more aggressive marketing policy, enormous strain would be placed on the small retailer to survive. If that situation were allowed to eventuate, the committee found, the public interest would not be served. Indeed, in the matter of trading hours, submissions were made by some larger retailers that the committee should pay particular attention to the needs of the smaller shopkeepers as essential to the proper functioning of the retail trade in its totality. In view of all this, the committee states in its report that its recommendations may tend to protect the smaller trader, depending on the desire and capacity of small retailers to provide a better service to the community.

I now turn to the provisions of the bill. Clause 1, as is customary, gives the short title of the proposed Act. Clause 2 is the provision dealing with the date of commencement of the proposed Act. Clause 3 and 4 refer to the schedules and manner of amendment to the principal Act. I now turn to the proposed amendments as set out in schedule 1. Items (1) and (3) will abolish the classifications of afterhours pharmacy and associated matters and permits the Governor, by order published in the ***Government Gazette,*** to amend schedule 3 of the principal Act listing classes of shops. Item (2) will enable a small shop as defined in the principal Act to have two employees in addition to not more than two owners who must be actively engaged in the business of the shop instead of, as at present, one employee where there is one owner and no employees where there are two owners. This clause will also amend the provisions relating to and prohibiting the holding by a corporation of an interest in more than one small shop. The clause excludes butchers' shops and hairdressers' shops from the category of small shops.

Item (4) will remove redundancies regarding the classification of pharmacists and associated matters. Item (5) will enable trading hours for shops, other than shops having unrestricted trading hours, to be fixed by regulation instead of, as at present, partly by the Act and partly by reference to industrial awards. Here, I would emphasize that no responsible government—and certainly not this Government—would think of varying retail trading hours under this section of the Act without prior consultation and agreement with the employees and employers in the industry; an undertaking which, in the interests of common sense and industrial harmony, is freely given by this Government. Item (6) will delete reference to the times which afterhours pharmacies shall be kept closed. Item (7) will delete the now redundant reference to after-hours pharmacy and special pharmacy in the section of the principal Act dealing with the closing time of mixed shops. Item (8) will delete section 83 of the principal Act binding the closing time of warehouses to State industrial awards.

Item (9) will delete certain redundant references to shops and awards. Item (10) will delete section 85 of the principal Act. which made it mandatory for the Industrial Commission of New South Wales or a conciliation commissioner or conciliation committee in making an award to set the ordinary hours of work by relation to which trading hours were fixed.

Item (11) will delete reference to trading hours of after-hours pharmacies and fix a new penalty of $1,000 for offences of shops, other than shops having unrestricted trading hours, trading outside the hours fixed by regulation under the amended principal Act. Item (12) will fix a new penalty of $1,000 for publishing any statement intended to promote business outside the hours fixed by regulation under the amended principal Act. Item (13) will preserve the prerogative of the Minister to allow trading in emergencies. Item (14) will delete reference to after-hours pharmacy. Item (15) will preserve the prerogative of the Minister to determine trading hours in holiday resorts.

Item (16) will preserve the prerogative of the Minister to grant exemptions to hairdressers' shops situated at railway, shipping and air terminals and the like. Item (17) will permit to the sale of sports equipment on premises or lands where lawful games or sports are being played. Item (18) will delete the now redundant section 89E of the principal Act relating to vehicle shops. Item (19) will delete reference to special pharmacies in several sections of the Act. Item (20) will remove trading restrictions imposed by awards on petrol stations. Items (21), (22), (23) and (24) are of a minor or consequential nature. Item (26) will revise schedule 3 of the principal Act in accordance with these proposed amendments.

Schedule 2 relates to matters of an administrative nature within the Denartment of Industrial Relations and Technology. It will establish the designation Chief Inspector of Boilers in compliance with legislation previously passed by this House in relation to duties and functions of inspectors within the department. I believe the amendments proposed by this bill will be beneficial to the retail trade, will encourage the growth of small shops and consequently benefit the public at large and may well provide much needed job opportunities in the industry. That concludes my explanation of the contents of the bill and I commend it.

Mr SCHIPP (Wagga Wagga) [9.56]: The Minister described the bill as an attempt to bring a semblance of order into retail trading in New South Wales. I wonder whether it is not too late to shut the stable door, for the horse has bolted. The Minister may find it difficult to rein back in those traders who have operated illegally for three years. I am speaking principally of the larger stores that have shown they are not amused by the legislation and will test the Government's resolve about it in the near future. I wonder whether the Government, by the penalty provisions in the bill, will compel those stores to close. It has to be recognized that they have been allowed to operate illegally for nearly three years while the Government has been in office. A situation has been created in which people in some areas have become accustomed to shopping at weekends. They will not take kindly to the closing of doors or to a reduction in the competition and the range of goods that are provided by larger stores.

I see a good deal of pressure being put on the larger retailers to remain open, as they have done for the past three years. Pressure will be applied for further amendments to shopping hours legislation to make it legal for shops to stay open at weekends. I go on record with the prediction that by Christmas a breakdown in the legislation will have occurred, if indeed it has not occurred before then, as a result of a testing of the Government's intentions within the next few months. Some stores have taken surveys of their customers and strong support has been given to the liberalization of shopping hours. I am not advocating the idea that when a shop commences trading, the key should he thrown away so that the shop can remain open for twenty-four hours a day, seven days a week. As a member representing a country electorate I could not support that approach because it would have disastrous consequences for country communities and small communities other than those in country areas.

The Government will learn a lesson about the habits of people. If a law is made, it must be enforced from the beginning or control will become difficult. That has happened with shopping hours. I shall be interested to see how the Minister and the Government handle the problem. Will they apply some type of additional penalty to try to bring the situation under control? I am a little bemused about how the Minister will handle the unions. The unions have let down their guard considerably if their policy is, as has been suggested to me, one of opposition to the extension of retail trading hours. The nexus between the State awards and the opening of shops has been broken. A mere stroke of the pen is all that will now be required to extend

the provisions to every area of retailing. It seemed to me that unions were in a much stronger position to control shopping hours when those hours were tied to State awards. The unions have been mesmerized into thinking that their situation is being preserved. I doubt whether they realize how far out on a limb they have gone in accepting the Minister's proposals.

In essence the Opposition supports the liberalization of shopping hours for small shops and the changed definition of small shop, which will allow two permanent proprietors who work in a business to have two employees working with them. This will be of benefit to shopkeepers who have the energy and initiative to remain open longer. A significant section of the community desires the type of service that one can get in a small shop but is unobtainable in many of the larger supermarkets that are becoming a major part of our lives. Many small-businessmen will capitalize on this desire, particularly those in areas where it has been proved that extended shopping hours are required by the community. I understand that at Double Bay extended shopping hours have been a success, as they have been at places such as Manly and Kings Cross where people congregate outside normal shopping hours.

Except for one type of business, the tendency to extend shopping hours in country areas has not been successful. Two or three discount stores in Wagga Wagga tried it and had boom sales on the first Saturday afternoon or Sunday, but they soon decided that they would not open for extended hours. The numbers of customers did not support trading on seven days a week, as they quickly found out. One type of shop that appears to have experienced a different result is the hardware store or what one might call the home improvement centre. These have been successful for many years in Sydney. I have some details of two of them which show significant trading results by their remaining open at weekends. Obviously there is a community demand for their type of service.

In Wagga Wagga one large hardware retailer has been staying open on Saturday afternoons and Sundays and has been trading well. Many people to whom I have spoken have welcomed this move. At the weekend some people like to play some form of sport, watch football or go fishing, but others like to carry out improvements to their home. When a person is busy in his employment all the week he does not have time to sort out what he will require in the way of materials for his repair jobs at the weekend. He gets busy on Saturday morning and about lunchtime finds that he needs some material for his job. If the local hardware store is open on Saturday afternoon, he can buy his nails or screws or even larger hardware to carry on with his job over the weekend. Otherwise he would not be able to pursue his particular recreation. Many people look upon improving their homes as a weekend recreation.

In Committee I shall move an amendment to schedule 3 to include home improvement stores. I know it will be difficult to define them so that they do not encroach into furnishings and materials that are not really needed of a weekend. But let us be reasonable and realize that many small hardware stores are unable to cater for a full range of hardware products. Acceptance of my foreshadowed amendment could benefit a significant number of people in the community who want to follow their hobby of improving their home or doing home repairs. It must be remembered that this means a great saving because of the high cost of labour in engaging tradesmen to do this work.

The figures speak for themselves. The trading results of Sims reveal that in the weeks ended 11th March, 18th March and 25th March about 40 per cent of its trading was done at weekends. It is worth looking at how Sims' employees are managed. Penalty rates would cause a considerable increase in the cost of running the business,

so from Monday to Friday the business is run with thirty-two permanent full-time employees, and on Saturday and Sunday the shop is manned by twenty permanent casuals.

Mr Rogan: Do you have a pecuniary interest in this store?

Mr SCHIPP: I have no pecuniary interest, but these people were willing to give me details of their trading operation to show the demand. Over one weekend they were able to take up a petition of 1 600 names opting for extended trading in that store. The report of the inquiry into extended retail shopping is now some two years old. I said at the beginning of my remarks that people's habits are easily changed; they may be conditioned to want something different. It is noteworthy that the desire for extended shopping hours was almost a non-event in the inquiry to which I have referred. However, during the two years that shops have been allowed to stay open at their own whim people's attitudes have probably changed. It would be interesting to take a survey where a number of shops in an area have stayed open to see whether the local people have changed their minds about extended shopping hours. It would be interesting to ask them: "Now that you have had this facility for two years, do you still want it? Do you see any benefit in it? Or are you prepared to take it or leave it, as you were at the beginning of 1977?"

The committee that inquired into extended shopping hours reported that the results of surveys differ according to the types of people surveyed. If one went to a shop while it was trading at the weekend and asked customers in the shop whether they wanted extended trading hours, obviously their answer would be yes. That is why the petition to which I referred was so easily taken up; it was taken at that time. But if one spoke to people who were shopping during normal hours and asked them the same question, their answer would be different, because evidently they have time to do their shopping during regular shopping hours. I wonder what would happen if one went into a factory during the week and said to the people on the factory floor, "Would it help you if the shops were open on Saturday afternoon?" The answer would be different from the one received from people who have time to shop during regular shopping hours. I refer particularly to women in the work force who also look after a household. At present they do not get an opportunity to do their shopping except on Saturday morning and they would appreciate extended hours. People have now been given a taste of what they might call the good life, but now the Minister is trying to close the door on them. I foreshadow a great deal of difficulty in doing what the Minister intends.

I mentioned earlier that difficulties would be encountered in the general opening up of retail shops, particularly in smaller communities. It would have a serious effect on employees whose family life would be disrupted because they would be required to work extended hours, possibly on a roster basis. Many of these people have children with whom they want to spend time at the weekend. Small communities have many social and sporting activities at weekends. In a city such as Wagga Wagga, with a population of 37,500, it would be difficult to organize cricket competitions because a great number of the shop employees now make up the cricket teams. On a roster or staggered system many would not be available to play cricket matches, and there would be a falling-off in the number of teams participating in organized sport. It would also impinge on the efforts of local voluntary groups which make a concerted effort at the weekend to raise funds. I envisage many difficulties in this area.

The effects of the measure would be felt even more in small centres surrounding the larger regional centres such as Griffith, Wagga Wagga, Goulburn, Dubbo and Tamworth. A lot of the small stores in those peripheral centres would not be able to compete with large retailers in the regional centres, which would attract custom

away from the smaller towns. The retail centres of the small towns would become ghost centres. We must be careful to protect those shops that stock a range of goods required for quick shopping in country areas. Serious problems would arise if there were a breakdown in retailing facilities in the smaller areas.

The report on the extension of retailing hours states that the nexus between penalty rates and extended shopping hours has a real effect on retail costs. Many of the unions do not seem to be willing to come to grips with this problem, and it would be in the interests of the people of New South Wales if the Government were to give a lead in trying to provide more opportunities for employment on a permanent part-time basis by breaking the nexus with penalty rates. Although that might be considered to be doing away with benefits that might accrue at present to employees who work beyond normal hours, some change in the arrangements for penalty rates would be of benefit generally to the State.

The conclusions in the report indicate some contradiction about the effect of extended trading hours. One view was that it would lead to increased cost of goods because of wage rates. Another view was that it would not lead to increased costs, because of the better use of the massive capital outlays required to develop large shopping centres. The report pointed out that removing the humps from shopping times when customers converged at peak hours would require less staff and less parking areas. If these difficulties could be overcome, the operation would result in reduced costs. The committee of inquiry had to contend with those sorts of argument. Another factor for consideration is that a retailer has two options. He might decide that he will have fewer assistants serving in the shop and so spread his staff more thinly, or, as with many specialist shops, he might require regular staff in attendance most of the time in order to give service, or even employ more staff. The resulting increase in cost would have to be passed on. The Government is faced with a problem of its own making. If it had been willing to apply the law——

Mr Hills: Do you mean send them to gaol? Is that what you want us to do?

