Legislative Assembly

Tuesday, 21 *August,* 1979

Petitions—Ministerial Statement (Reginald John Varley)—Prisons (Urgency)—Questions without Notice—Dissent (Ruling of Mr Speaker (2))—Governor's Speech: Address in Reply (Fourth Day's Debate).

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 1969 which showed that out of ninety-four electorates eighty-eight voted against any extension of Sunday Trading.

(2) Alcohol is a contributing factor in a large proportion of road accidents and deaths. Figures released in Western Australia show a 5.9 per cent increase in road deaths since Sunday Trading.

(3) The high incidence of alcoholism among our children and young people requires instant action during the International Year of the Child.

Your Petitioners therefore humbly pray that your honourable House:

Will take no steps to increase trading hours for alcoholic liquors without democratically ascertaining the will of the people by a Referendum.

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

Petitions, lodged by Mr Fischer, Mr Hatton and Mr McCarthy, received.

Riley's Island

The Petition of residents and electors of the central coast, and of New South Wales, respectfully sheweth:

That the preservation of Riley's Island in its natural state is vital to the ecological well-being of the Brisbane Water; that the development of Riley's Island as an housing estate would be detrimental to the fishing industry, amateur fishing and the tourist industry; that the visual aesthetics of the area would be deleteriously affected by the further extension of housing on the islands of the Brisbane Water.

Your Petitioners therefore humbly pray that your honourable House will take steps to return Riley's Island to public ownership and to preserve it as a wilderness area for the benefit of future generations.

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

Petitions, lodged by Mr Cavalier and Mr O'Connell, received.

Sydney Airport

The Petition of the Botany Public School Parents and Citizens Association, of certain electors of the electorate of Heffron, residents of the Botany district and certain other citizens of New South Wales respectfully sheweth:

(1) That the New South Wales Government should oppose any plans for the expansion of Kingsford Smith Airport.

(2) That the State Government should insist that the federal Government nominate a site for a second airport for Sydney as a matter of urgency.

(3) That the State Government should realise the enormous imposition upon the Botany locality arising from industrial over-development, oil refineries, Imperial Chemical Industries and the port development.

(4) That the State Government should give full support to the Botany Public School and the surrounding community.

Your Petitioners therefore humbly pray that your honourable House will oppose any expansion of Kingsford Smith Airport.

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

Petition, lodged by Mr Brereton, received.

Trade Unions

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

That they are dismayed by the present industrial anarchy which is forcing hardship on ordinary Australians, giving our country a bad name and undermining orderly government.

Your Petitioners therefore humbly pray that the Premier and the Government take urgent action to curb the power of unions and put the control of the State back in the hands of our elected Government.

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

Petitions, lodged by Mr Cameron and Mr Smith, received.

Hotel and Club Trading Hours

The Petition of the members of the Seventh-day Adventist Church of Woy Woy respectfully sheweth their objection to any extension of the present hotel trading hours in the sincere belief that any further extension to current trading hours would be to the detriment of the community.

Your Petitioners therefore humbly pray that your honourable House take every possible action to ensure that the current hotel and club trading hours be not extended.

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

Petition, lodged by Mr O'Connell, received.

Casinos

The Petition of residents of the shire of Tweed, northern New South Wales, respectfully sheweth:

That we believe ample facilities for gambling already exist within our shire and an extension by provision of a gambling casino within our midst would be harmful to some in our community and to the economic stability of our sporting clubs.

Your Petitioners therefore humbly pray that your honourable House will take steps to prevent the licensing of any casino within the territory of our shire unless electors through the medium of a referendum determine by democratic majority vote their approval of the establishment of such casino.

Petition, lodged by Mr Boyd, received.

Aboriginal Sites

We, the undersigned, fully support the Wallaga Lake and South Coast people in their fight to have their sacred sites registered and protected from the integrated logging of the woodchip mill.

We urgently request that all logging and roading cease for the survey of Aboriginal places in the five forests between Wallaga Lake and the Bega River, so that the Aboriginal sites can be gazetted and properly protected.

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

Petition, lodged by Mr Hatton, received.

By-pass for Orange

The Petition of certain citizens of the city of Orange and district respectfully sheweth:

That the Government of New South Wales does not propose to construct a highway by-pass away from Summer Street and the central business district of Orange for at least ten years, and the congestion and noise pollution resulting is not tolerable for this length of time.

Your Petitioners humbly pray that your honourable House will call on the Government of New South Wales to construct the greatly needed highway by-pass in Orange, as a matter of urgency.

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

Petition, lodged by Mr West, received.

Casinos

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

We, the undersigned, being residents within the area of the Blue Mountains city council strongly oppose the establishment of a casino or casinos in the Blue Mountains city area as we are convinced that such action is not in the long-term interest of the residents of the Blue Mountains.

Your Petitioners therefore humbly pray that the Government will take no measures to establish a casino or casinos within the Blue Mountains city area.

Petition, lodged by Mr Anderson, received.

Lithgow Valley Colliery

The Petition of certain residents of the western coalfields of New South Wales respectfully sheweth:

That the orders, bans and restrictions by the Heritage Commission are delaying, disrupting and preventing the planned and approved development of a new shopping complex with public facilities on the site of the defunct Lithgow Valley Colliery and the adjoining land commonly called The Old Pottery. The redevelopment of the sites will provide employment, remove old scars and eyesores and permit Lithgow to be modern and progressive.

Your Petitioners therefore humbly pray that your honourable House remove the discriminatory and repressive strictures imposed or intended to be imposed by The Heritage Commission on the Lithgow Valley Colliery and The Old Pottery.

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

Petition, lodged by Mr R. J. Clough, received.

REGINALD JOHN VARLEY

Ministerial Statement

Mr WRAN: I wish to make a short ministerial statement. I desire to report to the House on a number of outstanding matters in what has become known as the Varley case. The first relates to questions raised by Mr Laurence, Crown Prosecutor, in his report to the Attorney-General on the history of the court proceedings in which Reginald John Varley was involved and the association which would appear to have existed between him and certain members of the police force. I might add that these matters are alleged in respect of a period approximately between 1971 and 1974, long before

this Government came to office. In his report Mr Laurence posed to the Attorney-General the question whether the prosecution of a sergeant L — now identified as Inspector Neville — was stifled, and if so, by whom; and, in the event of that prosecution having been stifled by any persons, including a minister of the Crown, what was the propriety of such action.

In January 1978 the Attorney-General wrote to me and drew attention to this question. Following receipt of the Attorney-General's letter, I took the matter up with the then Commissioner of Police and sought his advice. After Mr Laurence publicly brought to notice in April this year that he had not heard anything of the outcome of his questions, and as at that stage I had not received the Commissioner of Police's advice, and because a key witness, a Mr Lionel Mendelsohn, who had until then supposedly been out of the country, had suddenly come to light, I asked my colleague the Attorney-General and Minister of Justice to place Mr Laurence's questions before the Crown Solicitor and the Solicitor General for inquiry and advice. I advised the Attorney-General and Minister of Justice that I expected that these officers would make whatever inquiries they deemed necessary, including interviewing senior officers of the police department, both present and former, in order that the matter might be fully probed.

The Crown Solicitor briefed Mr Marr, ***Q.C.,*** the former Solicitor General, to inquire into these matters. I have now received Mr Marr's advising and it is obvious that he has inquired thoroughly into the case of Inspector Neville. He has advised that the course that the matter took did not result from any desire on the part of those responsible to stifle further proceedings or to protect Inspector Neville. He concluded that, on the face of Mr Laurence's report, there was nothing to indicate that the then acting commissioner, Mr Newman, was acting on higher orders, nor was there any reason that he could see from the report why such an inference should be drawn. In the course of his investigations Mr Marr received a categorical denial from the then Acting Commissioner of Police — that is in the period when these matters occurred, early in the 1970's — that any influence whatsoever had been brought upon him.

The failure to locate Mr Mendelsohn was not due to any attempt to protect Sergeant Neville. In fact, there was some justification for police coming to the conclusion that Mendelsohn was out of the country. Mr Marr said that during his inquiry he had received infonmation that Mendelsohn was being sought by a number of persons for a variety of reasons, that he could not be located and that he was said to be in his native country, South Africa. Following the location of Mr Mendelsohn, Inspector Neville was charged with soliciting and accepting a bribe. He appeared before the Central Court of Petty Sessions on 2nd May, 1979, and he has been remanded to appear again on 27th August. I should also like to report to the House that, as a result of information provided to police by Mr Mendelsohn, charges under section 336 of the Crimes Act have also been laid against a Mr McNeill, a member of the public, for attempting to influence Mr Mendelsohn to be not available to give evidence against Inspector Neville. As both these matters are at present sub *judice,* it would be inappropriate for me to make any further comment on either matter.

The second matter on which I wish to report deals with the allegations that were made on Channel 2 television programme "Nationwide" earlier this year concerning the treating of Reginald John Varley for cyanide poisoning. Separate allegations were conveyed by Mr Varley and by a doctor who said he was present and assisted in treating Varlev. The substance of the allegations was that police had forcibly administered cyanide to Mr Varley and had impeded the doctor in treating him at St Vincent's Hospital. Immediately following these allegations I sought the Crown Solicitor's advice

on whether there was any evidence to substantiate them and I directed that counsel be engaged to assist with his advising. Mr Marr, Q.C., was briefed to inquire into these allegations. This advising has now been completed. I have also had the comments of the Solicitor General.

There is no doubt that Varley was suffering from cyanide poisoning. I emphasize that Mr Marr has refrained from commenting specifically on the allegation that police were involved in the poisoning of Varley, on the ground that Varley had made application to the Supreme Court for an order directing an inquiry be undertaken under section 475 of the Crimes Act. Mr Marr, however, furnished considerable information on this particular question. Consequently, the Solicitor General, Mr Sullivan, Q.C., has advised that there is not sufficient evidence to charge any person with administering cyanide to Varley and that he agreed with the former Solicitor General's views.

The Solicitor General said also that he was disturbed by the fact that a person with known suicidal tendencies should obtain a poison while in custody. Varley had a history of suicidal tendencies and there is certainly nothing arising out of the report prepared by Mr Marr to suggest that the poison was forcibly administered to him by police. On the contrary, the report discloses that police took every action with great expedition to see that all possible medical attention was provided to him. Varley should thank both the police and the hospital that he is alive today. Mr Marr was not able to indicate how the cyanide came into Varley's possession.

The allegation that the treatment of Varley while in hospital was impeded by police is far from what actually happened. Mr Marr has said that the doctor's recollection of events is clearly at fault. In coming to this conclusion, Mr Marr had the benefit of statements provided by the police officers, as well as by staff of the hospital who were present when Varley was being treated.

Mr MASON: The Opposition is pleased to have the report from the Premier on these two matters. It appears to resolve adequately these allegations that were made with some force by Mr Laurence, a senior Crown prosecutor, whose accusations against the police drew a great deal of attention from the news media at the time. We welcome the fact that the Premier has had these matters thoroughly investigated by Mr Marr, the former Solicitor General of this State. Immediately these matters were made public the Acting Commissioner of Police, Mr Newman, clarified the way in which the matter had been handled in that he had given instructions, as a commissioner of police should, and accepted the responsibility for what had followed.