Mr SCHIPP: I am not saying what I want the Government to do.

Mr Hills: You said that the Government should apply the law. When honourable members opposite were in government they did not make a decision to send them to gaol.

Mr SCHIPP: We shall see how the Government goes with this legislation. Attempts will be made to get past it. Under schedule 3 shops that will have unrestricted trading hours extend over a fair range. Vehicle service shops include shops supplying parts for boats and motor vehicles. There is an avenue for many hardware lines to be stocked by such shops, if the proprietors want to extend the range of goods for sale. Tools of trade might be involved and that would encompass its range of products for sale in recent times are chemist's shops. Over the Easter holiday period many pharmacies were selling items such as Easter eggs. I know that one can buy shoes, handbags and many other items at a chemist's shop, though these items are outside the normal pharmaceutical type of articles one normally expected to be on sale in such a shop. Chemists would test the climate by extending their range of products for sale. We shall see if they get away with it.

Mr Hills: One used to be able to buy those items in a small shop.

Mr SCHIPP: One cannot classify a chemist's shop as a small shop. My information is that if two chemists are in business as joint proprietors or partners, they would require a staff of about eight persons to give the necessary back-up support.

That is a ratio of between 1 in 4 and 1 in 6. In the Minister's estimation pharmacies would be outside the category of a small shop. However, if they were to be listed under schedule 3 they would be unrestricted.

Mr Hills: What if the Government opened up the hardware stores?

Mr SCHIPP: I can see problems there. There are many loopholes in the provisions now under consideration. Will plant shops be allowed to sell gardening tools? Where does one stop? I imagine that the legislation will be tested in many areas. A few home truths will be brought to light if the Minister thinks that simply by passing legislation through the House the Government will contain what has been allowed to run riot for so long. The Government is strong on bluff but when action is required it falls far short of doing what it announces that it intends to do. That was pointedly brought to light in the truckies dispute when the Government's bluff was called. At the Committee stage I shall move an amendment to include home improvements.

Generally the Opposition supports the extension of trading hours for small shop keepers that will provide a range of services for which the community has a growing need. It will find its own level. A lot of shops will not be able to remain open because of demands on time and family commitments. Small shop keepers have been pretty resilient in these types of situations and worked things out according to their best needs and those of the community. Most such shop keepers give good service to the community, and many people appreciate that. There will be a lot of pressure for this legislation to be extended. I am still puzzled how the unions let the Government slip under its guard in regard to the State awards. It will be interesting to see how that aspect pans out. The Opposition welcomes the legislation as far as it goes and gives it support.

Mr PARK (Tamworth) [10.21]: The Minister has said this bill is designed mainly to protect the small business. As a general concept this is commendable, because small business outlets provide an essential service in residential areas where major retailers are not available and outside established hours of trading. The major city that I represent, Tamworth, is a centre that attracts people within a radius of almost 200 kilometres. They come from the Hunter Valley, the Northern Tablelands, the North West and the Central West to Tamworth to do their shopping. Generally speaking, they do their shopping in the major retail stores and this, of course, contributes largely to the local economy. In a city of over 30 000 people there is a need for the smaller business outlets to be available to the people over seven days a week.

In framing this legislation the Minister has borne in mind the importance of small traders. He mentioned that retailers were allowed to trade on the two Saturdays prior to Christmas 1976 and that subsequently a committee of inquiry was established to examine the whole question of retail trading hours. He said that that committee conducted its inquiries throughout New South Wales and ascertained that there were many problems related to trading over seven days a week. Such trading would create enormous strains on small business enterprises. Because of the fact that certain retailers have traded over the weekend in the past three years, I wonder whether they will be willing to conform with the new measures in this legislation. Will the penalties provided be enforced and will those penalties compel conformation? Will the people who have been availing themselves of the weekend trading be willing to revert to what applied previously to major retailers? This is a problem that the Government must face.

The bill changes the definition of a small shop and thereby allows for an increase in the number of people originally involved from two to four to include two owners and two employees; previously it was one owner and one employee or two owners. That

is a change for the better. It widens the range of goods that may be sold in small shops. The Government may have a problem in designating exactly what is a small shop for the purpose of weekend trading. The member for Wagga Wagga mentioned household goods, and gardening requisites as the sorts of things that people like to have available over a weekend. The legislation abolishes the classifications for after hours pharmacies and special pharmacies. That too is a move in the right direction. It provides also that trading hours be fixed by regulation instead of as at present, partly by the Act and partly by reference to existing awards. Notwithstanding the advocates for weekend trading I feel that, particularly in the country areas, we are not ready for it. There is not the demand for extensive weekend trading and our award system is too top heavy. Here I allude to the system of excessive loadings for trading on Saturday afternoons, Sundays, public holidays and the like.

Until we can amend our award system to bring it more into line with systems that apply in other countries, extended trading hours would simply mean that the existing work force in the major retail outlets would be spread over a longer working week. That would mean less service for the public. The customer would be paying higher retail prices because of heavy weekend loadings. I have quite a large number of-members of the Shop, Distributive and Allied Employees' Association in Tamworth. At the present time they are not in favour of extended trading hours for major retail organizations as they believe the State is not yet ready for this. They concede that at some time in the future it might be a desirable development. The Minister is probably well aware of these problems. I mention them because of the provision in the bill whereby trading hours can be fixed by regulation in the future. I hope the Minister will not be tempted to change trading hours by regulation until some of these problems can be sorted out.

I feel the time will come when the public will be better served by extended weekend trading, though that may be a long way off. Generally speaking, I support the legislation, particularly in terms of strengthening the part played by small business in our State. Small business is doing an essential job and will continue to do so. This legislation will strengthen the role it is playing and assist that work. At some time in the future when extended trading hours are brought in it will be able to survive but that will be when the time comes and when we are better geared for it. I do not believe we are ready at the present time.

Mr HATTON (South Coast) [10.32]: On behalf of the many small shopkeepers, the vast majority of those along the South Coast, I thank the Minister for accepting the challenge and coming to grips with the many complex industrial problems involved in formulating this legislation. There will be challenges. There are problems with definition of the sorts of stores affected. This legislation indicates that the Minister and the Government believe there is a place for small business and personalized service. The Minister is prepared to take up this challenge, to try to ensure that small business survives against the tremendous challenge of larger businesses. It is important to the small businessmen throughout the State, affected by the large turnover of the larger stores, their diversification and their special lines, that they be aware that action is being taken against those threats to blot out the economy of small businesses in small towns.

The link with small business and tourism is well known. For all of those who would press for extension of shopping hours I sound a warning in regard to the larger chain stores. Professor Bill Ford at a conference on unemployment convened in Bega said we should be acutely aware of the situation at Blacktown where a fully automated supermarket was being planned. It was said that though the ultimate had not yet been reached it would affect the jobs of storemen and packers and those who manually priced goods, those who stocked the shelves, those takiig stock and those

placing orders. Experience in the United States of America among large stores is that checkout girls are seen automatically ringing up goods purchased, and the computerized equipment registers the goods sold, for what amount, places the appropriate order which is telegraphed to the stock rooms and, in some cases, the stock is automatically ordered and delivered to the store.

Concerning Denmark he sounded a warning that checkout girls who have had to live with this for some time have now bucked the system because they realize that built into these checkout machines is a device which nominates the most efficient girls. The next step is the laser beam pricing of all goods. Prices are read by laser beam. That is doing away with a section of employees. Unless the Government faces these challenges with a knowledge of computerized technology and decides to take positive action to preserve the small businessmen, small businesses will go out of fashion, together with a lot of jobs. I should like to thank the Minister and congratulate him on tackling the complex and difficult problems posed. There will be challenges but this bill represents a real attempt to champion small businesses.

Mr CAMERON (Northcott) [10.35]: I am not the slightest bit equivocal in my approach to this bill. I regard it as being by far the best bill of its nature to come forward from the Minister at the table. It is almost a bill that might have emanated from the Liberal Party. It seems as if the Minister is coming good in his old age. I commend him strongly for that. I am thoroughly and completely committed to the liberalization of extended shopping hours. If I were given my choice to have hours as I wanted them I should have completely unrestricted trading for six days of the week. As I look at this bill and go through its pages I find that detail by detail it is moving in what I regard as being the right direction. By extending the definition of a small shop it is further moving in the right direction, and additionally it does so by removing restrictions on the type of goods that may be sold in a small shop and by extending the range of shops that will have unrestricted trading hours. I congratulate the Minister on what he has done in this respect.

I make the point strongly that we must be careful in terms of the seventh day. I do not put that merely on religious grounds, though I see no reason for apologizing for doing so partly. I believe there is inherent common sense that reflects human nature in the proposition that there ought to be one day of rest every week for every person. It does not follow necessarily that that should be the same day of the week for every person. We recognize that a number of religious groups including the Jewish faith, and Seventh Day Adventists celebrate their sabbath on a day different to others.

A story which remains strongly in my mind is one I believe to be truthful, concerning fur trappers in the northern wastes of Canada. They had to wait for the ice to thaw and the rivers to run so that they could set out in pairs paddling kayaks to get to the trapping grounds. There was always keen competition to see who could get there first. Those who did so got their furs and were able to get back to the trading posts earlier and command the best prices. On one occasion it came about that the thaw started on a Wednesday. They all set out in pairs and were travelling quite evenly until the Sunday. Among the groups was a christian pair who felt compelled not to paddle on the Sunday; they desisted and rested on that day. By Monday they were miles behind the others but, as they were physically refreshed by their break, by Wednesday of the following week they had so overtaken all their competitors who had just rowed steadily on treating every day as the same, that they were able to get there first. We need a day that is different from the other six days. It does not need to be the bleak morgue-like kind of day we used to experience in some respects. There is scope for things to be different to some extent from those old patterns. There is always a necessity for some people to work on the sabbath — people who fly aeroplanes, drive buses, or do this and

that, will always have to work on the sabbath. I accept basically that overall this legislation is going in the right direction. If we are going to get this economy of ours moving, there must be a freer trade approach; we must get rid of old ironclad restrictions.

I accept also what the honourable member for Wagga Wagga, leading for the Opposition, has said about home improvement centres. I pay tribute to the Minister again who was kind enough to receive representatives today from two of the big stores in my electorate. I regret that I was busy in the House and could not be with him on that occasion. I know that he listened sympathetically to their arguments. Their case is a good one. Perhaps one of the more positive things about Australians is what they do on their Sundays; family people in particular get out into their gardens and concentrate upon improving their homes in a way that keeps them with their families. What the honourable member for Wagga Wagga has said about discovering a shortage of an article needed for home improvement when one is half-way through a job makes sense. Nails or screws may be needed. A vital and useful service is provided by those home improvement centres whereby a purchase can be made to assist in those activities.

It is vital and useful for people to be able to go to a hardware shop and get the things they need for home improvement activities. One area in which the bill will fall down is that the stores which do the great bulk of their trading at weekends will be clamped down on in the near future. They have been opening at weekends but are not embraced within the general liberalization of the bill. That is regrettable. I shall support the amendment which the honourable member for Wagga Wagga who, likewise, was kind enough to see those people from my electorate, will later move. To be as positive as I can, my congratulations to the Minister. This is very much a Liberal Party type of bill. It is on the right track. I hope the Minister shows some more flashes of philosophical rectitude in the future.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [10.42], in reply: I thank honourable members who have contributed to the debate. Doubtless all honourable members appreciate the difficulties involved in dealing with the question of trading hours. When I became Minister I had no intention of falling into the trap that a predecessor of mine, the Hon. J. J. Maloney, fell into, of sending people to gaol because they may break the law relating to trading hours. A tragedy that happened then lives long in my memory. I was acting Premier when a certain gentleman died in gaol. Representatives of the stores mentioned by the honourable member for Northcott, Simms and Pauls, spoke to me today. Unfortunately during the inquiry I do not think Simms was in existence but Pauls was and that firm did not make any representations. Honourable members will note with interest from the document that 125 letters were received from those who represented the small traders in the hardware industry opposing any extension of hours. Representatives of those people came to see me by way of a deputation and indicated their strong opposition to-any extension of hours.

A major retailer in the hardware business, Nock and Kirbys did, as honourable members will see, make submissions. That store has approximately 1 500 employees and thirty outlets. Nock and Kirbys was emphatically opposed to any extension of hours. Without doubt after some trading outside the law on Saturday afternoon by others Nock and Kirby's were brought into the position, despite the fact that Mr Graham Nock is a member of the executive of the Retail Traders Association, where it was found necessary to compete with the opposition and trade outside normal trading hours. Honourable members will agree that, after discussions with the Retail Traders Association of New South Wales and the unions affected, the Government has made at least some steps forward. I hope that by the increased trading hours, particularly for small shops, additional facilities will be available for the general public on weekends.

I am philosophically in favour of small shops for various reasons, some of which were mentioned by the honourable member for South Coast. I applaud the Japanese for their actions in this area. The Japanese have grasped change with both arms where it has been necessary for them to compete with industries outside their own countries for export purposes or in opposing imports of goods. They have used automation and technological change. But, in the retail industry they have adopted the small shops system because as employers small shops keep people engaged in retailing. Small shops do not have to be competitive with oversea countries. Frankly I feel that this is a way to assist to mop up unemployment in New South Wales and to be sure that greater numbers of unemployed people are not created. Philosophically I support small shops. They make a great contribution. Through them shopping hours will be extended. It is possible for small hardware stores to operate and offer the sort of services mentioned by the honourable member for Wagga Wagga and the honourable member for Northcott.

Difficulties will be created for people trading outside the law at the moment. The Retail Traders Association of New South Wales brought the issue before me and suggested that a fine of $1,000 is not sufficiently high for some major stores whose owners might feel they wish to operate outside normal trading hours. I hope that commonsense will prevail and that people will obey the law. It was thought appropriate to make provision in the bill at this time to deal with the matter by regulation in the future. I have given an undertaking to the representatives of the employers and the unions that trading hours will not be extended without their prior agreement. Places may exist in the State where it is thought appropriate to extend trading hours. If agreement can be reached between the employees and those who operate the shops it will be possible to do so. It may be that approaches will be made by those stores seeking additional trading hours on Saturday afternoon for two or three weeks before Christmas or in other parts of the State where agreement on the matter can be reached. Quite simply the Government is happy to do that by regulation. That is why that was provided for in the bill.

I thank honourable members for their contributions to the debate. I trust that honourable members opposite will not press the amendment because, quite frankly, the Government is not willing to accept it at this stage. The bill should be allowed to proceed as it is. Subsequently, if it is felt that some amendments can be agreed upon between employers and employees, the Government will look at the matter again.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr SCHIPP (Wagga Wagga) [10.49]: I should like to refer to proposed new section 79 (2) about the making of regulations to which the Minister referred in his reply. He had the facility to extend shopping hours in special circumstances under the original Act. Section 89B gave an exemption to applications with the approval of the Minister at holiday resorts and there was scope for councils to apply for exemption for a specific area for periods up to fifteen weeks. The bill really does not change that situation other than to the extent that the Minister may now by regulation extend trading hours in a full range of stores. I shall refer to the proposed amendment to schedule 1 which I mentioned earlier.

Before doing that might I refer to section 89D which deals with the sale of sporting goods? Does it mean that newsagents and chemists who sell sporting goods will again have to put up shutters at the weekend? There is a specific section on the

sale of sporting goods which apparently means that they are subject to special provisions. The section refers to goods being sold on premises where lawful sport is being conducted. I know that some chemist shops sell sporting goods as well as pharmaceuticals and many newsagents have a significant sporting goods section. Does this mean that shops that have sporting goods on display but do not have lawful sport being played on the premises will have to put up shutters? My reason for speaking to schedule 1 is to move an amendment, despite the Minister's request not to press for it. I move:

> That at page 12, under the words "Garden plant shops" on line 19, there be inserted the words "Home improvement shops".

As I said before, many people as their hobby or recreation—and as a cost saving device—carry out improvements to their home. There are occasions at the weekend when they must go to a hardware store of a reasonable size to get materials. It is not possible for small hardware stores to carry the range of goods that people require to do home improvements. If one is doing a renovation job and is not completely skilled, one does not know until the work is in hand what materials will be required. I accept that it is difficult to define a home improvement store, but I am sure that it is not impossible to define it in a way that the door will not be open to a range of ancillary items that the Opposition does not wish to interfere with the spirit of the bill. I am referring to the home improvement type of goods or materials required to modernize or repair a home or to do a home handyman job.

There is enough evidence available to prove that these shops are required. They are well supported by the community. I speak not only about the metropolitan area but also about the country. At Wagga Wagga the only type of shop that I know has traded successfully at the weekend is a hardware store. My estimate of community acceptance and need for this service is gauged from speaking to people who have told me that they do not know how they would get on with their work at home if they could not go to a store to purchase extra items that they did not get during the week. I hope that the Minister will see this amendment as a positive step towards assisting people to do something that they want to do at the weekend.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Technology and Minister for Energy [10.54]: Although the honourable member for Wagga Wagga has spoken about home improvement stores one thinks immediately of all types of building materials from corrugated iron to kitchen cabinets. Floor tiles and wall tiles might be required to do these sorts of jobs. I may want a power saw or an electric drill. Under the proposed legislation it will be possible for a small hardware operator to sell drills, bags of cement or sand, or a couple of litres of paint and paintbrushes. These are all things that the average home handyman might require if his wife traps him at home on a rainy Sunday and says that she wants a particular job done. In Kensington not far away from my home there is a small hardware store at which on a weekend I have broken the law and bought a drill or a paintbrush or something of that nature.

It is all a matter of size. The Government will allow small shopkeepers to operate and to provide the sort of thing that the honourable member for Wagga Wagga has mentioned. If the Government's proposals are widened to do the sort of things that the honourable member suggests—to buy a stainless steel sink or kitchen cabinets or materials for a new ceiling—the Government would then have to face up to furniture stores that might want to sell their goods at the weekend—perhaps a new lounge. It would be never-ending. At this stage the Government is not willing to accept the amendment proposed by the honourable member for Wagga Wagga.

Amendment negatived.

Schedule agreed to.

Adoption of Report

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

Third Reading

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

DAIRY INDUSTRY AUTHORITY (AMENDMENT) BILL

Second Reading

Mr DAY (Casino), Minister for Agriculture [10.58]: I move:

That this bill be now read a second time.

As indicated at the introductory stage this bill is for an Act to amend the Dairy Industry Authority Act, 1970, to enable the making of further payments by the Dairy Industry Authority of New South Wales in certain cases where milk quotas are surrendered; to raise the maximum age of members of the authority from 65 years to 70 years; and to make minor amendments to the Act as a consequence of the amendment, by proclamation, of the definition of milk in the Act.

Section 18B (1) of the Act was enacted by the Government in December 1977 to enable the implementation of the Government's election undertakings to permit all dairyfarmers to share as equitably as possible in the liquid milk trade and, for this purpose, specifically enabled the Dairy Industry Authority of New South Wales, in a manner acceptable to all the major factions of the industry, and consistent with the Government's election undertakings, to establish a stabilization scheme under which, in certain circumstances, certain payments could be made to dairymen whose quotas were surrendered.

That section will, for all practical purposes, cease to have any force or effect after 26th April next and the stabilization scheme established by the authority under the powers given by that provision has now been fully implemented. As a consequence of that stabilization scheme all quotaholders have now been allocated a quota of at least 800 litres per week and the authority was able to increase the quotas of many other quotaholders. The cost of the stabilization payments was met entirely by dairymen and the authority and in no way affected the price payable for milk by processors, distributors or consumers.

Section 18B (1) does not, as now enacted, permit an ongoing stabilization scheme. The substitute secion 18B (1) provided for by this bill will enable the authority to establish an ongoing stabilization scheme without limitation of the duration of the scheme. The new scheme will be similar in principle to the previous scheme and I shall elaborate shortly on the details. As was the case under the previous stabilization scheme it is proposed for the purposes of the scheme that cancellation or reduction of a quota will occur only where a dairyman surrenders all or part of his quota. As was the case before, he will be able to make his surrender conditional upon his being paid an amount pursuant to the section so that if no payment is approved the surrender will not take effect. Partial surrender on the basis of payment will not be accepted where the residue of quota will be less than 2 000 litres a week. Any payments made to a dairyman whose quota has been surrendered will be made from the Authority's own

funds. Additional quota allocated to a dairyman under the scheme from the pool of surrendered quota will be called provisional quota and the additional milk accepted from that dairyman will be called provisional milk. Subject to his meeting the authority's production requirements he will hold a provisional quota for a year after the expiration of which the provisional quota will become ordinary farm quota.

The price dairymen will be paid by the authority for milk accepted as provisional milk generally will be less than the price they will get for other milk accepted by the authority but more than they would have been getting had they sold it to a factory as surplus milk, that is, milk not accepted by the authority as market milk. They will therefore not be paying anything for the provisional quota and will be getting more for their milk during the qualifying period of one year that they hold the provisional quota. At the end of the year when their quotas become ordinary farm quotas they will get the normal higher authority price for all milk, the acceptance of which is attributable to the farm quotas. On the other hand, the authority's agent, as a processor, will pay for milk purchased from the authority the same price for provisional milk as it pays for other milk purchased from the authority. It is from this margin of profit that the authority will meet its cost of payments to dairymen pursuant to the new section 18B (1).

It will be seen that under these proposed arrangements only the dairymen receiving provisional quota allocations and the authority are involved in the proposed prices structure. It is clear also that the arrangements will not involve negotiation for sale or purchase of quota for value or the passing of quota as property from person to person. Such sorts of arrangements, which the proposed scheme does not embrace and which have been erroneously referred to in the industry under the umbrella term of negotiability of quotas, are just not on and in any event are not possible because the allocation of quota or provisional quota does not confer on anyone as against the authority any right, title or interest in anything.

It is impossible to estimate at this time how much quota will be surrendered. Indeed, even if unlimited quantities of quota were surrendered, the amount of quota accepted for surrender under the scheme could be limited by the overall or particular supply situation. The Government has a responsibility not to the consumer milk sector of the industry alone but also to the manufacturing sector and its needs will be taken into account fully for the purposes of the stabilization scheme. For this reason the allocation of additional quota to those applying for provisional quota will depend upon the applicant's demonstrated ability to produce sufficient milk in excess of his quota to ensure a reasonably safe minimum margin of availability for the manufacturing sector.

Having regard to the needs for manufacturing purposes, the Government contemplates that in the initial stages of the implementation of the stabilization scheme a production criterion that will be applied by the authority will be that the allocation of additional provisional quota under the scheme may not be made where the quantity of milk delivered from the applicant's dairy to the receival factory was:

> (1) Less than 120 per cent of the aggregate, i.e. the total farm quota plus the additional quota applied for, during any one of the three four-weekly periods ended on 8th June, 1978, 6th July, 1978, and 3rd August, 1978, or corresponding periods in subsequent years; or (2) less than 120 per cent of the aggregate quota in the thirteen four-weekly periods immediately before the last day of the surrender period. Any provisional quota allocated under the scheme may be withdrawn from a producer during the thirteen four-weekly production periods after it is allocated to him if he fails to supply from his dairy at least 120 per cent of his total quota, or if his dairy ceases production of milk.

Dairymen with quotas of less than 2 000 litres a week will receive priority for allocation of provisional quota over dairymen with larger quotas. Apart from reallocation, under the stabilization scheme all dairymen will benefit by way of increased quota from increases in sales as a result of the Government's vigorous promotion policies and its establishment of the Dairy Promotion Council. Already the decline in sales in major metropolitan markets suffered under the previous Government has been arrested and reversed by the successful "Moove" promotion, which has resulted in a substantial increase in sales of flavoured milk with the consequential benefits to dairymen from increased sales of milk for flavoured milk production for which they received quota milk price.

The proposed subsection 18B (1) is similar to the present provision except that there are no time limitations and that the person who may receive payment from the authority is the person who in the opinion of the authority is the holder of the quota. When the previous stabilization scheme was being implemented, there were claims by persons other than holders of quota that they owned the quota and were the persons who should be paid. The substituted provision will enable the authority to determine who is the quota holder and it is the authority that is the proper person to determine this question, because it is the authority that allocates the quota.

Honourable members will recall that in 1975 the then Minister for Agriculture, the Hon. G. R. Crawford, introduced an amendment to the Dairy Industry Authority Act to permit the consumers' representative on the Dairy Industry Prices Tribunal and the new breeders' representative on the Dairy Industry Artificial Breeding Advisory Board to hold office until they attain the age of 70 years. It is now the Government's intention to further amend the Act to allow members of the Dairy Industry Authority to hold office until the age of 70. Honourable members will be aware that the composition of the Dairy Industry Authority and its structure are currently under active examination at Cabinet committee level as part of the examination of the Gent report. It appears most unlikely that any decisions will be implemented on this question for some time. In any event legislation would not be possible until well into the next budget session.

Honourable members would also be aware that the position of consumer's representative on the existing authority is currently vacant and the Government is most anxious that in the interests of consumers this position should be filled. It would normally be very difficult to obtain the services of a suitably qualified person to accept this appointment, bearing in mind that the structure of the authority is being reviewed and the term of office may well be very limited. A highly qualified and competent person has agreed to accept the position of consumers' representative, bearing in mind all the conditions. This person has also agreed to vacate it without compensation if the full-time consumers' representative position is not required upon any restructure of the authority.