There is at least one matter that must disturb the public. The Premier said "following the location of Mr Mendelsahn". That must be the oversimplification of all time. The Mr Mendelsohn, the mysterious witness who could not be found for six years, was located by nobody but himself, when he came forward and indicated that he was conducting a business in this city, that he was listed in the telephone directory, and that he had always been there and available. These are the sorts of things that cause citizens of this State to become concerned. It does a great disservice to the police and to the administration of justice in this State when we find crime being tackled and evil men abroad in the community and we hear that a key witness, who could bring a great deal of clarity to a situation, is available but is apparently not located. I hope the Premier will draw the attention of those responsible for this type of problem to the harm it can cause and the difficulties to which it can lead. My colleagues and I welcome the statement by the Premier this afternoon. We are glad that this matter appears to have been resolved satisfactorily by Mr Marr's inquiries.

CORRECTIVE SERVICES

Urgency

Mr MASON (Dubbo), Leader of the Opposition [2.30]: I move:

That it is a matter of urgent necessity that this House should forthwith consider the following motion, viz.:

That this House condemns the Government for its failure to provide a prison system for the people of New South Wales in which they can have confidence.

In recent weeks the people of New South Wales have seen the results of the complete failure of the Government to provide a prison system in which the people can have any confidence. Instead, fear and uncertainty have gripped the public as the prison officers of this State, quite rightly, have been seeking to ascertain whether they have the support of the Government in their thankless task of containing convicted criminals. Once more members of the police force of this State have had to be transferred from their task of preventing crime and catching criminals to taking over the control of prisons. It is of the utmost urgency that today in this Parliament the Premier answer to the people of New South Wales for his Government's abject failure to administer the prison system in a way that assures the confidence of the public in their safety and ensures that the prison system plays its part in the containment of crime.

This matter is urgent for it is absolutely essential that the Government restore the confidence and authority of the prison officers. This confidence and authority has been eroded to the stage where these officers—loyal public servants doing one of the toughest and most unrewarding jobs in this State—have been forced to take direct, drastic action which has come to a conclusion only in the past few moments because of the capitulation of the Government in a situation that should have been resolved eighteen months ago or more. It is urgent that the Government demonstrate to those officers and the public that it is in earnest about offering protection and support to prison officers.

It is imperative that the Government clearly and without equivocation reject its position of supporting the prisoners of this State and setting them against prison officers. The Government, supported by every member of this Parliament, must today give support to its public servants who daily face the fear of violence and death from prisoners. In some strange way Katingal has become the symbol of authority in our prison system and round it has raged the whole controversy about authority. It is urgent for the maintenance of law and order and the restoration of confidence and authority in the prison system that the Government give assurances that Katingal will reopen—not merely for a few months, as is apparently proposed—and that it will be made a place of security. Also, it is essential that the whole intention of the Government regarding intractable prisoners in this State be made clear. This matter is urgent because today the man in charge of our prison system has indicated his despair with the system, which has brought him to the verge of resignation within a few months of his appointment to that position.

[Interruption]

Mr SPEAKER: Order! I call the honourable member for Waratah and the honourable member for Byron to order.

Mr MASON: The Premier must answer today the charge of Dr Vinson that, "We can't go on with half-baked solutions to questions of principle". Dr Vinson said he was sick of the political expediency that coloured every decision the Government

made in connection with prisons. One of the afternoon newspapers has said that the Government's prison policy is just a straw in the wind. Surely that is what Dr Vinson meant by his use of the term political expediency. Charges of that type cannot go unanswered. The Government must face up to the horror that has been unleashed in our community, for which the Government alone must accept responsibility. This horror came to the surface last night when a bomb attempt was made on the life of Dr Vinson and a telephone message declared that if Katingal is reopened worse will happen. Does the Government think that its soft line on crime and hardened criminals has nothing to do with that? Does it believe it can absolve itself from this situation? Does it believe it can turn aside from its responsibilities in a situation brought about by what it has unleashed?

[Interruption]

Mr SPEAKER: Order! I ask the honourable member for Illawarra to restrain himself.

Mr MASON: It is urgent that the Government face up to this matter. The Government's policy has fragmented the corrective system of this State to a point where it is unworkable. The commissioner is rightly opposed to the Government's political expediency approach. Prison officers still have serious doubts about the level of support they are receiving from their commissioner and the Government. Because of the absurd lengths the Government has gone to accommodate pressure exerted by prisoners and those who support their cause, the prisoners believe they can run amok and that no one will tackle them. The public, who must suffer the consequences, has, in the words of the Minister for Transport, had a gutfull of all this. It is time the Government did something constructive about the State's prison system.

[Interruption]

Mr SPEAKER: Order! I ask honourable members to reduce the level of audible conversation in the House.

Mr MASON: The security and well-being of prison officers are at risk. As a matter of urgency the Government has a responsibility to answer the concern of the community at its failure to provide successful directions for prison administration in this State. It is urgent that the Government account for its monumental blunder in using the Nagle report to close the Katingal maximum security prison before making adequate alternative arrangements to hold intractable prisoners. Every responsible person in the State cried out at the stupidity of that decision when the Government made it. Every responsible newspaper and every responsible person said it was an act of pure vandalism on the part of the Government. It is obvious now that the Premier wanted to make a gesture to his friends on the left, including the honourable member for Illawarra, who have been on the rampage round the countryside trying to influence society and bring about soft prisoner orientated administration in this State. That is what the honourable member for Illawarra and others who put pressure on the Premier have brought about. The hasty decision to close Katingal was nothing less than an act of political vandalism. It has cost the life of a prison officer. Further, it has threatened the health, welfare and well-being of all prison officers, destroyed the confidence of prison officers, and incited some prisoners to a belief that the Government supports them rather than its own public servants.

Mr Cameron: That is true.

Mr MASON: The decision to close Katingal led directly to the destruction of public property and the impasse that has thrown the system into chaos. It is urgent that the Government should be made aware of the terrible psychological damage it is causing, and that it acts in a big and responsible way by admitting it made an error of judgment. It is urgent that the Premier and the Government reveal their plans for the prison system of this State. On 29th January, 1978, the Premier said in this Parliament:

> The Labor Government will accommodate 100 maximum security prisoners at Silverwater.

Nothing has happened; not one prisoner has been placed at Silverwater and not one brick laid in the pursuance of that promise. On 25th January, 1978, the Premier said in this Parliament that the Government had a plan for prison building, renovation and refurbishing. The Opposition wants to know about it. It is urgent that the community should know about it. It has been said that Goulburn is the answer. Prison officers tell us that the Minister's cages there are inhuman and their continued use would set back prison reform by at least a century. Parklea is a generation away, and Bathurst is miles behind the announced plans for its reconstruction. Little or nothing has happened to improve the State's prison system. It is urgent that the Government tells this House and the public just what it proposes to do in relation to the prison system to ensure the security of the public.

Mr WRAN (Bass Hill), Premier [2.40]: The State has just experienced one of the most severe strikes in the history of our prison system. Yet, despite the seriousness of that situation, the prisoners were contained. Morever, law and order was maintained in those prisons because of the outstanding contribution and achievement of the police force of this State, coupled with the great voluntary dedication of members of the Salvation Army together with some of the senior officers in the prison service. It is nothing more than an exercise in mischief-making, now that prison officers have gone back to work and the Government is endeavouring to restore normality throughout the prison system, for the Leader of the Opposition to move a motion suggesting that the Government must take even further steps to restore confidence. If ever the public had reason for confidence in the administration of the prison system so far as the security of the public is concerned, the events of the past few days have proven that beyond doubt.

Whatever criticism the Leader of the Opposition may level at my colleague the honourable member for Illawarra, the fact is that that honourable member's testament is in the several hundred pages of the report of the Nagle Royal commission, which condemned, as an inhumane episode in the history of not only New South Wales but also Australia, the administration of the former Liberal–Country party Government that led to chaos in the prison system of this State. That report stated unequivocally that in the commission's view the Katingal experiment had not been successful and must be abandoned, whatever the cost.

[Interruption]

Mr SPEAKER: Order! The Premier listened to the Leader of the Opposition in silence. I ask the Leader of the Opposition to listen to the Premier in silence.

Mr WRAN: The fact that a small portion of Katingal will be opened for from two to four prisoners for a matter of a few weeks pending the completion of the dispersal unit at Goulburn must make every thinking person in the community very much aware of this retrograde step, in view of what the Royal commissioner said and the fact that Katingal has been described as an electronic zoo. I shall never be ashamed of the fact that I was closely associated with the closing of Katingal. Nor shall I ever

be ashamed of the fact that this Government sought to treat prisoners as human beings and not as animals, as they were treated by the former Liberal–Country party Government.

There are intractable prisoners in the prison system. Any government must act to provide containment for intractable prisoners, and prison officers have the support of the Government in this respect. That is why the Minister for Corrective Services has, during the past several days, been able, together with Dr Tony Vinson, to have a continuing dialogue with prison officers. Never was the point reached when prison officers said that Katingal must be opened on any permanent basis. Prison officers agree that no place such as Katingal should exist in a so-called civilized community. Yet a former member of the cloth, the Leader of the Opposition, now suggests that we should recreate the former circumstances.

Mr Mason: The prison chaplain said that, too.

Mr WRAN: Are you referring to the Reverend Arthur Horrex?

Mr Mason: No.

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

Mr WRAN: We know that gentleman is a former treasurer of the Macarthur conference of the Liberal Party, and he is one person who should not let politics intrude into such a sad and sorrowful affair. The fact of the matter is that in the next few weeks—and this has been part of the basis of the return to work by prison officers—a secure dispersal centre will be completed at Goulburn gaol, and the two to four intractable prisoners nominated by the prison officers will be incarcerated in that area.

If the Leader of the Opposition has any objection to that, let him go to have a look at it. After all, it was an area designed by prison officers for their own protection. In that respect, participation has taken place, in the real sense of the word, between the Government and the prison officers who, I repeat, have the support of the Government. For the Leader of the Opposition, by moving the motion, to endeavour to make capital out of the fact that a man lost his life a few days ago and his colleagues showed their resentment of what happened, is nothing short of sheer hypocrisy. There is the document— —

[*Interruption*]

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

Mr WRAN: They are the facts by which the Opposition stands or falls. The fact of the matter is that the Government has embarked on a programme for prison construction and reconstruction of the like unheard of before in New South Wales. The Leader of the Opposition said that Bathurst is for the next generation. It might be for his next generation but it will be completed about mid 1981. Parklea will be completed by December 1982. A dispersal unit is about to be opened at Goulburn and consideration will be given to providing other similar units if the need for them can be clearly demonstrated. Planning is proceeding for the building of a 160-bed medical and psychiatric hospital within the grounds of Long Bay and construction is planned to commence early in 1980.

Everybody in the community recognizes that in the gaols there is a hard core of intractable, violent, impossible prioners. That is why maximum security gaols exist. That is why in the past there have been places like the circle at Parramatta and OBS at Lung Bay, but whatever there may have been in the past and whatever there may

be in the future do not let us turn the clock back into the dark ages and persuade the public that because of events in recent days we should go back to the electronic zoo called Katingal.

Question of urgency put.

The House divided.