As I said a moment ago, the raising of the age to 70 is not unusual and in fact a similar provision was introduced by the previous Government. By proclamation published in the ***Government Gazette*** on 2nd February, 1979, the definition of milk in section 4 was amended pursuant to the provisions of section 5 to include UHT or long-life sorts of milk. As a consequence of this amendment, dairyfarmers now receive the full authority price for milk used in the processing and production of the UHT or long-life sorts of milk. The amendments in relation to these sorts of milk in the bill are merely as a consequence of their inclusion in the definition of milk and are made in the normal course of statute law revision. The bill is short and I do not think that I need say much more other than to now refer to its specific provisions.

Mr Day]

Clause 1 is the short title. Clause 2 (a) will amend the definition of treatment in section 4 (1) to include processing by means of an ultra-heat treatment method. Clause 2 (b) (i) will amend section 8 (8) to raise the maximum age of members of the Authority from 65 years to 70 years. Clause 2 (b) (ii) will amend section 8 (13) (h) to raise the maximum age of members of the authority from 65 years to 70 years.

Clause 2 (c) will amend section 18B by substituting for the present subsection (1) of the section a new subsection. This provision is similar to the previous provision except that there are no time limitations and that the person who may receive payment from the authority is the person who in the opinion of the authority is the holder of the quota. Clause 2 (d) (i) will amend section 35 (1) (a) to include a reference to milk processed by an ultra-heat treatment method and for reasons already indicated is merely consequential following the amendment by proclamation of the definition of milk. Clause 2 (d) (ii) will amend section 35 (1A) for the same purpose. Clause 2 (d) (iii) will further amend section 35 (1A) for the same purpose. I commend the bill.

Mr MURRAY (Barwon) [11.12]: The Opposition recognizes the need for an amendment to the Dairy Industry Authority Act to provide for ultra-heat treated milk or long-life milk. It recognizes also the need to extend beyond the dates in the bill provisions for payment for the relinquishment of quotas, and so on. The Opposition will not agree to the increase of the retirement age of the consumer representative on the authority from 65 to 70. It is interesting that the Minister tonight should have brought forward another scheme dealing with the dairy industry. This scheme must be added to numerous schemes of the past. The situation in the dairy industry is one of uncertainty. Dairyfarmers do not have a clue where they are going. Is this the scheme that will operate? For how long will it operate? When will the next scheme come in to alter the whole of the dairy industry? What is the future of the dairy industry? The changes that the Minister is introducing will have effects right throughout that industry and have been made without consultation with the whole industry.

I am convinced that the Minister is listening to every faction within the industry. Division will be created at a time when there is a desperate need for a unified dairy industry, an industry that knows where it is going, what its future is and can supply the State with its needs. I am satisfied the Minister is acting quite often without reference to the industry as a whole, because recently when he made an announcement about this matter at Casino, industry leaders were not conversant with the proposition. The next day industry leaders interviewed on an Australian Broadcasting Commission programme were guarded in their comments. The general purport of their comments was that, subject to finding out the plan that the Minister would introduce, they would pass additional comments later. This was after the whole of the Minister's programme had been announced. If the leaders of the industry were not aware what was happening within the industry, how can the farmers have any knowledge of it?

We have the situation where quotas are being handed in, and persons are leaving the industry. Younger people are not moving into it. This is all as a result of the total uncertainty that exists within the dairy industry in New South Wales. The sooner the industry is handed back to the producers, the better it will be for that industry and for the State. The Minister has three appointed members and two producer representatives on the Dairy Industry Authority. Based on this fact and the discussions arising from the Gent report, the authority would probably have seven members and a further decline in the dairy producer representatives. The industry must be allowed to run itself, free of political manipulation, and free of the intrusion that has taken place over the years. This basis must exist if an industry is to be able to meet the needs of the country.

Mr Day: That is free enterprise.

Mr MURRAY: It is remarkable that the Minister should interject about free enterprise, which I strongly support. The Minister should remember that he exercises strict control over industries in other parts of New South Wales. He should not forget that it was a Labor Government that introduced these schemes and that as a result primary industry, and agriculture in particular, has failed to meet the needs of the whole country.

The dairy industry has subsidized the consumers of this State for many years. Going back into history, I remind the House that the need for the consumer to be guaranteed a supply of milk every day, all through the year, caused milk zones to be established. If the dairyman has to maintain a constant supply, he has a right to a just and fair return. The payment of a subsidy is not a one-way street. The big problem today in regard to the payment of subsidies for milk is getting more of it on to the market. The Minister mentioned that in his speech. Ultra-heat treated milk or long-life milk has been a splendid innovation, as has "Moove" flavoured milk. In this State significant restrictions are placed on the sale of pure milk. At present one can buy "Moove" flavoured milk virtually anywhere. Pure milk in sealed cartons or otherwise must be sold through only Dairy Industry Authority licensed outlets. This State has some 12 000 licensed outlets. The licensing costs are borne by the producers and the consumers. Laws have been designed and could well be designed to open up the whole of the container milk side of the programme. Ultra-heat treated milk and milk in sealed containers, which are now date-stamped and contamination-free, could well be sold through as many outlets as wish to sell them.

I believe there is a need for about 2 000 sale outlets of the open-milk type, such as milk bars. There would be big savings within the industry if other outlets were allowed to develop. As a result of such development the dairying industry would achieve many more sales and thus benefit. Clause 18B (1) will place on record forever negotiability of quotas within the industry. Despite the Minister's huffing and puffing, there is no way in which he can say anything else. There has to be negotiability in the manner he described, regardless of who pays for the quota, whether it be those in the dairy industry or the authority. If the producer gets an extra quota and deductions are made from his sales as a result of that additional quota, he becomes a buyer. Whichever way you look at it, if you have a seller and buyer, you automatically have negotiability. There is no other description for it. The scheme that the Minister has brought forward is part of the policy embraced by the Country Party. I am pleased that the Minister has had the good sense to recognize that.

The amendments proposed to sections 8 (8) and 8 (13) (h) will increase the age of retirement from 65 to 70. That is amazing, despite the statement made by the Minister about the artificial insemination breeding section and the prices tribunal. Why is this matter suddenly to be included in the Act? Apparently the Government does not intend to commit itself to an appointment for anything more than a short term. Are honourable members to assume that there will no longer be a consumers' representative on new authority? If there is not to be a representative of the consumers, we should make the appropriate amendment now. But is an amendment necessary at all? Many persons would be quite capable of filling the vacancy for a consumers' representative on the Dairy Industry Authority. Are we to expect the appointment of a political geriatric to that position? Are we to expect the appointment of a person who, in the terms of the Minister's statement, has gone against what must be surely Labor policy by renouncing all entitlements to what could be described as an award that is available to other persons in the industry? Are we to look forward to this person being paid off for services rendered?

The members of the Opposition will oppose that amendment totally. It is strange that in the past the Minister had made great play on resignations by members on this side of the House from the Dairy Farmers Association. He mentioned the resignations of the Leader of the Opposition and the honourable member for Oxley. We have noted recently the resignation of Mr Armstrong from the association. Perhaps he is a candidate for this new job? Is there a pay-off to come in this particular arena? If it is a paid job, why not leave it as it is? There are many persons under the age of 65 who are capable of doing the work, many persons who are quite knowledgable about the dairy industry and the problems of consumers. Why this inordinate haste? Why this rush to alter the law concerning this particular section when we have so much unemployment and so many other things occurring within the industry? Why should the industry have to pay out $30,000 a yeas and provide a car for the person who has this job? We have, for example, Mr Russell Tait, the dairy promotions officer, whose work in the promotion of the "Moove" campaign reveals him an ideal man for such a position. Such a man would be best kept within the industry and used for further reorganization. Why not extend the term of Mr Noble, who turned 65 in January? Why not keep him on and continue his particular job for the same reason?

I condemn this provision. It is unnecessary. I believe it is a Labor Party pay-off to those who have been good boys or girls in the past. I foreshadow that in Committee I shall move:

That at page 2, all words on lines 12 to 16 be left out.

Mr DAY (Casino), Minister for Agriculture [11.26], in reply: In reply I wish to speak on a few points which have been raised. When the honourable member for Barwon talks about this bill he reveals clearly that he knows nothing whatever of the dairy industry. He is in complete ignorance of it; he knows nothing of its history. He has spoken about the instability of the industry. He has only to look back three or four years to know how instability occurred within the industry and how dairy-farmers were affected by the policies of the Government of which he was a member.

Mr Boyd: It was a betrayal.

Mr DAY: The honourable member for Byron should be ashamed of himself. He was the greatest betrayer of dairyfarmers in his electorate. He has never done anything for them. He has never raised his hand or his voice to help them. He should not talk about betrayal. He should shrink in shame to remember. The honourable member for Byron, the honourable member for Lismore, the honourable member for Clarence, and the honourable member for Raleigh represented dairyfarmers for eleven years in his House, and betrayed them.

Mr Boyd: They were never betrayed.

Mr DAY: They were condemned to poverty. Those farmers got a go only from this Government, and they know it. That is why the honourable member for Byron nearly lost his seat in the last elections. That is why he will lose it at the next elections. There has been talk about handing the industry back to the dairyfarmers. What hypocrisy. What humbug. There has been talk about free enterprise. Those in the dairy industry would starve if they had to compete with one another. Wiihout organization the industry would be a complete and utter shambles. It has been said that members of the Opposition socialize their losses and capitalize their gains. That has always been their approach. The honourable member for Barwon has the audacity to condemn licensed outlets for the dairy industry. He is a wheat farmer. He is opposed utterly to licensing or free trade within the wheat industry. He is the greatest socialist in this House because he does not want any free traders in the wheat

industry. His wheat cheque of a quarter of a million dollars a year would be reduced if there were free traders. He wants a monopoly organized by the Australian Wheat Board. He has the effrontery to come into this House and talk about free enterprise and opposition to licensed outlets.

[*Interruption*]

Mr **SPEAKER:** Order!

Mr **DAY:** What nonsense. What utter nonsense.

[*Interruption*]

Mr **SPEAKER:** Order!

Mr DAY: And, to compound it. he talks about dairyfarmers subsidizing consumers. What a ludicrous statement.

Everyone knows that the price the consumer pays for whole milk in New South Wales keeps the dairy industry together. When the Opposition colleagues in the federal sphere refused to subsidize the amount paid by the taxpayers of the country to the manufacturing side of the industry in order to keep it together farmers had to look for a share of the liquid milk market to the consumers so that they could keep body and soul together. It is the consumers of whole milk who keep the dairy industry together in New South Wales. That is recognized by responsible people in the community who do not talk such humbug and nonsense as do honourable members opposite. As to negotiability in the industry, the honourable member for Barwon would have honourable members believe, after all we have gone through in the past three years, that Labor policy was Country Party policy. One only has to ask dairy-farmers in the former non-BMQ areas what they think of Country Party policy and how alike it was to the policy of the Australian Labor Party, which means a fair go for every dairyfarmer in the State. For the first time in many years the dairy industry is closer to unanimity and being one than it has been for a long time. This is because of Government policy and because the Government has created a dairy industry for the whole of the State of New South Wales. It has given every dairyfarmer a share in the State's milk markets.

To add to the humbug and hypocrisy the honourable member for Barwon and his Country Party colleagues weep crocodile tears about a consumer representative on the authority. They say that in future perhaps there might not be a representative of consumers because of an explanation I gave in my second reading speech. The honourable member for Barwon has not read the Gent report about the restructuring of the dairy industry in the State. He does not have a clue about the recommendations of the Gent committee in relation to a consumer representative or any other representative on the Dairy Industry Authority. The fact is, as I explained in my second reading speech, the Gent committee report is under consideration by the Government. In the interim the Government believes that it is essential that a consumer representative be appointed. Mr Cliff Noble who served the State, the dairy industry and consumers well for a number of years, indicated that he wanted to retire. He has retired with respect and dignity. His resignation was accepted by me with a great deal of regret. I hope that the next representative will be as good as Cliff Noble was over the years.

I make no apology for introducing this bill which has the support of all sections of the industry. It will enable a firm, ongoing policy to be established to replace the most discriminatory policies of the former Government. The provisions in the bill will give some permanence to the policies the Government has adopted and will enable the industry to become one for the first time in more than a generation. I commend the bill.

Motion agreed to.

Bill read a second time.

In Committee

Clause 2

Page 2

(b) (i) by omitting from section 8 (8) the word "sixty-five" and by inserting instead the matter "70";

(ii) by omitting from section 8 (13) (h) the word "sixty-five" and by inserting instead the matter "70";

Mr MURRAY (Barwon) [11.34]: I move:

That at page 2, all words on lines 12 to 16 be left out.

I was rather fascinated by the tirade of the Minister and his complete and utter secrecy about who will be the new consumer representative, as well as his views about the Gent report on the industry. If there is to be a continuing consumer representative why not put forward that person now so that the industry and citizens in the community know who it is to be? Why extend the age limit from 65 to 70? If the Minister were sincere and genuine, he would say who it is and leave the age limit as it is so that if at some time in the future parts of the Gent report are implemented there will be an ongoing consumer representative and not a temporary one to fill in for a little while. I have pleasure in moving the amendment.

Mr DAY (Casino), Minister for Agriculture [11.36]: The amendment moved by the Opposition is quite stupid and in keeping with its general attitude to the dairy industry. It is sejected. There has been some talk about secrecy about the consumer representative. My only answer is that as soon as the Governor approves the appointment the announcement will be made.

Question—That the words stand—put.

The Committee divided.

Ayes, 59

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

Noes, 33

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

Question so resolved in the affirmative.

Amendment negatived.

Clause agreed to.

Adoption of Report

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

Third Reading

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

CRIMES (COMPENSATION) AMENDMENT BILL

CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL

Second Reading

Mr WALKER (Georges River), Attorney-General and Minister of Justice [11.49]: I move:

That these bills be now read a second time.

The object of these bills is to provide a better and more efficient scheme for the compensation of innocent victims who suffer injury as a result of criminal offences. The commencement of the Criminal Injuries Compensation Act on 1st January, 1968, established a simple procedure to permit of victims being afforded some relief from the burden of bearing expenses and losses arising from criminal acts, as well as to provide some measure of compensation for the injuries sustained. The scheme is spelt out in the Criminal Injuries compensation Act and adopts the provisions of sections 437 and 554 of the Crimes Act, 1900, which empower the courts to make summary orders for the payment of compensation. Where a direction for a payment of a sum in excess of $100 by way of compensation for personal injury has been given under either of these sections, the aggrieved person in whose favour the direction has been given may utilize the provisions of the Criminal Injuries Compensation Act to obtain payment from the Consolidated Revenue Fund of the sum awarded.

The scheme is now well established and accepted but it is fundamental in a programme of this nature that legislation be enacted progressively to give further benefits as experience permits. These bills are the product of a review that I requested be carried out to assess the adequacy and effectiveness of the scheme's operation. The

principal effects of the matters touched upon by the bills are to raise substantially the maximum amounts of compensation that can be awarded, to widen the class of persons who may apply for compensation and to streamline the administration of the scheme. To assist honourable members in their consideration of the various provisions in each of the bills, I propose to give an outline of the main items. As I have mentioned, these are cognate bills.

I shall deal first with the Crimes (Compensation) Amendment Bill which amends the Crimes Act, 1900. The first clause states the short title of the amendment Act. Clause 2 indicates that clause 1 and the first part of clause 2 shall commence on the date of assent to the amending Act. In other respects the amending Act shall commence on such day as may be appointed by the Governor and may be notified by proclamation published in the ***Government Gazette.*** Clause 3 provides that the principal Act will be varied by the amendments contained in the schedule.

Clause 4 indicates the amendments shall apply to and in respect of any direction for payment of compensation given under sections 437 (1) or 554 **(3)** of the Crimes Act, on or after the date of commencement of the amending Act. Item (1) in the schedule provides for significant amendments to be made to section 437 of the principal Act. The existing monetary limit of $4,000 has been raised to $10,000, an amount that is much more realistic in terms of the present day value of money. I appreciate only too well that this new limit will still fall short of providing adequate compensation in cases of serious injury, but budgetary constraints do not permit a higher limit at this time. State finances cannot hope to offer anything like unlimited compensation to the extent of a full indemnity, as in an ordinary tort action.

Compensation of this nature falls within the realm of a broad social welfare programme and comes clearly within the sphere of the federal Government. Unfortunately for the community at large there are no signs from that direction of any development towards the introduction of such a programme. In the absence of any broad form of national compensation plan the continuance of the criminal injuries compensation scheme is essential to provide some measure of relief for victims. The difficulty faced by the Government in assessing a new limit was to provide a level of compensation that would be reasonable in the majority of cases and yet would not expose the Consolidated Revenue Fund to unlimited liabilities. On this basis the maximum limit has been raised to $10,000. No higher limit is available in any other State in Australia.

The next principal matter dealt with in item (1) concerns the maximum amount of compensation a victim can recover in cases where there might have been more than one offender or more than one offence charged against an individual offender. In recent times some inconsistency of interpretation has been noted with regard to the jurisdictional limit under section 437. Two particular situations have come to notice. First, where a person suffers injury in consequence of an offence committed by **two** or more persons and, second, where a person suffers injury in consequence of more than one offence committed by the same person.

In the first situation some co-offenders have each been ordered to compensate a victim up to the current maximum of $4,000; whereas in other cases only one award of $4.000 has been made, apportioned between the number of offenders. In the second situation, awards of up to the maximum have in some instances been made against an offender in respect of each offence committed against one victim. In other cases the section has been aoplied by the making of only one award up to $4,000, apportioned between injury and loss. With the increase in the maximum levels of payment, the opportunity has been taken to clarify the position.

The amendment provided in item 1 (d) has been formulated with a view to relating the limit of compensation to the incident giving rise to the injury and not having it dependent on the relatively fortuitous factor of the number of offenders or the number of offences charged against one offender. The effect of the amendment will be to limit to $10,000 any award which might be made to an aggrieved person, regardless of the number of individual offenders concerned in the commission of an offence against that person and regardless of the number of offences committed against him, whether by one or more persons, if the offences are related to one another. Under the amendment the anomalous situation cannot arise where a victim of four assailants might receive four awards of $10,000, making a total of $40,000, whereas a person injured by one assailant but sustaining no less serious injuries could receive not more than $10,000.

The remaining very important amendment provided for in item (1) concerns the class of persons entitled to seek an award of compensation. Section 437 provides for a direction to be given for the payment to an aggrieved person of a sum by way of compensation for injury or loss sustained by that person through or by reason of the commission of a felony or misdemeanour. Over recent times the courts have tended to place a most restrictive interpretation on what is meant by an aggrieved person. The effect has been that the section is presently available only to the actual and immediate victim of a crime. This interpretation has excluded applications under the section from the dependants of a deceased victim who have suffered as a result of his death physical injury by way of nervous shock or financial loss.

The most inequitable situation now exists that section 437 has no operation where a charge of murder or manslaughter is involved. The amendment overcomes this by extending the meaning of aggrieved persons so that it includes, where the felony or misdemeanour of which a person is convicted is in respect of the death of a person, the spouse or the person who was living as the spouse, and any parent or child of the dead person. The words parent and child have the wide meaning given by section 7 (1) of the Compensation to Relatives Act, 1897. The maximum award which can be made to any one or more members of the family of a victim is $10,000 overall.

Item (2) in the schedule amends section 554 of the Crimes Act which relates to awards of compensation made in courts of petty sessions in respect of offences of a summary nature. The principal amendment is that the limit of compensation has been increased from $600 to $1,000. The other substantial amendment provided for in item (2) corresponds with the amendment to section 437 which I have already mentioned as having the effect of relating the limit of compensation to the incident giving rise to the injury rather than leaving it dependent on the fortuitous factor of the number of offenders or number of offences charged. The result will be that where an offence is committed by two or more persons acting together or the offence is one of two or more offences that are related in any way, the maximum sum that can be directed to be paid to an aggrieved person shall not exceed $1,000.

I wish now to deal with the Criminal Injuries Compensation (Amendment) Bill. Here the amendments are directed towards achieving greater efficiency in the administration of the scheme so as to provide for payments to be made to victims as expeditiously as possible. This is achieved primarily by an amendment to transfer from the Treasurer to the Attorney-General the responsibility for the approval of payments under the Act. As a result the scheme will be wholly administered within my own department and there will no longer be any need for a secondary consideration of each application within the Treasury.

Mr Walker]

A considerable hastening of payments to victims will result from this measure. The other main amendment provided for in item (2) is purely of an administrative nature and enables the powers and duties under the Act of the under secretary of my department to be exercised and performed by any assistant under secretary who is so authorized. The various other amendments provided for in the bills are merely of a consequential nature or are made by way of statute law revision. I am sure all honourable members will appreciate the worthwhile nature of these bills and I commend them to the House.

Mr MADDISON (Ku-ring-gai) [11.57]: The Criminal Injuries Compensation Act passed in 1967 came into operation on 1st January, 1968. The State of New South Wales was then in the fortunate position of being in the hands of the Askin–Cutler Government. That was the first Government in Australia to recognize the need to provide a scheme of compensation for victims of crime. It was the first step, although perhaps tentative, towards reaching out to the victims of crime and providing a means of recognizing that the State should afford a modest degree of compensation to those who had suffered personal injuries at the hands of criminals. The community cry was and still is that governments make too much of rehabilitation programmes for criminals and do little to recognize the need to compensate victims. There might be some truth in these oft expressed views, but the nub of the matter is to recognize that there would be less call for compensation and community concern if somehow in some way the recidivism rate in urban societies in the twentieth century could be reduced.

More and more it is becoming recognized that the only way to protect the community from some most vicious criminals is to hold them under maximum security conditions for long periods. Unfortunately this is a development that is seen to be coming to pass in all parts of the western world. In the meantime it is important that the maximum amount of compensation available to victims of crime should keep pace at least with inflation rates, that the procedures provided by the New South Wales scheme are fair and reasonable and that compensation is not too long in coming after injuries occur.

The bills we are debating tonight seek to do three main things: first, to increase the maximum amount of compensation to $10,000 where injuries have occurred as a result of the commission of an indictable offence, and to $1,000 for injuries suffered as a result of the commission of a summary offence; second, to vest in the Attorney-General the right to decide whether compensation shall be paid; third, to widen the definition of aggrieved person to include as eligible applicants for compensation relatives of a victim who has died as a result of a criminal act.

Questions arise about the proposal to increase the maximum compensation from $4,000 to $10,000 and from $600 to $1,000. First, is the amount adequate? The maximum amounts payable at the time the legislation was introduced in this Parliament were $2,000 and $300 respectively. In 1974 those amounts were increased to $4,000 and $600 respectively. It should be recognized that five years ago Government supporters were sitting in opposition and they said that the maximum amount payable for compensation for injuries flowing from the commission of an indictable offence should be $13,500. The Minister for Mineral Resources and Development was then the shadow attorney-general. He said in the debate that that should be the figure in order to bring it into line with the maximum provision in the Workers' Compensation Act. That was a view that was apparently held by the Opposition at that time.

Mr Einfeld: You disagreed with that.

Mr MADDISON: I certainly did, but it was a concern of the Opposition that the then maximum amount was completely inadequate and that it ought to be $13,500 to equate it with the maximum provision of the Workers' Compensation Act.

Mr Walker: How the worm turns.

Mr MADDISON: Yes, the worm turns. As a matter of fact, the honourable member for Penrith was going to move an amendment to that effect in Committee, but the worm turned then as it will inevitably again, and it never reached the Committee stage because the gag was applied. That is a kind of operation that goes on here now. The worm will continue to turn in this Parliament. Sometimes one's words come back upon one. That is precisely the situation now. The interesting thing is that the maximum provision under the Workers' Compensation Act payable to dependants of a worker who dies is now $25,000. I invite the attention of the House to the fact that to provide proper compensation today one should be moving an amendment to provide that the maximum amount to be awarded should be $25,000. We do not propose to go that far. We propose to move an amendment that it be $20,000. When the honourable member for Penrith was discussing this matter in the House in 1974 he mentioned what seemed to me at the time an extraordinary sum of $13,500, but he rounded off that figure; the maximum amount in terms of lump sum was $13,250 and he added $250. I have taken $5,000 off this time and I am going to move an amendment on behalf of the Opposition to make it $20,000.

Mr Einfeld: It is not like the honourable member for Ku-ring-gai to be a hypocrite.

Mr MADDISON: It seems to me the Government supporters are the hypocrites because they blustered in 1974 that the amount was inadequate and now they propose a miserable increase from $4,000 to $10,000 after five years' inflation at an all-time record. Because of budgetary restraints the Attorney-General and Minister of Justice says that the Government cannot afford any more than that. When one looks over recent years at the amount that has been paid out in compensation to victims of crimes, one finds in the year 1976–77 the figure was $229,696. In 1977–78 it was $374,299. This year it is estimated to be $460,000. When that figure is compared with what is being spent in the administration of justice by the Department of Corrective Services, one recognizes the inadequacy and inequality of what the Government is prepared to spend in compensating victims as against the resources required to keep people in custody and to administer justice in this State. I do not put a figure on what it costs to do that. It is many millions of dollars. Here we have a figure of something less than half a million dollars which we are prepared to set aside in 1978–79 to compensate victims of crimes. It might be said the amendment which is now before the Chamber is rather miserable based on the standards set by the Government when it was in Opposition in 1974. More so is this the case when the bill provides that $10,000 is the maximum that can be paid to a victim no matter how many offences were committed by the same person or no matter how many offenders acted together to commit the offence or offences. This means if a number of persons engaged in a pack rape exercise one after the other, the maximum amount of compensation which could be received by a victim would be $10,000. The law at present, despite all the problems to which the Attorney-General adverted in his remarks at the second reading stage, does not impose those restraints.