Ayes, 32

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

Noes, 63

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 Hatton	Mr Ramsay
Mr Booth	Mr Hills	Mr Renshaw
Mr Brereton	Mr Hunter	Mr Robb
Mr Britt	Mr Jackson	Mr Rogan
Mr R. J. Brown	Mr Jensen	Mr Sheahan
Mr Cahill	Mr Johnson	Mr A. G. Stewart
Mr Cavalier	Mr Johnstone	Mr K. J. Stewart
Mr Cleary	Mr Jones	Mr Wade
Mr R. J. Clough	Mr Keane	Mr Walker
Mr Cox	Mr Kearns	Mr Webster
Mr Crabtree	Mr Knott	Mr Whelan
Mr Day	Mr McCarthy	Mr Wilde
Mr Degen	Mr McIlwaine	Mr Wran
Mr Durick	Mr Maher	
Mr Egan	Mr Mair	
Mr Einfeld	Mr Mallam	*Tellers,*
Mr Face	Mr Mulock	Mr McGowan
Mr Ferguson	Mr O'Connell	Mr Ryan

Question so resolved in the negative.

Motion of urgency negatived.

QUESTIONS WITHOUT NOTICE

LIQUEFIED PETROLEUM GAS

Mr SHEAHAN: I direct a question without notice to the Minister for Industrial Relations, Minister for Technology and Minister for Energy. Is the Minister aware of widespread concern amongst country gas undertakings regarding a recent determination

of the Prices Justification Tribunal on the price of liquefied petroleum gas? Is the Minister considering any action to help ensure the financial survival of country gasworks in these circumstances?

Mr HILLS: I am aware of the widespread concern by local government authorities concerning a substantial increase in the price of liquefied petroleum gas. Some fifteen councils have already been in touch with me about this matter and later this week the local government gas advisory committee is to see me about the whole problem. It is extraordinary that the Prices Justification Tribunal should substantially increase the price of LPG.

I am amazed that honourable members who represent country electorates do not seem to be concerned about the substantial increase in the price of LPG, for it means that their constituents pay much more for it than they should. The stage has almost arrived when some of the gas producing councils may even have to close down their operations if the increase in prices continues. In November 1977 propane cost $55 a tonne. It has risen to $160. The price of butane has increased from $45 to $148 a tonne. I contacted the Hon. W. C. Fife, the federal Minister for Business and Consumer Affairs, asking him to draw to the attention of the Prices Justification Tribunal the substantial price increases that have occurred, and particularly to the differential that exists between the price of LPG in New South Wales and the price of it in Victoria.

Mr SPEAKER: Order! I ask honourable members to reduce the level of audible conversation. Some honourable members want to hear the answer to the question.

Mr HILLS: In fact, the difference is $13 a tonne. The Prices Justification Tribunal should have that differential impressed on it and the Commonwealth Government should have opposed any increase. Between November 1976 and August 1979 the price of premium motor spirit increased by 114 per cent. Over the same period the price of propane and butane increased by 190 per cent and 228 per cent respectively. I am making urgent representations to the federal Minister. Also, it is a matter that my colleague the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies might examine, because it is obvious that the people of this State can no longer rely upon the Prices Justification Tribunal as an effective tool to control prices in this nation.

POLICE ASSOCIATION ADVERTISEMENT

Mr BRUXNER: I ask the Attorney-General and Minister of Justice whether he was correctly reported yesterday on radio 2UE as describing claims by the Police Association in a newspaper advertisement as fraudulent and dishonest. Did he express contempt for the association's statements and suggest that they were politically inspired? If claims by the Police Association prove to be well founded, will the Attorney-General assume responsibility for the safety of the public from harassment on the streets?

Mr WALKER: I sincerely thank the honourable member for his question. My attention was drawn, as the attention of all honourable members would have been, to the advertisement that was placed by the Police Association in the *Daily Telegraph* yesterday, 20th August. I admit that, like the honourable member for Tenterfield, I was puzzled when I read it. I know that some of the comments made by the Police Association could not be supported. For example, the advertisement stated:

> You can still walk on the streets of N.S.W., but we can no longer guarantee your safety from harassment.

Mr Barraclough: Come up to Kings Cross——

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

Mr Barraclough: Come up to Kings Cross——

Mr SPEAKER: Order!

Mr WALKER: The advertisement contained other claims of a similar nature. The thrust of the advertisement was that under the old Summary Offences Act the police were able to guarantee the safety of the public from harassment but that now no such guarantee can be given.

Mr Dowd: That is right.

Mr WALKER: The honourable member for Lane Cove agrees with me. At that point the Police Association and the Government must part company. The inference from this advertisement is that the crime prevention function of the police has been subverted by the new Act. The offences with which the union claims it is concerned, quoted in the advertisement, are urinating in public, indecent exposure, drunken brawling. swearing, or accosting by prostitutes. They are not offences that could be described as being planned well in advance or executed with great criminal cunning. Their commission is always the first sign of the criminal intentions of the offender. Crime prevention has no application to such offences. Police have never been able to guarantee the public safety from the commission of those sorts of offences. No blame attaches to the police because of that situation. It has never been possible for the Police Association to give that guarantee. What the police have always been able to do well is to apprehend offenders for those types of offences soon after their commission. After all, they are not usually committed knowingly in the presence of police officers.

In that advertisement the Police Association claims it is virtually impossible to provide proof of common street offences like urinating in public, indecent exposure, drunken brawling, swearing, or accosting by prostitutes. I say categorically to the House, as requested by the honourable member for Tenterfield, that I have total confidence in asserting that anyone found urinating in a public street or in any place visible from a public street such as to truly affront one's sensibilities would be quickly convicted by any of the State's courts. Similarly, "anyone found streaking down Pitt Street or using a four-letter word or defacing walls or creating a nuisance in the city streets late at night" will surely find themselves convicted under the new legislation.

[Interruption]

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

Mr WALKER: Despite what is said by the honourable member for Ku-ring-gai and the honourable member for Lane Cove in their press releases, some people might find this hard to believe but responsible people will not. The Police Association's advertisement took particular exception to section 5 of the Offences in Public Places Act, 1979. It continues, "In other words it denies you" (the public) "recourse to police assistance", and the "particular section effectively prevents police from providing protection to law-abiding citizens". My mystification at this claim deepened as I read further. The association claimed that the words of section 5 meant that police officers and magistrates would need the wisdom of a High Court judge to determine what constitutes a reasonable person, and whether he or she would be seriously alarmed or seriously affronted in accordance with the wording of that section.

I have never considered myself as a serious candidate for appointment to the bench of the High Court. Even my best friends have never said that. But perhaps High Court judges are thicker on the ground than one would have thought. The new summary offences legislation is working as it was designed to do throughout the whole of the State.

I make these points: first, the repeal of the Summary Offences Act has been in the platform of the New South Wales branch of the Australian Labor Party for many years. Implementation of that undertaking was an electoral promise of this Government in two elections. The Government undertook to repeal the Act and to replace it with a more just and more contemporary statute dealing with summary matters. Nevertheless, the Government has not rushed into repeal. The Act has been subject to the closest scrutiny, both governmental and public, since this Government came to office.

The victimless crimes seminar conducted by the Government in February, 1977, was the precursor of the Government's intentions. At least, ever since then the Government has had a continuing relationship with all parties likely to be involved in the repeal process. The police force has always been high on that list. The co-operation of the official representatives of the police force has been exemplary over the past couple of years.

Many consultations have proceeded between these officers and the criminal law review division of my department. That co-operation is stilt forthcoming from the police force. Discussions are being held about regulations and forms and the practical details of implementation of the new legislation. Yesterday arrangements were made for some discussions to be held between members of the police force, representatives of the Police Association and officers of the department.

After publication of the association's advertisement I took it upon myself to suggest to the police and association representatives that they should meet with me as well. They generously agreed to do so. We had a frank discussion and I told the representatives of the police that I was willing to amend the Offences in Public Places Act if their criticism of the wording of the Act were borne out in a test case of its provisions. I say, if. I expressed also my concern that some police officers might be holding back and not arresting people who should be arrested, as they believe what has been put forward in the advertisement. As I have indicated to the House, I am confident that the Act will work and is working. The honourable member for Lane Cove laughs.

Mr Ferguson: The honourable member for Lane Cove should not show what a bad lawyer he is.

Mr WALKER: Before the honourable member shows us what a bad lawyer he is I shall deal with some factual matters for his benefit and that of the House, so that any concern that is held in the community about the effectiveness of the legislation might be allayed. The Police Association maintains that it will now be impossible to get convictions for urinating in public. It is supported in that regard by the unholy alliance of the Opposition and the Festival of Light, which had three or four persons demonstrating outside the House today. They have all put their reputations on the line. In my second reading speech when the bill was before the House I pointed to the *modus* operandi and said:

> For example, someone might be seen urinating in a public place at 3 a.m. by police officers while they are doing their rounds of a quiet, dark suburban street. The chances of this being likely to cause a reasonable

person justifiably in all the circumstances to be seriously alarmed or seriously affronted would be quite remote. However, if the same activity took place in Martin Plaza at midday, the position would be quite different.

[Interruption]

Mr J. A. Clough: On a point of order. The question asked by the honourable member for Tenterfield requested the Attorney-General and Minister of Justice to say whether the advertisements or statements attributed to him are correct. The House is now being treated to a long dissertation and exposition of the law. The Minister was not asked for a dissertation on the law, which is an expression of opinion in any event. I submit that he should be asked to terminate his answer. He has been asked whether he concurs with what appeared in the newspaper in regard to his portfolio. The House is not debating the issue. The Opposition does not have an opportunity to answer what the Minister says. I submit that he is out of order.

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

Mr WALKER: The example illustrates clearly that the underlying concept of the Offences in Public Places Act is the crucial degree to which the behaviour complained of has been committed in public. I said earlier that I had confidence in the police and the magistracy and that the legislation would prove workable. That confidence was greeted with derision by Opposition members, particularly the honourable member for Lane Cove and the honourable member for Ku-ring-gai. Honourable members might take note that thirty persons have been convicted under the new legislation and a further seventy-seven persons have been arrested and charged under it. The figures I have given the House are based on an incomplete survey of courts of petty sessions. In other words, at least 107 persons have been arrested and charged in the first 20 days of the life of the legislation. Under section 5 of the Offences in Public Places Act convictions have been obtained for divers sets of circumstances. Already five persons have been convicted for urinating in public streets.

Mr Ferguson: I hope that puts the honourable member's mind at rest.

Mr SPEAKER: Order!

Mr WALKER: There have been no fewer that nine convictions for fighting and seven for foul language. There has been one conviction for defacing walls, one for affixing a notice to a police station, and even one conviction of a prostitute who alarmed someone when she accosted him.

[Interruption]

Mr SPEAKER: Order!

Mr WALKER: The Opposition would be best advised to do what I suggested to the Police Association; give the courts a chance to show that this legislation works. I am quite sure that my faith in the magistracy and the courts of this State will be justified by the convictions obtained.

OIL EXPLORATION

Mr FACE: I address a question without notice to the Minister for Mineral Resources and Development. Has his department recently received a number of applications to explore for petroleum in various parts of New South Wales? Will the Minister give the House and me some information about those applications?