If there are difficulties about the way in which the court is interpreting the law, then it is a matter for clarification and putting a limit of $10,000 on a victim, despite what happens to that victim. I instance the case of pack rapes which I believe every member in this House finds horrific and every member of the community outside finds horrific. There should not be a limit which the Government is putting on such a

victim so the amount to be received is $10,000. The law at present allows a victim to be awarded compensation in respect of each crime committed by each offender. If there is a problem of interpretation by the court then the Government should introduce worthwhile amendments to clarify that aspect and not leave it in a state that is now worse, in many respects, than it was before the amendment was proposed. When one looks at the clauses that are to be included in the Crimes Act, the amendments to section 554 and section 437 seem to open up a Pandora's box for the courts. What does "at approximately the same time" mean? What interpretation will the court give to that phrase? Does it mean so far as an abduction of a female is concerned that if the abduction takes place over a fortnight and the girl is continually raped over that fortnight there is a limitation of $10,000? There have been cases of rape where, for example, it was thought to be physically impossible to tie up ten women in French's Forest and commit a rape of all ten victims.

Mr Walker: Each would be entitled to $10,000.

Mr MADDISON: That is on the question of physical possibility. The important point here is the use of the words in proposed section 437 (2A), "at approximately the same time" as a sort of restraint in terms of how the court might look at the question whether the victim was entitled to more than $10,000 because of some offence, perhaps, committed on the first day of the abduction and another offence committed on the fourteenth day of the abduction. Is that to be approximately at the same time? The use of the phrase is ridiculous. I do not know who drafted the provision, but it must have been approved by the Attorney-General and Minister of Justice. He cannot hide behind the Parliamentary Counsel. Once I tried to do that and it did not work. The Minister has to accept full responsibilty for what is found in the bill. The Opposition is not satisfied with the amendment to limit the total sum of compensation to $10,000 in the circumstances outlined in new section 437 (2A) and proposes to move that that addition to the legislation be deleted. I should be surprised if the Government lacks a sense of justice and fairness to the extent that it is unwilling to accept the amendment, bearing in mind the views expressed by members of the Labor Party when they were in Opposition and the matter was last debated in 1974.

There is no question that the proposal to remove from the Treasurer and to vest in the Attorney-General the administrative power to permit payment to be made, is a great improvement. We commend the Government for taking that line. We raise no objection to the third major proposal, which is to widen the definition of aggrieved persons. At the introductory stage I said that many complaints had been received over recent years concerning persons who might have claimed compensation, particularly where the victim had died and it had been held there was no entitlement in other persons to claim such compensation. It is proposed to ensure that an aggrieved person will include, where the victim has died, the spouse or the person, if any, who had been living as a spouse with the person who died, and the parent or child of that person. The parent or child is to be defined as outlined in section 7 (1) of the Compensation to Relatives Act. It is important to know that the definition of parent will include father and mother, grandfather and grandmother, stepfather and stepmother and any other person standing in *loco parentis* to another, and that the definition of child shall include son and daughter, grandson and granddaughter, stepson and stepdaughter and any person to whom another stands in *loco parentis*.

This is another amendment which has the wholehearted support of the Opposition. But let it be clear that although we approve generally of the trend that these amendments show, the Opposition is still far from happy at the maximum compensation payable, and is certainly far from content that, no matter how many offenders are involved or how many offences are committed by the same person, the maximum compensation is to be limited under this legislation to $10,000. I believe that the

community at large is looking closely at the way in which victims of criminal conduct are treated by the authorities. Certainly the processes that have been operating in this State since **1967,** in principle at any rate, have given cause for some satisfaction within the community. When the matter was first debated in **1967** the Hon. **W.** F. Sheahan, speaking on behalf of the then Opposition, praised the legislation, and rightly so; he pointed out that great strides had been taken by the Government in moves it had made to provide this method of compensation.

There have been critics of the legislation in many fields. Those criticisms have been directed mainly at the procedures followed as a result of the legislative power given to the courts and to the Attorney-General and Minister of Justice through the Treasurer. Questions arise whether methods that have been used in this State are ideal in that sometimes it is thought that the court that imposes the penalty or deals with the criminal should not be the tribunal that awards compensaiton. Quite frankly, I believe that this form of legislation has been experimental in this State. It is now twelve years since its inception. The Government should not sit back smugly and say that the way in which it is now administered is the most ideal way, and take a pinch-penny attitude to the maximum compensation that should be payable, having regard to the attitude I referred to earlier, which was displayed when this measure was last before the House in **1974.** The Opposition will certainly support the legislation but proposes to move in Committee in the direction I have indicated, first, to increase the maximum amount of compensation to **$20,000** and, second, to ensure that the victim is not limited to the **$10,000** by reason of the number of offences which are committed or the number of offenders involved in the particular offences. We support the second reading of the measure.

Mr RYAN (Hurstville) [12.18 a.m.]: I wish to deal with two major aspects of the various measures before the House. First, the increase in compensation from $4,000 to **$10,000;** second, the widening of the definition of aggrieved person under section **437** of the Crimes Act to bring a spouse, *de facto* spouse, or parent or child as defined in section **7 (1)** of the Compensation to Relatives Act, **1897,** within the meaning of aggrieved persons who can now make a claim.

It is appropriate at the outset to review shortly the history of compensation by the State to the victims of crime. Primitive legal systems placed great importance on redressing the harm to individuals caused by criminal acts and yet, in our supposedly sophisticated legal system, scant attention in recent times has been devoted to this argument.

Restitution to victims of crime was an integral part of ancient legal systems. For example, the law of Moses required a fourfold restitution for stolen sheep and fivefold for the more useful ox. Later in the middle ages in Anglo-Saxon England the wrongdoer had to pay an amount to the victim. In cases of homicide a payment known as a wer or ver was payable and in cases of injury the bot was payable. These were both payable in addition to the fine or wite which was paid to the king or overlord. The payment of the wer in cases of homicide is very interesting in two respects, first in respect to payment of compensation ***per*** se and, second, in that it inferentially indicates that compensation was payable to the dependants of the victim of the homicide. Eventually these separate payments were merged and made payable to the State to the exclusion of the victim. The practice seemed to have developed about the time that the civil law developed and damages became payable to injured persons.

For many centuries the criminal law and the civil law have diverged, with resultant prejudice to the victim of the crime. That meant that the victim of the crime had to await the outcome of criminal proceedings and, dependent on that outcome, could then take civil proceedings but had to face the hazard of costs and other problems

associated with a separate action. Only in recent times have the criminal and the civil law in respect of the victim of a crime once again merged in the vehicle of compensation for criminal injuries. As I said at the outset, it is commendable that this step was taken, but several shortcomings have been revealed since its inception in 1967.

Attention has been drawn to shortcomings from time to time. It is proper that reference should be made to a pertinent letter from a former judge of the Supreme Court of New South Wales, Simon Isaacs, ***Q.C.,*** who in a letter to the ***Sydney Morning Herald*** of 7th December, 1978, referred to the problems of the legislation. It is therefore all the more commendable now that the Attorney-General and Minister of Justice in a relatively short space of time since then has rectified the omissions in the previous legislation. The former Supreme Court judge referred to a case decided by Mr Justice Glass, namely ***Regina*** v. *McCafferty* ***and others,*** in which the widow of a victim of the killer sought compensation under section 437 of the Crimes Act for herself and her daughters. It was held that the section restricted "aggrieved person" to the immediate victim of the crime and did not include spouses and dependants. The Minister is now filling the gap in the legislation revealed by that decision.

The other obvious problem with the legislation was the inadequacy of the maximum sum of $4,000. That was particularly so when an earlier decision took the view that the $4,000 was the top of the scale for injuries, and the amount awarded had to be graduated according to the seriousness of the injury. Fortunately that decision was overcome by a decision that the $4,000 was merely the limit of jurisdiction and not the top of the scale. It was still most inadequate and now the Attorney-General and Minister of Justice has substantially increased the maximum to $10,000.

It is worth remembering that even before bringing in these very important improvements to compensation legislation the Government was not remiss in coming to the aid of persons who obviously should have benefited but fell outside the letter. if not the spirit, of the law. For example, when the hostage was killed in the arrest of the criminal Dragosevic and the widow was left in poor financial circumstances, the Government made an ***ex gratia*** payment of $25,000 for the benefit of herself and her children.

No doubt over the centuries insufficient attention has been paid to the welfare of victims of crime, or to that of their spouses and dependants. It is heartening that it has been once again left to a Labor Government in New South Wales to take those two important steps in this legislation and once again fully merge the civil and the criminal law in respect to the victims of crime by extending the definition of "aggrieved person" to include spouses and dependants in the same way as the ancient Anglo-Saxon law did, and to increase substantially the maximum amount payable.

Mr DOWD (Lane Cove) [12.25 a.m.]: At the outset I concede the correctness of what the Attorney-General and Minister of Justice has said about the legislation. Obviously there is a limit on the amount that ought to be given by way of compensation. It is not appropriate to attempt by this sort of legislation full compensation for the victim. Obviously, constraints are involved because of analogies that have from time to time been created in the community by other means. Nevertheless, leaving aside the amount of $13,500 proposed by the former shadow attorney-general for the Labor Party, $4,000 is really only a cost-of-living adjustment and is clearly inappropriate. It is not good enough to say it is an increase when the value of money is considered. It is a negligible increase.

The significant thing about the amount awarded is that a large number of awards of the maximum amount or near it were made. That was a clear indication of obvious judicial frustration **with** the legislation. But it was a clear indication also of

the social need for some better form of compensation. So often the perpetrators of serious crime in cases where applications are made are people from whom no recovery can be made under section 437. I support the honourable member for Ku-ring-gai who, on behalf of the Opposition, will move that the amount be increased to $20,000. The Opposition feels that that is a proper increase taking into account cost-of-living adjustments. It is not lightly that that figure has been determined. When one looks at the cost to the Treasury in the terms of the Public Transport Commission of New South Wales deficit, it is a loss of eight hours on a daily basis in a deficit of nearly $500 million a year. That is a trifling amount and the argument of the Treasury should not have been brought into the debate.

The Opposition thinks that it is important to increase the amount to something that is appropriate. I support the move the Attorney-General and Minister of Justice has taken. It is inappropriate, if the Legislature sees fit to amend the legislation, that the Attorney-General's Department should deal with a matter that has been dealt with by judges. It is important that there not be a retrial in effect, at Treasury level. The Attorney-General and Minister of Justice is correctly curing that anomaly in the earlier legislation.

I shall deal with the other point raised by the honourable member for Ku-ring-gai about the wording of the curious new section 437 and section 554. Though the Minister always hides behind the Parliamentary Counsel when something is not as he wishes and takes the credit when matters are not criticized, one would like to see him give credit to the Parliamentary Counsel when he does something well. The use of the words "at approximately the same time" will be a source of problem for the Attorney-General and Minister of Justice for obvious reasons. If there is an offence of conspiracy to commit a murder or some sort of injury and a murder, what does the word approximate mean? When the honourable member for Ku-ring-gai raised the matter of multiple rape, not of several persons on the one female, but by one person on several females, the Minister interjected that they would all be entitled to the amount. I ask the Minister to look at the subclause proposed to be inserted. He will find that that interpretation is precluded by the new clause which reads, ". . . 2 or more offences . . . committed . . . at approximately the same time".

Mr Walker: I doubt that a man could rape two women at the same time.

Mr DOWD: Despite the rather clownish comment by the Attorney-General. about a man raping two women at the same time, one would think that after his disgraceful exercise this morning in relation to the inactivity of his own department concerning somebody awaiting trial while honourable members were debating a serious matter, he would not have made comments about rape, which has recently occurred in our community. The clause is clearly not appropriate to cover the situation. There may be a case where there are several victims of one rapist, as has occurred in the past. Then there would be a limit on the amount. The court could consider a limitation on the amount involved.

The important thing about this legislation, as the Attorney-General quite correctly said, is that it is being construed by courts with extraordinary variations. Clearly there are attempts by some courts to divide up offences so that they can give multiple awards under the Criminal Injuries Compensation Act. There is an enormous disproportion between the amounts involved. Clearly legislation had to be brought in to remedy this mischievous situation. A judge determining these matters has several questions to determine. One is whether he must apply the principle in Campbell's case. He must also apply several criteria appearing in section 437 of the Crimes Act as to matters that are to be taken into account, such as relationship and so on. One would

have thought that it would not be difficult to include in the clause additional factors to be taken into account, such as any other award made in respect of an injury done by a person to the claimant or some other person involved.

Judges must construe this legislation. Surely it would not be difficult to work out criteria in addition to those already established and not defined. There have been very few appeals against amounts awarded under this legislation. It would not have been difficult to provide as an additional factor whether another award had been made in favour of the applicant in respect of another offence. Judges are skilled at exercising judgment in respect of these matters. That is what they will have to do under the new definition of aggrieved person, when working out the amount that a parent or grandparent may get in respect of a particular injury. To adopt an accounting approach and to say that the maximum is $10,000—when that is only a cost of living adjustment—is a poor way of avoiding the responsibility that the Attorney-General takes under this legislation.