Mr MULOCK: I thank the honourable member for Charlestown for the opportunity to place before the House some information on the most important matter of petroleum expioration in New South Wales. The House may recall that earlier this year, on 20th February, the honourable member for Blacktown asked me what was the position about petroleum exploration in New South Wales. When I answered that question, only three licences were current for petroleum exploration for the whole of the State. However, I am now able to inform the honourable member and the House that the situation has improved greatly and that interest in petroleum exploration has increased, no doubt, in part at least, owing to the rise in the price of Middle East oil and the possibility of interrupted supply from that source because of political instability and other factors. The higher the price of imported oil becomes, the greater the incentive for exploration at home. That is what is happening now in New South Wales.

Eight exploration licences are current in this State, although two of them are due to; expire before the end of the year and it is uncertain whether they will be renewed. Five of the eight have been in existence for some time and cover areas as widely separated as Tibooburra, Moree and the Sydney Basin. However, only today I have granted another three applications to explore in areas of western New South Wales known as the Wentworth and Menindee Troughs, which are generally south of Broken Hill. Those three exploration areas cover 23 000 square kilometres and the licences have been granted to a company called Comserv Pty Limited, which has made a fourth application covering an area of 10 000 square kilometres to the south of Ivanhoe. I expect that this application will be granted shortly. This company will be using a specially prepared aircraft brought out from the United Kingdom to assist in the survey work, and I wish them the best of luck. In addition, applications from two other companies have been received for the right to explore for petroleum in an area of nearly 10 000 square kilometres between Newcastle and Gloucester, down the coast from a point to the north of Forster, and another in an area of more than 5 000 square kilometres to the north of Lithgow.

I hardly need remind the House that petroleum exploration is a chancy and costly business. However, it is true that while the risks are great, so are the rewards for the successful explorer. The rewards go not only to the company involved but also to the State and the nation as a whole, because all finds that reduce our dependence upon imported oil provide a great boost for our economy at a time when the high cost of energy and the shortage of fuel are worrying economic factors.

DISSENT

Ruling of Mr Speaker

Mr MADDISON (Ku-ring-gai) [3.15]: I move:

> That this House dissents from the Ruling of Mr Speaker given on 15 August, 1979, when he ruled that a question asked by the honourable member for Ku-ring-gai concerning a case to be heard in the Supreme Court in which the Attorney-General had been named as a defendant was *sub judice* and therefore out of order.

Rulings on *sub judice* of yourself and Speakers Ellis and Cameron suggested that honourable members would not be prevented from raising in this House important public issues concerning court proceedings, which the press and public could freely

discuss and criticize without being in breach of the ***sub judice*** rule or in contempt of court. In ruling as you did on my question you cut through the precedents that you and previous Speakers had established and set a pattern for limiting the freedom of speech that members in this House previously enjoyed.

On 9th June, 1977, after giving considerable thought to the matter, you set out what you understood to be the principles to be applied when considering the application of the ***sub judice*** rule. I quote from ***Hansard*** of that date at page 7067:

> Certain essential principles are involved. First, it is the fundamental responsibility of the Parliament to be the supreme inquest of the State, with the overall responsibility to discuss anything it likes. The second consideration is whether a danger exists that the conduct of a case might be prejudiced by parliamentary inquisition or debate.
>
> Obviously substantial damage and prejudice would arise if, through matters being discussed in the Parliament, suggestions were carried to the minds of untrained jurors serving in a criminal trial concerning aspects of matters before them which it was entirely improper, on evidentiary standards, for them to be considering at all. To suggest, however, on the other hand, that judicial figures, specially selected by the State for their training and experience in assessing evidence, will be overborne merely because of views expressed in Parliament on a general issue by some honourable members, is to do much less than credit to our judges and commissioners.

You went on and said:

> I feel that anybody who asserts that a matter ought not to be discussed by Parliament because it is ***sub judice*** must show that substantial damage will flow from the matter being discussed. Further, it should be clearly shown that the matter sought to be discussed in Parliament is identical with the issue before the court.

That is one of your substantial rulings made as recently as two years ago. Speaker Ellis made the first constructive approach in this House to establish principles governing the ***sub judice*** rule, which widened the scope given to members to raise matters concerning court proceedings.

Mr SPEAKER: Order! Honourable members who wish to engage in conversation should leave the Chamber.

Mr MADDISON: I quote from volume 57 of *Hansard* for 1965–66, pages 75 and 76, where there is a statement made by Speaker Ellis. It appears also in the published report of his decisions, which is available to all members:

> It should not necessarily follow that because a matter is before a court every aspect of it must be ***sub judice*** and beyond the permissible limits of debate in Parliament.

These are many aspects of court proceedings that in no way involve issues in those proceedings and are proper to be raised in this House. Are we to assume that different rules apply if members of Parliament, particularly Ministers, are litigants? The Attorney-General and Minister of Justice is a litigant daily and there should be no special rules applying to matters in which he is concerned as a litigant as against any ordinary citizen. The trouble is that you, Mr Speaker, were unwilling even to listen to the question so as to inform yourself of the true nature of the information that was being sought from the Attorney-General and Minister of Justice.

My question was in three parts. Mr Speaker, you listened to the first part. It was, "Is the Attorney-General's administration, in consultation with the Supreme Court, responsible for preparing daily lists of cases to be heard in the Supreme Court?" After the first phrase of the second part of the question, when I started to say, "Was a notice of motion in which the Attorney-General was named as a defendant", there was a fade out and no further comment, for you ruled, peremptorily in my view, that the question was out of order. You did not allow me to complete the question; you did not hear any argument about whether the *sub iudice* rule should apply, and you did not hear any member or even advance any reason on your own behalf in discharging the onus of proof, which you said was essential where a *sub judice* point was raised, showing that substantial damage would flow from discussion of the matter in Parliament. When you interrupted me and gave your ruling you did not know to what aspect of the case my question was directed. You might have inferred from the part of the question I had asked that the question concerned court listing and the failure of such a case to be listed in the newspapers was the crux of the whole question. Indeed I was able—and this makes a farce of the whole situation—to go outside the Chamber and, without breaching the *sub judice* rule, ask the same question in the open of the Attorney-General. I asked him why the case was not listed in the newspapers or outside the court. But you, Mr Speaker, were unwilling to listen to the question.

It was a question that was relevant to the general principle that the public and the press are entitled to know which cases are to be heard by the courts. That knowledge should be public property in order to allow members of the public and the press to be present in courts to hear what is going on. An essential part of the administration of justice is that the courts be open for everybody to go in and hear what is going on and how the cases are being conducted. An essential part of that feature of the courts' being open is public awareness as a result of notices in the press and outside courts concerning cases that are to be heard. Mr Speaker, your decision was wrong. You did not allow the question to be stated. Hence you were not able to apply yourself to the real question whether it was appropriate that the *sub judice* rule should apply. The freedom of members in this Parliament has been set back by the rulings that you have made, preceded by the rulings made by Speakers Ellis and Cameron. I know it is difficult for Government supporters to vote for a motion of dissent against a ruling of the Speaker. But this question cuts both ways; it affects all members of the House. In my view, important principles are involved governing how far we in this Chamber are to be allowed to raise matters that relate to proceedings in the courts if the *sub judice* axe is to be applied by you in the instant case without your even allowing the question to be stated.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [3.24]: It is a matter of deep regret that finally the honourable member for Ku-ring-gai has sunk to the desperate and loutish tactics of the Leader of the Opposition of Speaker baiting and, worse still, has fallen into the despicable habit of the Leader of the Country Party of smearing and insulting law officers and the judiciary of this State. It is one of the predictable phases of politics that a completely hopeless and ineffectual opposition will always try to snatch a few cheap newspaper headlines with wild, irresponsible and totally unsubstantiated allegations. History shows that such tactics inevitably cause an opposition to sink further into the filth and mire that it has created. It is not until members of an opposition start to evolve credible, capable leadership and practical alternative policies that they again secure public respect and support.

Another feature of the fall and disintegration of an opposition is the unholy alliances its members forge in order to stop the rot. No section of the community is so unwholesome or so shady that members of the Opposition will reject its advances or

refuse to take up its case. Such conduct leaves an opposition tarred with the same brush as the unsavory characters from whom its members receive their intelligence and financial support. Accordingly their electoral support plummets to even greater depths.

The ***sub judice*** rule in civil actions occasionally causes some trouble in this House, but there has never been any difficulty applying it in respect of criminal cases. Any number of rulings are to be found in May's ***Parliamentary Practice*** and in the book of Sir Kevin Ellis's rulings as well as in ***Hansard,*** which clearly and unequivocally establish that matters awaiting or under adjudication in all courts exercising criminal jurisdiction should not be referred to in any motion or debate on a motion or in any parliamentary question, and the rule operates from the day the charge is laid. I shall now give a few facts to enlighten the Opposition and help the House to determine its attitude to this motion.

First, on 23rd October, 1978, I instituted various criminal proceedings by way of ex *officio* indictment against Thomas and Alexander Barton and Laurence Gruzman. Those matters are part heard before Mr Justice O'Brien, Chief Judge of the Criminal Division of the Supreme Court. Second, on 2nd February, 1979 the Bartons instituted proceedings in the Common Law Division of the Supreme Court, seeking to quash the ***ex oficio*** indictments. Third, on 20th and 23rd February, 1979, the quash proceedings came before Mr Justice O'Brien. Fourth, on 21st March, 1979, while the Crown was preparing written submissions on the quash proceedings, the Bartons themselves instituted proceedings in the Equity Court to restrain me from proceeding with the ex ***oficio*** indictments.

Fifth, on 28th March, 1979 I moved in equity for the dismissal of the Bartons' equity proceedings for want of jurisdiction and as being vexatious and an abuse of process. Sixth, following a hearing on 29th March, 1979 before Mr Justice Kearney in equity, on 6th April, 1979, his Honour transferred the equity proceedings to Mr Justice O'Brien for determination. Seventh, on 26th April, 1979 the Bartons filed an amended statement of claim in the quash proceedings. Eighth, on 3rd, 4th, 9th, 10th and 11th May, 1979 my motion in the equity proceedings was heard before Mr Justice O'Brien, who has reserved his decision. Ninth, on 7th August, 1979 the Bartons informed Mr Justice O'Brien that they would be seeking leave to amend their statement of claim in equity and add a common law damages claim for conspiracy and more defendants. A process to this end was filed by the Bartons on 8th August, 1979 returnable for 15th August, 1979.

Mr Dowd: On a point of order. The Attorney-General and Minister of Justice is addressing himself to the inglorious history of the series of proceedings involving himself before the Supreme Court in its various jurisdictions. The motion concerns your ruling on the ***sub judice*** rule. If the Attorney-General and Minister of Justice is entitled to traverse the whole of the criminal, common law and equity civil proceedings that are before the Supreme Court, the capacity of this Parliament to debate the matter is underlined. If he is entitled to deliver a long diatribe about his own involvement in the various proceedings, the importance of this motion of dissent is underlined. The motion of dissent implies no disrespect to you personally, Mr Speaker, for it is a form of order under our standing orders that enables such matters to be debated. If, Mr Speaker, you were entitled to rule that the honourable member for Ku-ring-gai and the Leader of the Opposition were out of order, you should rule the Attorney-General and Minister of Justice out of order in raising these matters today in this House.