I applaud the Attorney-General for finally getting round to this legislation and increasing the amount, as it had to be increased. One would have liked to see a little more courage and a direct increase rather than a cost of living adjustment. It is most unfortunate that we shall have in a statute words such as "approximately the same time" and so on. They will lead to problems. I should have thought that consideration would have been given to the whole procedure involved in making an application for compensation. At the conclusion of a trial and in the presence of the accused is not the right atmosphere for the hearing of an application under the section. That is probably one of the reasons why many judges go to the top of the range rather than say: "This is not compensation in the full sense. It is the State deciding that in all the circumstances a sum should be paid to this person to ease the pain", if I may use that expression. If an injured person is not given proper notice, sometimes there is a tendency for an application to be rather hurried and inadequately prepared.

I should have thought that a little time might have been taken to devise a better procedure for giving a more dispassionate judgment on the amount involved. I know it is not an easy matter and I do not say that by way of criticism, but rather as a suggestion that the procedure be re-examined. At the end of a trial when a jury may have deliberated for a long time is not the appropriate time for an applicant to start presenting evidence. In my view it is the wrong atmosphere. I appreciate the difficulty. Section 437 of the Crimes Act is couched in terms of an amount that the accused must pay in respect of an application made under the Criminal Injuries Compensation Act. Time should have been taken to review that procedure, although that is no criticism.

This is an important piece of legislation in our society. I ask the Attorney-General to see whether some assistance can be given in this area when he is reviewing the quite proper amendments to be moved in Committee by the Opposition today before the bill goes to another place—or, in the unlikely event of its being passed in the other House, when he again reviews the legislation.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [12.36 a.m.], in reply: There is little more that I wish to say about the quantum of damages. It is a matter of what the State Budget could afford in the circumstances. My view is that $700,000 would be inadequate compensation in some of the cases that I have seen. The Government had to fix an amount that it felt, with all the priorities that the State has at the moment, the Budget could afford. It chose the figure in the bill. It is a matter of value judgment whether the figure is correct.

I hope that the honourable member for Lane Cove will not divide the Committee at this early hour of the morning on the question of multiple offences or offenders. Initially, I had the same opinion as the honourable member — indeed, I put it to Cabinet on that basis — but I was clearly wrong. It took only a couple of cases from the files of my department to persuade me and show me how wrong I was and how illogical the Opposition's amendment is. One case was that of a girl who was raped by ten unnamed assailants. She would have been entitled to $10,000 in respect of each assailant, or $100,000 for an event that occurred over a period of about an hour. She suffered no permanent or serious physical or psychological injury as a result of the incident. A second case was that of a small girl who was raped by one assailant and who suffered physical and psychological damage of the most terrible kind imaginable. It was the sort of case in which I would want to award $700,000. I shall not go into the details, but it was the most terrible case that I have had the misfortune to have to read. How can it be said that the first girl — terrible though her experience was — is entitled to $100,000 while the litttle girl should receive only $10,000? It was that simple comparison that convinced me as a matter of principle. What we were seeking to do was emotionally probably reasonable but it was unsound. Therefore I adopted the final approach that has been embodied in the bill. I must say that no amount of money is sufficient for some of the injuries that one hears of. That is the problem with compensation generally. I commend the bills to the House.

Motion agreed to.

Bills read a second time together.

In Committee

The TEMPORARY CHAIRMAN (Mr O'Connell): The Committee will deal first with the Crimes (Compensation) Amendment Bill.

Schedule 1

Page 3

(1) (a) Section 437 (1)—

Omit "$4,000", insert instead "$10,000, or sums not exceeding, in the aggregate, $10,000,".

Mr MADDISON (Ku-ring-gai) [12.41 a.m.]: I move:

That at page 3, lines 4 and 5, the words "$10,000, or sums not exceeding, in the aggregate, $10,000," be left out and there be inserted in lieu thereof the figures "$20,000".

I have listened carefully to what the Attorney-General has said. I reiterate that if in 1974 the sum of $13,500 was the amount that the Labor Party when in Opposition was putting forward as the maximum amount of compensation, it is not unreasonable to say five years later that the maximum amount should be $20,000. As I mentioned at the second reading stage, at that time the honourable member for Penrith as the shadow Attorney-General suggested that $13,500 was the appropriate amount because it was the maximum amount payable under the Workers' Compensation Act. The maximum amount now payable to a dependant of a deceased worker is $25,000. However, the Opposition does not push it to that extent. My colleagues and I believe that it is fair and reasonable that the maximum amount should be $20,000.

In his concluding remarks at the second reading stage the Attorney-General said that there were problems in certain cases, and one case in particular had come to his attention where horrific circumstances surrounded the commission of an offence and there would have been a limit to the compensation to which the victim would be

entitled. He posed against that a case where ten persons had been convicted of raping one woman, and said that it would be quite ridiculous to suggest that the victim should be entitled to compensation of ten times $10,000—$100,000. That is a theoretical mathematical calculation and it is quite unreal in terms of what the Attorney-General said was the damage suffered by the victim. Judges have considerable discretion in fixing the appropriate amount of compensation to be paid to victims of crime. The Opposition believes that to limit the amount to $10,000 is unrealistic in terms of the economic situation in 1979. It proposes that the maximum figure should be increased to $20,000, leaving out any question of fixing an aggregate amount. Other amendments will be moved to establish this point.

Question—That the words stand—put.

The Committee divided.

Ayes, 59

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

Noes, 33

Mr Arblaster	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 West
Mr Caterson	Mr Mason	Mr Wotton
Mr J. A. Clough	Mr Morris	
Mr Cowan	Mr Murray	
Mr Dowd	Mr Osborne	*Tellers,*
Mr Fischer	Mr Park	Mr Moore
Mr Fisher	Mr Pickard	Mr Taylor

Question so resolved in the affirmative.

Amendment negatived.

(d) Section 437 (2A)—

After section 437 (2), insert :—

(2A) Where a Court or Judge gives a direction under subsection (1) in respect of the conviction of a person for a felony or misdemeanour that was one of 2 or more offences, being felonies or misdemeanours (whether committed by the same person or by different persons) that were committed—

(a) at approximately the same time; or

(b) by 2 or more persons acting together,

or are related to each other for any other reason, the sum, or sums in the aggregate, specified in the direction, shall not exceed the difference between $10,000 and any sum, or sums in the aggregate, previously specified in a direction given under subsection (1).

Mr MADDISON (Ku-ring-gai) [12.51 a.m.]: I move:

That at page 3, all words on lines 12 to 26 be left out.

The object of the amendment is to remove proposed new subsection (2A) of section 437 of the Crimes Act which is being inserted under the bill. This new subsection which the Government wants to impose limits to $10,000 the maximum amount of compensation that a person can get no matter how many offences are committed against that person.

[Interruption]

The TEMPORARY CHAIRMAN (Mr O'Connell): Order! There is far too much audible conversation in the Chamber. The honourable member for Ku-ring-gai has the call.

Mr MADDISON: As I was saying, this provision, which the Opposition now seeks to remove from the bill, limits the total amount of compensation payable under the legislation to $10,000, irrespective of the number of offences committed against a person by the same person or a number of persons. My colleagues and I believe that as the legislation as at present drawn applies this limitation on a court fixing compensation, there should be no limitation now that the maximum compensation has been increased to $10,000.

Mr DOWD (Lane Cove) [12.53 a.m.]: As was pointed out at the second reading stage, the provision as drafted would create a problem where there had been a multiple injury done to several persons at approximately the same time. The Attorney-General's point was not validly made because it detracts from the commonsense of judges. The subsection as drafted means that ten people injured at the same time would be limited to compensation of $10,000. That would mean $1,000 each. This is patently an error in drafting and for that reason it is inappropriate if it were intended to limit the amount that the judge could award. In respect of the mischief that the provision is designed to cure, I can see the need for some limitation. It could be added as another factor to be taken into account and the matter left to the commonsense of the judge. Until the Attorney-General comes up with an appropriate amendment to the Committee, I believe it should agree to the amendment that I have moved.

Mr WALKER (Georges Rives), Attorney-General and Minister of Justice [12.54 a.m.]: I simply want to say that the honourable member for Lane Cove has again proven that he is a hopeless draftsman. He would never get a job with the Government. His interpretation is completely wrong.

Question—That the words stand—put.

The Committee divided.

Ayes, 59

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

Noes, 33

Mr Arblaster	Mr Freudenstein	Mr Punch
Mr Boyd	Mr Hatton	Mr Rozzoli
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 West
Mr J. A. Clough	Mr Moore	Mr Wotton
Mr Cowan	Mr Morris	
Mr Dowd	Mr Murray	
Mr Fischer	Mr Osborne	*Tellers,*
Mr Fisher	Mr Park	Mr Brewer
Mrs Foot	Mr Pickard	Mr Schipp

Question so resolved in the affirmative.

Amendment negatived.

Mr MADDISON (Ku-ring-gai) [1.2 a.m.]: Apparently the Government is not prepared to accept an amendment necessary to give a victim of multiple rape offences adequate compensation. In the circumstances the Opposition does not now intend to oppose the consequential amendments to items (3) and (4) of this schedule. The compassion of the Attorney-General and Minister of Justice has completely dissipated in the course of this debate. Apparently he has no heart for the victim of a gang-bang

rape situation and is limiting compensation to a maximum of $10,000. I have never heard worse coming from the Attorney-General whom I thought had more compassion than he has shown tonight. In view of this the Opposition will move no further amendment.

Schedule agreed to.

Adoption of Report

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

Third Reading

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

ADJOURNMENT

Tweed Heads Bypass

Mr WALKER (Georges River), Attorney-General and Minister of Justice [1.5 a.m.]: I move:

That this House do now adjourn.

Mr BOYD (Byron) [1.6 a.m.]: I raise a matter that is of great concern in my electorate: it is the Tweed Heads bypass which is needed to get the heavy traffic around the towns of Tweed Heads and Coolangatta. Last Monday the traffic buildup in this area was such that a line of vehicles stretched between 12 and 15 kilometres along the highway waiting to get through the bottleneck in Tweed Heads at the Boyds Bay bridge. Something should be done about this urgently. It is a growing problem in the Byron electorate. I remind honourable members and the Minister that during the past five and a half years there has been an increase of almost 8 000 electors within the Byron electorate. The problem will be accentuated and will rapidly become worse as more people move to that area. Heavy transport has to go through highly commercial areas which are used also by a great deal of tourist traffic. People with their children, obviously on holidays and wishing to relax, are faced with that dangerous situation. Heavy transport vehicles roar through those holiday resorts. It is important and urgent that something should be done about this problem. The Queensland Government has worked hard towards the major concept of a freeway bypassing the Gold Coast. The New South Wales section of which I speak is part of that overall road connection.

The Minister for Local Government and Minister for Roads will visit the district on 4th May to meet the Queensland Minister, the Hon. Russ Hinze, to discuss this problem. Work on this bypass was due to start in 1978 but regrettably was deferred for three years and possibly longer. As an alternative and in order to offset this neglect there is a proposal to widen the Pacific Highway south through Tweed Heads. The current works programme suggests it will take three years to complete the widening from the bottom of Banora Point to Boyds Bay bridge, with a duplication of that bridge. If it is going to take three years to do that the delays will be enormous, though work will be generated for people who live within the area. That is poor satisfaction for those who need this bypass road. Work on the widening of the Pacific Highway was due to commence in March 1979, but was deferred until April or May 1979. Negotiations are going on with the Tweed Shire Council. Proposed expenditure by the Tweed Shire council on this widening work is approximately $125,000 to provide extra lanes and kerbing and guttering. It is hoped that the work will start in five or six weeks' time. Delay in completing the bypass is criminal and the longer the delay the greater difficulties will become.

During question time in the House today reference was made to the need for productive work—work to create jobs rather than non-productive work. The Minister for Industrial Relations, Minister for Technology and Minister for Energy said that $17.5 million has been spent on unemployment relief work to create jobs in the community. Though there is a need for jobs in my electorate, there is also great urgency for the completion of this work. Unemployment figures for the Tweed area in 1970 were 590, in 1975 they were 1067, in 1976 they were 1208, and in 1979 they will be about 1 200. The Tweed shire is comparatively small, with a population of only about 28 000 people.

Much benefit should be gained by committing finance to this productive work with an initial expenditure of between $8 million and $10 million. That is what I understand the cost will be. A bypass would shorten the Pacific Highway by up to 2½ kilometres and result in a great saving in time and petrol for motorists. Invariably when such an area is bypassed growth takes place automatically. The honourable member for Casino will recognize that, bearing in mind what happened at Maclean. It is important that the work should proceed quickly. If it does not it will be nothing short of criminal. It is a tragedy that the Minister for Transport has not visited the electorate of Byron during the three years he has been a Minister, though he has been invited many times. Instead, the Minister spends time looking at bus stops for the Drummoyne electorate. That is a tragedy. If the Minister for Transport visited the Byron electorate he would have a better appreciation of its problems. If the Minister for Transport were here no doubt he would assert that the problem is one of finance.