Mr SPEAKER: Order! It is very difficult to rule on this matter as it is not clear, from my observations of the standing orders and previous rulings, whether it comes within, the scope of previous points taken. However, I am guided by a ruling given by a previous Speaker, Sir Kevin Ellis, who said that:

> scope of debate is limited to whether the ruling was valid or not and that members could not talk in generalities about the conduct of the Presiding Officer and that they may discuss only the validity of the ruling, and nothing else.

Regrettably, the Speaker does not enter into the debate. The Attorney-General is putting the probable reasons why I ruled as I did, and therefore he is in order.

Mr WALKER: If something is said to be sub *judice* the first point that must be established is whether the matter is before a court. That is precisely what I was doing. The final point as to whether there are cases before the court is that on the 15th August the Bartons' notice of motion was placed in Master Cohen's list for a date of hearing to be fixed. A date has been fixed for hearing. I notice that my time has run out and I have not completed my reply to the motion because of the lengthy point of order. I seek the leave of the House to extend my time.

Mr Mason: No.

Mr WALKER: Then that is the end of the matter.

Mr CAMERON: Mr Speaker——

Mr FLAHERTY (Granville), Government Whip [3.32]: I move:

That the question be now put.

Mr Mason: Disgraceful.

Mr SPEAKER: Order!

The House divided.

Ayes, 62

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

Noes, 33

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

Resolved in the affirmative.

Question—That the motion be agreed to—proposed.

Mr MADDISON (Ku-ring-gai) [3.35], in reply: I am appalled at the approach adopted by the Attorney-General in a debate on the most important principle that protects the rights and interests of members of this House. The Attorney-General, in answer to the case put in dissenting from Mr Speaker's ruling, trots out a whole series of cases involving the people known as the Bartons on the strength of one case—a civil case in which he is named and in which it is proposed to join the Premier as a defendant. The Attorney-General offers that as an argument to justify the ruling of Mr Speaker in this most extraordinary situation. The Attorney-General has a vested interest in this matter. It is a condemnation of the Government that the only person from the Government side of the House to get up and speak on this matter is the Attorney-General, who is one of the parties to the litigation in respect of which the question was asked and ruled out of order.

[Interruption]

Mr SPEAKER: Order!

Mr MADDISON: As the honourable member for Lane Cove said when taking his point of order, the remarks made by the Attorney-General are indeed justification for upholding the dissent motion which we are debating. The Attorney-General did much more than I sought to do in my question. He trotted out a whole series of cases which he says were before the court but did not address his mind to the substantial principle which Speakers have adhered to, that it is not simply that there is a court case in progress which makes a matter sub ***judice*** but whether or not the matter being raised in this Parliament relates to an issue in those court proceedings.

As I said at the earlier stage of this debate, you, Mr Speaker, were not in a position to know precisely what the question was about. It makes a mockery of free speech in this Parliament if members cannot say something in here but can say it outside and the media comment on it. The Opposition has been stifled in its attempts to raise in proper circumstances a matter which offers no prejudice to any court proceedings at all. The matter which the Opposition seeks to raise does relate to a court decision. I might have been going to ask a question about the public being unable to get into the courthouse because it was locked. Or, I might have asked, was it true that the roof of the courthouse had fallen in.

Certainly I intimated in the first part of my question that I was concerned because the issue related to the public listing of cases to be heard in the Supreme Court. I, like every member of the Opposition, am unimpressed by the puny argument put up by the Attorney-General—who has a vested interest—and the way he trotted out the cases to which he referred. If the Government runs away from this issue it will be doing a disservice to this Parliament by restricting debate on important public issues.

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

The House divided.

Ayes, 33

Mr Arblaster	Mrs Foot	Mr Rozzoli
Mr Barraclough	Mr Freudenstein	Mr Schipp
Mr Boyd	Mr Hatton	Mr Singleton
Mr Brewer	Mr McDonald	Mr Smith
Mr J. H. Brown	Mr Maddison	Mr Taylor
Mr Bruxner	Mr Mason	Mr West
Mr Cameron	Mrs Meillon	Mr Wotton
Mr Caterson	Mr Morris	
Mr J. A. Clough	Mr Murray	
Mr Cowan	Mr Osborne	*Tellers,*
Mr Dowd	Mr Park	Mr Fischer
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Noes, 62

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Mr Booth	Mr Hills	Mr Ramsay
Mr Brereton	Mr Hunter	Mr Renshaw
Mr Britt	Mr Jackson	Mr Robb
Mr R. J. Brown	Mr Jensen	Mr Rogan
Mr Cahill	Mr Johnson	Mr Sheahan
Mr Cavalier	Mr Johnstone	Mr A. G. Stewart
Mr Cleary	Mr Jones	Mr K. J. Stewart
Mr R. J. Clough	Mr Keane	Mr Wade
Mr Cox	Mr Kearns	Mr Walker
Mr Crabtree	Mr Knott	Mr Webster
Mr Day	Mr McCarthy	Mr Whelan
Mr Degen	Mr McIlwaine	Mr Wilde
Mr Durick	Mr Maher	Mr Wran
Mr Egan	Mr Mair	*Tellers,*
Mr Einfeld	Mr Mallam	Mr McGowan
Mr Face	Mr Mulock	Mr Ryan

Question so resolved in the negative.

Motion negatived.

Mr Dowd: On a point of order.

Mr SPEAKER: Order! The honourable member for Lane Cove might indicate to the House the matter in respect of which he rises to take a point of order.

Mr Dowd: My point of order relates to the recently declared division.

Mr SPEAKER: The honourable member for Lane Cove knows the procedures of the House in respect of taking points of order during a division. If his point of order relates to something that occurred during the division he has missed the boat.

Mr Dowd: My point of order did not arise until the count was completed and the division concluded. My point of order is based on Standing Order 204 which states that no member shall be entitled to vote in any division upon a question in which he has a direct pecuniary interest. Therefore I chose not to take the point of order during the division but rather to wait until it was concluded. I submit I am entitled to rely on that standing order in taking this point of order. The motion of dissent moved by the honourable member for Ku-ring-gai related to proceedings before the Supreme Court in which the Attorney-General and the Premier are defendants in an application to join them in a conspiracy matter. Therefore, the Premier and the Attorney-General have a direct pecuniary interest in those proceedings. Moreover, in the event of the decision going against them, they may be liable to pay costs. Standing Order 204 provides also that the vote of any member with such an interest shall be disallowed.

Mr Ferguson: What about the votes on the milk quota issue?

Mr SPEAKER: Order! The honourable member for Lane Cove will continue to address the Chair.

Mr Dowd: My point of order is that both the Premier and the Attorney-General are defendants in that application to have the Premier joined as a defendant in conspiracy proceedings. Moreover, the Attorney-General has tried to stop this Parliament debating a matter in which he is already a defendant——

Mr SPEAKER: Order! I have listened long enough to the honourable member for Lane Cove, to know that he is now endeavouring to debate a matter which was ruled out of order earlier. The matter that was before the Chair was a motion of dissent from a ruling of Mr Speaker and had nothing whatever to do with courts. Therefore, there is no point of order.

DISSENT

Ruling of Mr Speaker

Mr CAMERON (Northcott) [3.48]: I move:

> That this House dissents from the Ruling of Mr Speaker given on 15 August, 1979, when he ruled a question asked by the Leader of the Opposition concerning correspondence between the Attorney-General and Thomas and Alexander Barton out of order.

So far as the application of the ***sub judice*** rule is concerned, Parliament must retain its standing as the highest tribunal in the land. Concerning important issues affecting the whole community and attracting wide-ranging discussion in the news media, Parliament cannot afford to let itself be muzzled and put impotently away in a corner because some aspects of those issues are being discussed by subordinate tribunals. The strong principle that should guide us is that anybody who asserts that a matter ought not to be discussed by Parliament because it is ***sub iudice*** must carry the onus of showing that substantial damage will flow from such discussion.

The person making such an assertion must show that the precise matter sought to be discussed before the Parliament is identical with the issue before the court. The principle I have stated sets out the viewpoint I hold today as an Opposition backbencher, but there is something more to be said: those words were first used by me when I sat elsewhere within the Chamber—in the chair that you, Mr Speaker, now occupy. I used those words on 4th March, **1976,** when ruling in favour of the Opposition of the day—a rather rare occurrence these days—against a point of order taken by a Minister of the Crown then seeking constriction of a debate on the ground of *sub judice.* It was my opinion at the time that it was a rather good ruling which deserved to stand as a precedent which might guide succeeding Speakers keen to preserve freedom of speech within the House. The honourable member for Ku-ring-gai today read out a portion of a ruling you later gave which adopted word for word part of my ruling then when you, Mr Speaker apparently said:

> Obviously substantial damage and prejudice would arise if, through matters being discussed in the Parliament, suggestions were carried to the minds of untrained jurors serving in a criminal trial concerning aspects of the matter before them which it was entirely improper, on evidentiary standards, for them to be considering at all.

Those were the observations I originated and you, Mr Speaker, were kind enough later to adopt them but without the basic principle I put at the outset. The premise behind the rule is dedicated to preserving freedom of speech in this Chamber. It is a part of a ruling I gave to favour the Opposition against the Government of the day. But, you have cast aside part of the ruling and not used it. When I said I thought it was a good ruling that I gave on 4th March, **1976,** that was not in fact a view I alone held. Indeed that day one honourable member, now a Minister of the Crown, namely the Minister for Sport and Recreation and Minister for Tourism, went so far as to describe that ruling as wise and, he thought, historic.

It transpires that his expectations and mine were both too sanguine because, in recent months, freedom of speech in the Parliament has not been treated with the same solicitous and careful approach from the Chair that then applied. Also, in the course of making that ruling I deprecated any suggestion that judicial figures, specially selected by the State for their training and experience in assessing evidence, would be overborne merely because of views expressed in Parliament by some honourable members on a general issue. I pointed to the vast chasm between a tribunal looking *in globo* at a broad general issue and a criminal trial where the range of evidence that may be put before a jury in a case where an individual stands charged with a serious crime is limited by strict rules of evidence excluding, for example, hearsay and other matters deemed from long experience to be insufficiently reliable to go before a jury.

I stressed that the onus to be carried by those asserting that the matter ought not to be discussed because it is *sub judice* was one of showing that substantial damage or prejudice would be done to hearings proceeding in the other court. Honourable members should not forget that Parliament is a court—the highest court in the land. How different is the situation faced by honourable members here? Honourable members have heard the facts set out by the Attorney-General who stressed that Equity proceedings are directly involved. Me said that there is a claim for damages for alleged civil conspiracy in which he and the Premier are defendants. Matters of that kind have nothing at all to do with criminal proceedings. The simple fact is that the burden of what I was putting to the Parliament in the matters in issue on that earlier occasion was that the onus ought to rest on those who assert *sub judice* to show that it is the interest of the accused that is in jeopardy. No interest is involved here other than the protection of Government supporters. It is not a person rising on behalf of an accused in

a criminal sense who is raising the point. The Government is raising the point to protect itself—the Premier and the Attorney-General. That is the reason why the Evidence (Amendment) Bill was introduced and enacted in the Parliament.

In these proceedings the Attorney-General and the Premier are directly involved in an endeavour to stop documentary matter going before the court. The simple fact is that the public of the State is being denied the truth. The pleadings in these civil cases make allegations concerning the Premier and the Attorney-General. It is vital that the community should know those things. Would the Attorney-General like me to read some passages from the amended statement of claim---doubtless a point of order will be taken.

Mr Walker: Of course it will be. On a point of order. The honourable member for Northcott is trying to read the pleadings in a criminal case that is before the court——

Mr Cameron: It is not a criminal case.

Mr Walker: As the prosecutor in a criminal case——

Mr Cameron: The Attorney-General is the defendant.

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

Mr Walker: The statement of claim seeks to restrain me from continuing with criminal proceedings. It is very much a criminal case. It is an outrage that the honourable member for Northcott should seek so to influence the minds of jurors. I put it to you, Mr Speaker, that if he attempts to do something like this in the future he should be removed from the Chamber.

Mr Dowd: On the point of order. It is an absolute scandal that the Attorney-General should tell you, Mr Speaker, and honourable members, that injunction proceedings are criminal proceedings. That is the whole crux of the point of order before the Chair. These are civil proceedings between the parties to determine the rights of one party. For the Attorney-General to suggest that they are criminal proceedings is an attempt to mislead the House as to their true nature.

Mr SPEAKER: Order! The honourable member for Northcott is fully aware that it is not permissible to raise part of the case concerned. He should be speaking to the motion before the Chair. He has moved dissent from my ruling.

Mr CAMERON: The Attorney-General has asserted that a vast chasm exists between criminal proceedings and civil proceedings. Where only civil proceedings are involved the House, and you, Mr Speaker, must be solicitous to preserve freedom of expression in the House. The news media exercise that freedom every day of the week. I put it strongly that the House and the community have an interest in knowing what is in the amended statement of claim and what charge is levelled against the Attorney-General and the Premier.

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

Mr WALKER (Georges River) Attorney-General and Minister of Justice [3.58]: It is quite clear, as I established in the previous motion that dealt with the same case, that there are proceedings before a court. The House is aware that a number of cases are at present awaiting judgment. Judgment is expected any day and inevitably the cases will proceed before a jury. Those cases are well and truly before the courts and in no circumstances should honourable members be allowed to canvass them in the Parliament. As I pointed out, I happen to be the Bartons' prosecutor. As Attorney-General I have that role.

Mr Cameron: You happen to be a defendant.

Mr WALKER: I happen to be the prosecutor——

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

Mr WALKER: The honourable member for Northcott sought to introduce into the Chamber debate about correspondence between the Attorney-General, as prosecutor in the case, and the defendants. The honourable member tried to get into evidence in this Chamber matters that could well be put in evidence before a jury—and which undoubtedly will be one way or another. For reasons best known to himself—and perhaps they will be commented on shortly—he sought to introduce into this Chamber evidence that is about to be introduced into a case before a jury. That was a despicable act. It is common knowledge that the Leader of the Opposition and his lieutenants, the honourable member for Ku-ring-gai and the honourable member for Lane Cove, have been having lengthy consultations and negotiations with either the Bartons or their agents. I am not aware whether the relationship involves remuneration. One point is amply clear: the Leader of the Opposition, whether for love or money, has chosen to become the parliamentary champion of Thomas and Alexander Barton. So be it.

I give the Leader of the Opposition some friendly political advice. He should look to the example of his unfortunate coalition colleague, the Leader of the Country Party, who, in March 1976, took it upon himself to defend the honour of Mr Gale of Gollin and Company Limited. Again that was a relationship that we on the Government side of the House were not convinced was entirely without valuable consideration, for Mr Gale was notorious for his generosity in handing shareholders' money to the Opposition parties. Perhaps the shareholders did get some value for their money as the stench from the deal that the Leader of the Country Party did with Messrs Gale and Glenister when he gave them the licence for the construction of the coal loader at Newcastle still pollutes the lobbies of this Parliament.

My advice to the Leader of the Opposition is to take great care from whom he accepts briefs and on whose behalf he campaigns in this Chamber lest he find himself in the position of the Leader of the Country Party, with his leadership and even his party preselection in grave danger.

I have a few words of advice also for the honourable member for Lane Cove. My complaint against him is that he has been misleading the press gallery about this matter. When he is crowing in the corridors to his colleagues about how gullible and stupid the press is and how they swallow any story that he gives them, he should be careful who overhears him. Although the press may not be fully conversant with the many technicalities of the law, they are quite capable of discovering how many beans make five. The honourable member will live to regret that he set out to try to pull the wool over their eyes.

In the debate on the previous motion the honourable member for Ku-ring-gai complained that you, Mr Speaker, cut him off before he had time to ask the related question. Obviously it infringed the *sub judice* rule. It was a good thing that you did, Mr Speaker, as I have a copy of the question, which he conveniently peddled about the press gallery. That copy indicates that he went on to do something worse than breach the *sub judice* rule; he cast the most grave reflections upon one of the most senior and eminent members of the judiciary of New South Wales. It is a good thing that he did not get the opportunity to tell the House exactly what was contained in that question. If the judge knew the inferences in that question, the honourable member for Ku-ring-gai would still be purging his contempt before the Supreme Court. Again it was a despicable question and attitude by Opposition members.

Mr Speaker, your decision to uphold the traditions of this Parliament and strike down the question was a perfectly sensible and proper one and deserves the overwhelming support of this House. Although the series of questions was not drawn by their pens, the legal members of the Opposition who have been involved in them were willing to accept the brief, whether for remuneration or not. They have already told the press that they have a whole series of questions they have prepared in this matter. I put to them that as members of the legal profession they have a duty not only to their constituents and this Parliament but also to their profession. Their constant questioning of the integrity of our law officers and of individual members of the judiciary cannot be in the interests of justice in New South Wales. If they have evidence of dishonesty or impropriety by members of the bench, they should move the appropriate motion in this House. They should not be smearing them in questions and by constant allegations and innuendoes about their integrity. This House has its proper forms. If Opposition members believe a judge is crooked, they should move in this House a substantive motion to say so. They should not make the allegation by way of snide inference, questions and constant discussions and briefings with the press gallery afterwards to fill in what they really meant by the questions. The motion is baseless and contemptible. The only decent course for the Opposition to take is to withdraw it before it is crushingly defeated.

Mr MADDISON (Ku-ring-gai) [4.6]: If that is the best that the Attorney-General and Minister of Justice can do, he is a poor Minister and poor protector of the rights of members of this Parliament. Most of his speech was a muckraking effort relating to some allegation made some years ago against the Leader of the Country Party and had nothing whatever to do with the question whether you, Mr Speaker, were right in ruling out of order the question by the Leader of the Opposition. The Attorney-General made no reference at all to justify the action that you, Mr Speaker, took in respect of that question. No argument was advanced in opposition to the views put forward by the honourable member for Northcott.

Let it be clear that the matter referred to in the question by the Leader of the Opposition and followed by me on another aspect, which was dealt with in an earlier motion today, relates to a civil proceeding in the equity division of the Supreme Court of New South Wales, No. **1592** of **1979,** in which Alexander Barton and Thomas Barton are named as plaintiffs, and Francis Walker, Her Majesty's Attorney-General for the State of New South Wales, is named as the defendant. They are not criminal proceedings; they are civil proceedings in the equity jurisdiction of the Supreme Court.

We know full well that the principles laid down over time by Speakers in regard to the sub *judice* rule apply particularly when one is talking about criminal proceedings. We know that there is a sensitivity about any possible influence that speeches made in this Parliament might have on a jury. I am not talking about a jury determining a case but about a determination that will be made ultimately by a single judge of the Supreme Court of New South Wales who, in accordance with your own rulings, Mr Speaker, is unlikely to be influenced by matters raised in this Chamber. Government supporters when in opposition took many points of order to the effect that this House is not likely to influence decisions that may be reached by single judges of the Supreme Court, judges of the High Court, or of any court. We are talking about civil proceedings. I ask, Mr Speaker, that you not allow the Attorney-General to try to pull the wool over the eyes of members of this House by saying that we are talking about criminal proceedings. That is completely untrue, and the Attorney-General knows it. All that the House has seen this afternoon is a smokescreen put up by the Attorney-General—a non-argument to support the case that he seeks to make out to justify the action that you, Mr Speaker, took of ruling this matter to be out of order.

The comments that I made on the previous motion should be repeated: you, Mr Speaker, after hearing the question from the Leader of the Opposition did not entertain any points of order; you simply called for order and ruled the question out of order. On the following day you intimated that you relied on the ***sub judice*** rule. But that is merely something that happened after the event. According to *Hansard*, you did not give any grounds for ruling the question out of order; you merely ruled it out of order.

Mr Speaker, in your earlier rulings you have said that when a point of order is taken that the ***sub judice*** rule should apply, the onus is on the person who takes the point to establish that the matter to be raised in this Parliament is in issue in the proceedings in the court concerned.

Mr Mason: I asked that argument be heard.

Mr MADDISON: Indeed, the Leader of the Opposition asked that argument be entertained after he was ruled out of order. There are no two ways about that. That was after I had been ruled out of order, not after the Leader of the Opposition had been ruled out of order. The situation is quite untenable. The ***sub judice*** rule is completely in tatters if it is to be interpreted as it was interpreted in both of the cases that are being reviewed this afternoon.

One wonders precisely what the Attorney-General is trying to cover up by his approach to this matter. What vested interest has he in not allowing these matters to be answered properly? I have no doubt that the same principle applies in regard to the question that was ruled out of order as applied in regard to the earlier debate, namely, that one could go outside this House and ask the same questions without being in breach of the ***sub judice*** rule or in contempt of court. The Opposition believes that history has been made and it is a sad day indeed when our freedom in this place is limited in the way you have ruled that it should be limited.

Mr SHEAHAN (Burrinjuck) [4.12]: I thought it was appropriate that in the proof copy of today's business paper the Leader of the Opposition, who asked the question the subject of this motion, should be referred to as the honourable member for Alexander Barton. That was corrected only in the revised copy of the business paper.

Mr Schipp: Smart Alec.

Mr SHEAHAN: The honourable member ought not to be too smart. We want to know about his knowledge of the Dividing Fences Act and a person who will not accept his demand that she contribute the whole of the cost.

[Interruption]

Mr SPEAKER: Order!

Mr SHEAHAN: As far as I can gather, the latest analysis of the ***sub judice*** rule was written by that well-known supporter of parliamentary democracy, Mr R. P. Meagher, **Q.C.,** who had a paper published in the November 1978 issue of *Justice*—the journal of the International Commission of Jurists.

Mr Dowd: It is a good magazine.

Mr SHEAHAN: The honourable member for Lane Cove gets an extraordinary accolade in the fourth paragraph of page **34.** I wish to quote the first two paragraphs of that page. They read:

> 1. The rule is one which is, ultimately, for the discretion of the Speaker. He alone has to decide whether a particular topic is or is not sub judice. In the last regard his discretion must be absolute (the House

> of Commons First Report p. viii). And one cannot deny that the Speaker's duty is very onerous. He is confronted with a topic, usually without notice and has to decide on the spot whether it is currently the subject of actual or impending legal proceedings, although he is obviously in no better position than anyone else to know what matters are actually or potentially before the courts. In such circumstances, his needs must rely on the responsible Ministers, his own private knowledge or perhaps his own guess.
>
> 2. He need not wait until a Member objects that a topic is sub judice. He may intervene by his own motion and declare that a topic is sub judice.