If one goes back to the Whitlam era, one recalls that a decision was made to transfer much of the funding of roads from the State highways, as they were then, to national highways. Though that policy might be reasonable in principle and looks good in Canberra the only place where a highway should be built is where people want to travel. Traffic flow on the national highway through New England is light compared to that generated along the Pacific Highway in the coastal area. If one builds roads where people do not want to travel obviously legislation must be enacted to direct heavy transport to use that road that is not the one of their choice. The road of choice is the one down the coast, despite all its problems. That is the area in which money should be spent.

When one considers how money has been distributed in recent times one finds some interesting statistics relating to the old State highways, which we now call the rural arterial roads. In 1975–76 expenditure on these roads was cut down to $11.1 million. In 1976–77 the amount spent was $15.4 million. In 1977–78 it was $18 million. A slight improvement will take place in 1978–79 when $19.2 million will be spent. By comparison, expenditure on national highways in 1978–79 was $62.7 million. On urban arterial roads the amount expended will be $30.6 million. So, $19.2 million was allocated for the whole of the State but $30.6 million was allocated for urban arterial roads in Sydney. The quota allocated for the State was $157.9 million compared to total federal grants of $164.49 million. I understand that the State total contribution was $260 million which comes from licence fees, registration fees and taxes. It must not be forgotten that general purpose grants from the Commonwealth Government during that period went from $946.7 million in 1975–76 to an estimated $1,457.7 million in 1978–79.

If the Minister were to ask where he should find the funds I suggest to him that it could come from the $50 million stamp duty on car registration collected by the State Government but not used on roads. An amount of $40 million was raised from loan funds. I point out that $39 million of those loan funds went to the greater metropolitan areas of Newcastle, Sydney and Wollongong. The problems I have

mentioned are areas in which it is necessary to get on with the important work that is so essential for the future development of the North Coast of New South Wales and the State generally. Honourable members will recognize that the far North Coast is one of the most popular urbanized holiday areas in Australia and compares favourably with many other parts of the world.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [1.15 a.m.], in reply: I shall refer the matters raised by the honourable member for Byron to the appropriate Minister. He has spoken about funds that should be spent on the Pacific Highway in his electorate. Honourable members know that the Minister for Transport is a regular visitor to country electorates. It was interesting to note that the honourable member for Byron complained that the Minister for Transport had never been in his electorate. There is an obvious reason for that. The Minister for Transport had no need to go there. All the Minister for Transport had to do was to walk around the corridor to the electoral office of the honourable member for Byron here in Parliament House, Sydney. In the past there was never any need for the Minister for Transport to go to the electorate of Byron.

I understand that at the last State elections the honourable member for Byron received a terrible shock. His constituents complained bitterly about his lack of attention to the electorate. The honourable member has now put his tail between his legs and scurried back to his electorate to do the job that other honourable members have been doing for years. Doubtless the Minister for Transport will be pleased to visit that electorate in due course and to have a look at the magnificent job the Government is doing restoring the Pacific Highway to its former glory in the days of the former Labor Party Government before it was allowed to deteriorate to such a shocking extent during the reign of the Liberal-Country party Government.

I shall refer the matters raised by the honourable member to the Minister for Transport. The stretch of road he has mentioned is important not only to the honourable member for Byron, it is important also from the point of view of tourism in New South Wales and in Australia. I shall refer all of those matters to the Minister for Transport. I have no doubt that large sums of money will be spent urgently in that area.

Motion agreed to.

House adjourned at 1.17 a.m., Wednesday.

QUESTIONS UPON NOTICE

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

STATUTORY AUTHORITIES

Mr MOORE asked the Minister for Transport—

(1) What is the name of each statutory authority, corporation, or undertaking for which he has responsibility?

(2) What funds appropriate to any of these bodies were appropriated to each during—

(a) 1976-1977;

(b) 1977-1978; and

(c) 1978–1979?

(3) Who audits the accounts of each of the bodies?

(4) Under which Act of Parliament was each body established and in what year?

(5) When was the most recent review or inquiry into each body carried out?

(6) Was the report of such review or inquiry made available to the Parliament?

(7) By whom was any such inquiry or review carried out?

Answer—

(1) Public Transport Commission of N.S.W.; Department of Motor Transport; Traffic Authority of N.S.W.

		$
(2) (a)	Public Transport Commission of N.S.W.	822,409,800
	Department of Motor Transport	62,879,000
	Traffic Authority of N.S.W.	25,170,059
(b)	Public Transport Commission of N.S.W.	1,005,848,675
	Department of Motor Transport	63,711,000
	Traffic Authority of N.S.W.	27,871,905
(c)	Public Transport Commission of N.S.W.	1,045,314,000
	Department of Motor Transport	68,562,000
	Traffic Authority of N.S.W.	26,545,500

(3) The accounts of each of these bodies are audited by the Auditor General of N.S.W.

(4) The Public Transport Commission was established under the Public Transport Commission Act, 1972.

The Department of Motor Transport was established under the Transport (Division of Functions) Further Amendment Act, 1952.

The Traffic Authority of N.S.W. was established under the Traffic Authority Act, 1976.

(5) The only body into which a review or inquiry has been undertaken is the Department of Motor Transport. This was the Review of New South Wales Government Administration.

(6) Yes.

(7) Professor Peter Wilenski.

MATERNITY LEAVE

Mr MOORE asked the Minister for Industrial Relations, Minister for Technology and Minister for Energy—

(1) What was the cost of maternity leave in his department, or statutory corporations or authorities under his control, in 1977 and from 1 January to 30 June, 1978?

(2) What were the total hours of leave in respect of these employees?

(3) How many such employees resigned or retired within one month of the end of the leave period?

(4) What sum was paid for maternity leave for—
(a) a first;
(b) a second; and
(c) a third
child in each year?

Answer—

Department of Industrial Relations and Technology

		$
(1)	(a) 1977	2,372.95
	(b) 1.1.78 to 30.6.78	1,336.48
		$3,709.43

(2) 12 744 hours.

(3) One.

(4) All maternity leave taken was for birth of first child.

Electricity Commission of N.S.W.

(1) $7,146.80 in 1977; Nil from 1st January to 30th June, 1978.

(2) 1 372 hours in 1977.

(3) None.

(4) (a) $5,057.00.
(b) $2,089.80.
(c) Nil.

Superannuation Administration

The State Superannuation Board is the only authority within the superannuation sector which had staff members on maternity leave in the period specified.

(1) $2,881.64 in 1977 and for the period 1st January to 30th June, 1978—$4,591.20.

(2) In 1977, payment was made for 1 393 hours of maternity leave. In the first half of 1978 the number of hours was 2 044.

(3) The grant of maternity leave with pay is subject to the employee completing 62 working days' service from the date of return to duty. Therefore, an employee could not resign within one month of the leave period and be eligible for maternity leave. However, during the periods under discussion, it is advised that three employees resigned within one month of completing the necessary 62 days' service after return from maternity leave.

(4) (a) $2,881.64 for 1977; and for the period 1st January to 30th June, 1978, $4,591.20.
(b) Nil.
(c) Nil.

Both the Electricity Authority of N.S.W. and the Energy Authority of N.S.W. have a nil answer to this question.

SECONDARY ROAD 2043

Mr MOORE asked the Minister for Transport—

(1) Have any environmental impact statements been undertaken on the proposed widening and converting of Secondary Road 2043 into a major north–south feeder road from Sydney to the Newcastle tollway?

(2) Is it proposed that this road will have four or six lanes?

(3) When will it be constructed?

Answer—

(1) Firstly, it should be pointed out that Secondary Road No. 2043 is not a major north–south feeder road from Sydney to the Newcastle Tollway but rather an alternative route to the Pacific Highway between Chatswood and Hornsby.

Generally, Environmental Impact Statements are prepared when the design of a road is proceeding as these statements indicate the effect a specific design will have on the environment. As the Department of Main Roads has not considered the design for the widening of the present road an Environmental Impact Statement has not been prepared.

(2) The Department does not propose to construct this route to more than four lanes in the foreseeable future. The widening to four lanes can be achieved with minimum interference to property and will significantly reduce traffic hazards by comparison with the present unsatisfactory two lane pavement. The subsequent improvement to the flow of traffic will also reduce noise and air pollution.

(3) Present indications are that works along Secondary Road No. 2043 will not be undertaken for many years, with the exception that the proposed deviation from Horace Street to Killeaton Street, St Ives, may be constructed somewhat earlier.

SINGLETON SHIRE WATER STORAGE

Mr FISHER asked the Minister for Conservation and Minister for Water Resources—

(1) How many hectares in the Shires of Singleton, Denman and Scone will be inundated by the five water storages recently announced by him?

(2) Will additional land in the vicinity of each storage be acquired by the Government?

(3) Will the Government acquire affected land, should landowners so request?

Answer—

(1) These projects were identified as favourable sites for future development as water storages in a recent report by the Water Resources Commission entitled, "Preliminary Plan for Development of Water Resources in the Hunter River Basin".

I released this plan for the purpose of obtaining public comment prior to the Commission carrying out detailed investigations to develop firm proposals.

With the exception of the Glennies Creek project, no firm decisions have been taken regarding sizing of storages.

Consequently, only very tentative estimates can be given at this time of the extent of lands likely to be affected by the four other storage proposals.

Based on proposals contained in the Hunter Plan the areas inundated by the proposed storages would be as follows:

Proposed Storage	*Approximate Storage Area (hectares)*	*Local Government Area*
Glennies Creek Dam	1 *540*	Singleton Shire
Goulburn River Dam	4 *360*	Merriwa and Rylstone Shires
Pages River Dam	1 140	Scone Shire
Rouchel Brook Dam	925	Scone Shire
Wollombi Brook Dam	400	Singleton Shire
	2 840	Cessnock City

(2) It is usual to acquire additional lands adjacent to storages for foreshore protection and catchment management purposes. The area of land required for these purposes varies according to the characteristics of each catchment and decisions are taken in consultation with the Soil Conservation Service. In the case of Glennies Creek Dam the Commission is likely to acquire an additional area of 5 *260* hectares. It is not possible to indicate at this stage what additional lands might be required for the other four projects.

(3) The Government is presently considering future arrangements for acquiring lands for all public purposes and the decision which is taken will apply to future water storage schemes for the Hunter Basin. The present arrangement is that the Commission is not empowered to acquire land until the project concerned has been authorized by Parliament and funds are made available.

Lands affected by the Glennies Creek storage will be acquired by the Commission as soon as practicable. It is hoped that all acquisitions will be finalized and full settlement made in the *1979–80* financial year.

GOVERNMENT CONTRACTS

Mr MOORE asked the Minister for Youth and Community Services—

(1) How many contracts entered into by departments and statutory corporations under his control for the purchase of equipment contain clauses specifying an offset arrangement with the vendor for the purchase of Australian manufactured goods, components and/or technology, since 1 May, 1976?

(2) What were the contracts?

(3) What was the sum involved in each offset clause and what were the terms of its discharge?

(4) What is the extent to which the terms of these clauses have been implemented, specifying in each case the monetary value of the implementation?

(5) What sum is currently available under these clauses for the purchase of relevant Australian manufactured goods, components and/or technology?

Answer—

There are no contracts entered into by the Department of Youth and Community Services for the purchase of equipment. All purchases are made through the Government Stores Department who lay down all specifications for contracts or tenders they accept.

WATER BOARD COTTAGE, NOWRA

Mr HATTON asked the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies—

(1) Has a cottage originally belonging to the Water Board, in Hyam Street, Nowra, been vacant for approximately three years?

(2) Have there been delays in transferring the cottage from one government agency to another?

(3) What is the estimated total loss of revenue in rent to the Crown?

Answer—

The property referred to is Lot 15, No. **13** Hyam Street, Nowra, and is owned by the Metropolitan Water, Sewerage and Drainage Board. The Board requested the Government Real Estate Branch on 19th March, 1976, to notify all Departments and Authorities by circular that this property was surplus to the Board's requirements and as a result interest in its possible acquisition was expressed by the National Parks and Wildlife Service, the Health Commission of New South Wales and the then Department of Youth, Ethnic and Community Affairs. The Board was notified of this by the Government Real Estate Branch and I understand that negotiations for disposal subsequently proceeded between the Board and the National Parks and Wildlife Service.

As the Housing Commission of New South Wales through the Government Real Estate Branch, has since had no involvement in this matter, Mr Hatton's particular questions might more appropriately be answered by the Minister for Public Works, the Hon. L. J. Ferguson, M.P., who has Ministerial responsibility for the Metropolitan Water, Sewerage and Drainage Board.