In this instance, Mr Speaker, you were assisted by the incident that took place in the House on the previous day when discussion took place on a question on the Evidence Act by the Leader of the Opposition. The Attorney-General and Minister of Justice, in an effort to assist the House, referred to correspondence and indicated clearly for your information and for the information of honourable members that it dealt with proceedings that were currently before the court. Today the Attorney-General gave to the Parliament a detailed account of the whole range of proceedings that are before a whole range of courts involving these people and the Attorney-General as the senior Crown law officer in this State. There are proceedings of a criminal nature in the committal stages before courts of petty sessions, although not on these particular matters.

The question was about correspondence from Thomas and Alexander Barton. They are involved in a range of matters before the courts. From what the Attorney-General has said today it is obvious that, apart from the proceedings that might be called interlocutory proceedings, proceedings on the validity of his entitlement to an *ex officio* indictment, Thomas and Alexander Barton have equity proceedings, a notice of motion and so on. All of this information has been given. I do not know what is in the correspondence but it is likely that, in proceedings as complicated as these proceedings obviously are, that correspondence will become an exhibit, or at least it will be the basis of cross-examination of witnesses, accused persons, defendants, or plaintiffs. Therefore, it is a matter that could well come before a jury. It may be that the correspondence contains admissions of a criminal nature in relation to the Bartons or other people. It could disclose in advance defences or argument that they may wish to raise. Why should not the Attorney-General seek to intervene in this Parliament on 14th August to prevent the matter from being ventilated at that stage? Why should not you, Mr Speaker, as the custodian of the privileges of this House and of the rights of members, immediately and without a point of order being taken, rule the Leader of the Opposition out of order on 15th August when the matter came before you once more? Hansard of 15th August reveals that the question suggests that the correspondence may make serious allegations against unnamed citizens of this State—the Bartons, members of Parliament or anyone else. The question goes on:

> Did the Attorney-General state also that such material was "part of the litigation at present before the courts"? Were the proceedings he referred to the application before the Supreme Court today in which the Attorney-General is a party to the proceedings?

If the answer to that question was in the affirmative, how could the matter not be sub *judice* in this Parliament? Why should a man who was once the Attorney-General of this State say that because it has been ventilated in the press it must be ventilated in Parliament? I am reminded by an honourable member who was in this place when the honourable member for Raleigh was Acting-Speaker that, when the Moffitt Royal commission was appointed, it was ruled that members could not talk about poker

machines or casinos while the commission was inquiring into gambling and the infiltration of crime into clubs in this State. If it was Mr Speaker Ellis who broadened the rule to give greater scope to members of this Parliament, how could Mr Acting-Speaker Brown have ruled in that way? I do not see any way in which Government supporters or members of Parliament could kowtow to this exercise in Speaker bashing, as the Attorney-General described it. The debate on this motion seeks to ventilate this matter. The honourable member for Northcott shows contempt for the Chair that he occupied for three years by coming into this House and waving round pleadings in the court case in an effort to get support for the North Sydney preselection. Why is the Leader of the Opposition not speaking in the House? It was his question that was ruled out of order. He sent a boy on a man's errand. We wish the honourable member for Northcott well in the preselection; this Government will be poorer by his departure from State politics, I am sure.

In this Parliament an attempt was made to ventilate litigation involving the best known tourist defendants this State has seen for many years, Thomas and Alexander Barton. We had the charade of pleadings being waved about and threats being made about proceedings against the Attorney-General and Minister of Justice. This deals with correspondence which the Attorney-General and Minister of Justice, as the senior Crown law officer of this State, has given an assurance bears materially on proceedings before the court involving those people.

The Minister for Mineral Resources and Development reminds the House that we should be debating how the Bartons came to be away from this State for so long, evading their responsibilities here. What a pity the Speaker ruled out of order the question from the honourable member for Ku-ring-gai. If the judges of this State were not to be influenced by debate in this House, how would His Honour Mr Justice O'Brien have reacted to this question with its legal implications? Ought it to have been bandied about with the press prior to its being ruled in order or not? The next thing you know, judges will be brought before the bar of this House to indicate why they decided in a certain way on pleadings. That is the sort of thing raised by the honourable member for Northcott. Ought those judges come before this Parliament to indicate how a matter was or was not listed within the Supreme Court? Rubbish! Perhaps one would think there was a requirement under the Crimes Act, or one of the other statutes of this State, that the *Sydney Morning Herald* should publish a list of the cases to be dealt with in the Supreme Court each day. That is the substance of the original motion.

The former Attorney-General and Minister of Justice wants to know why the matter was not listed in the paper this morning. Cases before the Supreme Court are listed by the ***Sydney*** *Morning Herald* for public information only as a matter of courtesy. Bringing up this matter day after day in Parliament will not cause them to be published except as a courtesy. Why do not members of the Opposition drag up an inquiry as to how the Bartons kept away from New South Wales in the first place? As the Minister for Mineral Resources and Development said previously, we ought to be debating that. I agree with the Attorney-General and Minister of Justice that this motion should be withdrawn.

Mr DOWD (Lane Cove) [4.22]: Mr Speaker, we are determining the question of the circumstances in which you should be obliged to rule whether a matter is ***sub*** *judice*. That is no reflection upon you. Despite the continued hilarity of the galah from Burrinjuck you are the servant of the House.

As did all honourable members of this House, Mr Speaker, you heard an appalling example by the Premier today when he made a ministerial statement concerning Reginald Varley. Whatever may be the merits of Mr Varley's case, he is

bringing an application before the Supreme Court of this State under section 475 of the Crimes Act dealing with the question of his conviction and an inquiry into it. That is a proceeding under the Crimes Act dealing with the liberty of an individual.

Because he did not have the courage to answer the question the Attorney-General and Minister of Justice interjected with ***sub judice*** statements concerning correspondence in certain of the various Barton proceedings. Regarding criminal proceedings the rulings of this House are eminently clear: the House ought not discuss the merits or otherwise of criminal proceedings. But before the court are various civil proceedings involving the Attorney-General as defendant, together with the Premier, Sir Peter Abels, Fred Millar and sundry other persons in an application to join them as defendants.

The question before the House concerned the mechanics of the judicial system, not the merits of a case that raised serious allegations which ought to be determined not by this House but by the Supreme Court in the proper exercise of its jurisdiction. To my knowledge it is the first time a case has not been listed before the courts. It is not a matter of whether the ***Sydney Morning Herald*** performs this function as a courtesy. That newspaper lists cases every day for public information. I inspected a different list, the list published outside the Supreme Court. The case of ***Barton*** v. *Walker* was not there.

Mr Walker: Do you know why?

Mr DOWD: There may be a million reasons why it was not published there. The Attorney-General and Minister of Justice suggested there was something wrong in my action when I challenged the circumstances. He sent his press officer to mislead the press gallery. The Attorney-General and Minister of Justice seemed to know what the press gallery ought to say, or had some extremely good insight. How could he say otherwise when he assisted them for several hours to make sure the press had the facts right? He must have known a lot about it.

We are not debating the facts before the court as to whether the Attorney-General and Minister of Justice conspired with other persons to defeat the course of justice. We are not concerned about whether he conspired with the Premier of New South Wales and other persons to issue an ***ex*** *officio* indictment. We are concerned whether the Attorney-General and Minister of Justice tried to conceal the fact that a case involving himself as a defendant was not listed. Whether cases are listed before a court has nothing to do with the facts of the case but has everything to do with the administration of justice.

The first explanation given by the Attorney-General and Minister of Justice was that it was a shorthand way of listing the matter; there were three Barton cases in the list so the other one was not mentioned. That was a demonstrable lie as any competent lawyer, if there is one on the Government benches, will tell you. When the lie was given to that the Attorney-General and Minister of Justice then said to the press gallery, "This is an amendment to the proceedings before the court; therefore it does not get listed". I assure the House that those proceedings were called before Master Cohen in the Supreme Court. He wondered why the matter was not published in his list and not published outside his court.

When governments, such as that of which the Attorney-General and Minister of Justice is a representative, start to conceal certain actions, the public will start to wonder why. A fundamental feature of our legal and democratic system is that when matters come before the court they should be free from interference by the Attorney-General and Minister of Justice. When similar actions were taken in the United States

of America, and in this country by the Whitlam Government, the public started to wonder about the interference with the judicial system. We have had examples of interference at magisterial level by the Attorney-General and Minister of Justice.

We are not concerned with your capacity, Mr Speaker, to make a ruling about a ***sub judice*** matter. The obligations are clear. Obviously you cannot be expected to understand all the intricacies of the Barton cases and their ramifications before the courts. That is no reflection upon you, Mr Speaker. Criminal proceedings are about to commence but there is no indictment before the court. The Attorney-General issued an ex ***officio*** indictment and has said that certain correspondence is ***sub judice.***

Mr Walker: It has been presented.

Mr DOWD: Has it been presented to a judge?

Mr Walker: Mr Justice O'Brien is hearing the case.

Mr DOWD: Apparently he is hearing the criminal proceedings?

Mr Walker: That is right.

Mr DOWD: The Attorney-General and Minister of Justice knows that is not correct. Mr Justice O'Brien is hearing a challenge. That was not the subject of the question. The civil proceedings were the point of the question. The onus lies upon the Attorney-General and Minister of Justice, who alleges it is ***sub judice,*** to make out a case before this House for his belief. Otherwise we will have the absurd situation that a matter before a court can be reported in the press but in this House it cannot be debated. Mr Speaker, you know of the rulings made in this House over many years. Parliament should not be placed in a position secondary to that of the fourth estate. The press can report the facts of proceedings before a court; members of this House cannot speak of them.

All Labor members who support the Government in its actions should be asked whether they really want to conspire in an attempt to prevent freedom of speech. Each must answer to the people of this State whom we all represent. It is their freedom of speech we are concerned with, and their right to have matters aired. Before a matter is ruled ***sub judice*** we want to make sure we are not gagged. The press is not restricted. Why should not the facts be placed before you so that a proper ruling can be made?

[Interruption]

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

Mr DOWD: The onus on the Attorney-General, as first law officer, is to have the intestinal fortitude to tell you, Mr Speaker, what are the facts, which proceedings are criminal, which are civil and explain why we should not have an opportunity to debate these matters, not the substantive merits of the case. A judge will determine them in due course.

Mr Walker: It is for a jury to decide.

Mr DOWD: Not in proceedings in equity, unless for some extraordinary reason one gets a jury. The civil conspiracy and the injunction proceedings will be decided quite independently. This House must determine whether the proper administration of justice is being carried out when cases involving the Attorney-General, who presides over the administration of justice, are not published in law lists, as are cases involving other citizens.

Mr Walker: That case was on the list for four or five days.

Mr DOWD: The Minister tried to mislead the press, which does not have the opportunity of seeing how the court lists are prepared, and to mislead the public by not allowing them to know why cases involving the Attorney-General are not listed, despite the Minister's obviously spurious explanation. The public has not been told why the facts have not been put before them and why these cases were not listed. If the Minister had the honesty to ask the court, he would have received an honest answer. There could have been any number of reasons why the matters were not listed. However, the Minister sought to mislead the press gallery by peddling a series of lies, as is his custom.

It is the obligation of the Attorney-General to inform the Speaker of this House of the proceedings before the court, rather than to try to persuade you, Mr Speaker, that they are criminal proceedings, when they are not necessarily so. Parliament is the ultimate court in the State for determining freedom of speech. Without intending any disrespect to you, Mr Speaker, we ask that members of Parliament decide on this ruling and decide the extent of your power in this regard.

Mr CAMERON (Northcott) [4.32], in reply: These matters raise a consideration that is vital to this Chamber and its future as a great parliamentary establishment. It is ironical that the day after these rulings were given, on Wednesday of last week, in another place a question was asked by the Hon. M. F. Willis ventilating the selfsame matters, the selfsame litigation. That question was asked in the Legislative Council without objection. Admittedly the Hon. J. R. Hallam gave no answer at all but said simply:

> I shall have the question referred to the Attorney-General and Minister of Justice and provide the honourable member with a reply later.

It was apparently fully competent in that Chamber for the selfsame matters to be ventilated by way of question without objection and an answer, of a kind, to be given. In this Chamber, the popular Chamber, the pre-eminent Chamber of this Parliament, whenever the matter has been sought to be raised, even before a question has been asked fully let alone an answer given, discussion has been silenced and the whole process of question and answer brought to an end. That has occurred simply because the matter is of governmental sensitivity and concerns not criminal matters, as has been made abundantly clear, but essentially civil matters.

The matters about which the Government is intrinsically sensitive are set forth in statement of claim No. 1592 of 1979 issued out of the Supreme Court of New South Wales in its equity division. There is no hint of a jury being involved, no hint of criminal proceedings. It is essentially a civil matter. Time and again the House has heard the Attorney-General speak in glowing tenms about the office he holds, his status as the first law officer of New South Wales and the source from which he derives his authority. Those of us associated with the law would know that great old statute called familiarly 9 Geo. IV, c. 83, and some of us would know section V of that statute. Presumably that is the sort of statute upon which this Attorney-General relies to issue *ex officio* indictments.

The plain fact is that what is alleged here is that when he issued ex *officio* indictments in these related matters he was not exercising that statutory authority for the purposes for which it was created. He war doing so for a completely extraneous purpose—to distort the course of justice as part of a civil conspiracy in which he——

Mr Ryan: On a point of order. Mr Speaker, the issue before the Chair is whether your ruling was correct. The honourable member is going into the issues that might lie behind the question that was asked and your ruling upon that question.

He has transgressed completely into the history of whether an *ex officio* indictment should have been filed in the first place against the Bartons. That is extraneous to the matter before the Chair.

Mr SPEAKER: Order! I must allow some latitude to honourable members when speaking on a matter such as this, because as Speaker I ruled a particular matter to be out of order. I remind the honourable member for Northcott that he is replying to the debate and should address himself to matters raised in the debate. He should not introduce new matters.

Mr CAMERON: Mr Speaker, all of these matters were raised and debated by various members who have preceded me. The issue was whether the Attorney-General was properly exercising that power or was performing the action of signing the *ex oficio* indictments for an entirely different and extraneous puspose—as part of a civil conspiracy between the Premier, himself, Sir Peter Abels and Mr Fred Millar to distort the course of justice.

Mr Ryan: Mr Speaker, I submit that this is a device to get round your original ruling. It is an attempt to raise facts that may or may not be relevant to any answer that might have been given. It is a device for canvassing your original ruling. The honourable member is dealing with issues that will be raised before Mr Justice O'Brien, as to whether the *ex oficio* indictments are properly founded.

Mr SPEAKER: The honourable member for Hurstville has taken a further point of order. It is difficult for me to rule on these matters. However, it is pertinent to say that the honourable member for Northcott cannot raise matters as to litigation. I ask him to return to the matters that were raised by other honourable members and to reply to them. He cannot go into details and mention names. Some of the names he has mentioned were not mentioned by other members or by himself.

Mr CAMERON: I do not seek to canvass your ruling, Mr Speaker, but the honourable member for Lane Cove mentioned those specific names. However, I shall depart from that subject and move to purely factual matters.

[Interruption]

Mr CAMERON: These matters were raised not merely by me but also by other members, and they are factual matters.

Mr Walker: On a point of order. Mr Speaker, I submit that it is wrong for the honourable member for Northcott to try to raise in reply matters upon which the House has already reached a decision. You are bound by that decision. The House has already decided that you were right in ruling that the matter is *sub judice.* I point out that both dissent motions deal with the same subject matter. My point is that the House has taken this matter out of your hands.

Mr SPEAKER: Order! I interrupt the Attorney-General to draw the attention of the House to the fact that apparently an electronic device is being used in the Chamber. I gather from the honourable member for Sturt that he is carrying a radio. As the noise has now subsided, the Attorney-General may proceed.

Mr Walker: Mr Speaker, the point I was trying to make before I was interrupted was that the House has already decided that you were correct in ruling that the question asked in this Chamber last Thursday was *sub judice.* I submit that it is not permissible for the honourable member for Northcott to try to introduce the subject

matter that he might have raised in the question if it had been asked, answered and further questions then asked. The fact is that the House has decided it is ***sub judice*** and it is not for the honourable member to take the matter further.

Mr CAMERON: Mr Speaker, I simply look to that great Chair which you occupy and, despite what honourable members have said, I esteem the goodwill that you bring to the exercise of your functions. I put to you strongly that when we on this side rise to take points of order that are substantial and bona fide, you should not dismiss them by saying that there is no point of order.

Mr SPEAKER: Order! The honourable member is reflecting upon the Chair.

Mr CAMERON: Mr Speaker, let us have freedom of debate in this historic Chamber when matters of moment touching the welfare of the community are at stake. Let us be willing to open them up for discussion and to ventilate them. I implore you to permit all members, wherever they sit in this House, to do exactly that. Let us have not constraint of debate but freedom of debate.

Mr SPEAKER: I thought the honourable member for Northcott was speaking to the point of order taken by the Attorney-General. I wish to rule on that point of order. The honourable member for Northcott was out of order in referring to certain matters. However, the honourable member's time has now expired.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 33

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

Noes, 62

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

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

Question so resolved in the negative.

Motion negatived.

GOVERNOR'S SPEECH: ADDRESS IN REPLY

Fourth Day's Debate

Debate resumed (from 16th August, ***vide*** page ***323)*** on motion by Mr Keane:

That the following Address in Reply to the Speech which His Excellency the Governor has addressed to both Houses of Parliament on opening this Session of the Parliament of New South Wales be now adopted by this House:

To His Excellency Sir ARTHUR RODEN CUTLER, upon whom has been conferred the decoration of the Victoria Cross, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Knight of the Most Venerable Order of St John of Jerusalem, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia.

May it Please Your Excellency—

We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of New South Wales, in Parliament assembled, desire to express our thanks for Your Excellency's Speech, and to affirm our sincere allegiance to Her Most Gracious Majesty.

2. We beg to assure Your Excellency that our earnest consideration will be given to the measures to be submitted to us, that we will faithfully carry out the important duties entrusted to us by the people of New South Wales, and that the necessary provision for the Public Services will be made in due course.

Mr MAIR (Albury) [4.48]: It is with pleasure that I congratulate the honourable member for Woronora, who moved the motion for the adoption of the Address in Reply, and the honourable member for Willoughby, who in seconding the motion made his maiden speech. I congratulate also the honourable member for Miranda, who made his maiden speech in this debate. Since my election to this Parliament I have travelled throughout the Albury electorate to such places as Holbrook, Tumbarumba, Cabramurra and Khancoban, visiting local government, schools and so on. It was fortunate for the electorate of Albury that the electors of New South Wales elected in 1976 a government that cares for the people and the future of the State and, furthermore, that it returned that Government in 1978 with an overwhelming majority. I say it is fortunate because this Government has recognized the past neglect of Albury, particularly in education, hospital services, housing and welfare needs.

As a supporter of decentralization, which I believe is vital to the future of the State as well as better living standards for people, it is heartening for me to know that despite the reduction in funding from the Fraser Government, this Government

has confidence in and supports in a practical way the Albury–Wodonga growth centre in accordance with the Premier's 1978 policy speech. In 1974–75 the Whitlasn Government assisted the growth centre with loan funds of $40 million. The Fraser Government has gradually reduced this level of assistance until in the past financial year it was a mere $5 million. The support of this Government for the national growth centre of Albury–Wodonga is to its credit. In contrast is the despicable manner in which the Fraser Government has slashed funding. In the past year the New South Wales Government has made available $22 million for the growth centre, an increase of about 50 per cent on the previous year.

Albury is well suited for industry. It has an adequate water supply from Lake Hume 12 miles away, and that supply is supplemented by the Dartmouth dam. Almost two years ago natural gas was piped from Bass Strait, and made available to the area at the Melbourne price. Albury is serviced with national highways and rail links to all States. Industry is assured of an adequate power supply. The commission has set up a 330 000-volt power line from Wagga Wagga to Jindera, which links with a 132 000-volt line from Jindera to Albury. Should a fault occur in the line, an alternative supply will be available in two or three weeks' time from the Victorian Deragang scheme. The Government continues to offer incentives for decentralization in Albury and recently established a decentralization advisory council for the Murray region to advise on development of regional resources and market opportunities—a matter mentioned by His Excellency in his Address last Tuesday. From its own revenue the Government has extended itself to the limit in capital expenditure for housing, schools, roads, public transport and so on.

I am delighted, first, at the interest shown by the Premier and Ministers in the affairs of the Albury electorate and, second, at the Government's responses to my representations. During the election campaign the attention of the Premier was drawn to the many border anomalies existing between the two States. After discussions with the Victorian Premier, the Premier advised that he envisaged the setting up of a committee of eleven members. He has already notified the Victorian Premier of this Rate's nominations and is now awaiting Victoria's response. I am pleased to say that today I had discussions on this matter with officers from the Premier's Department. Last week it was my pleasant duty to open the Albury police–citizens boys' club, recently completed at a cost of $450,000, which includes this Government's contribution of $100,000. No doubt much benefit will be derived by the youth of Albury and district from this club.

I should like to place on record the efforts of the Government in the establishment in my electorate of a plant of Australian Newsprint Mills. The mill is important to this State and the nation. It will bring about an annual saving of $70 million in oversea funds. Capital expenditure in developing the mill will be about $165 million. Site works are progressing to plan and the mill will be in operation by 1981. This Government's concern for country people is evidenced by the fact that Cabinet holds full Cabinet meetings in the country. Last year such a meeting was held in Albury. Obviously the Government sees no second-class citizens in this State. It is a government that represents all people, wherever they live.

The campaign implemented by the Minister for Agriculture to detect brucellosis in cattle has been most successful in the Albury electorate. It receives the full co-operation of the rural community. To the end of June 196 000 head of cattle were tested, resulting in 1 per cent positive reactors. The Minister recently announced approval for compensation for affected cattle to the extent of $300 a head. I turn now to housing. In his Speech His Excellency expressed concern about this matter, stressing

the effect that reduced funds from the Fraser Government will have. Slashing of funds for a growth area like Albury will confer grave hardship on over 200 families awaiting accommodation. I thank the Minister for Housing for his constant attention to the needs of the electorate by way of the project homes scheme. In the period 1977–78–79, eighty-four houses were completed or were in course of completion in Albury, nine were completed or were in course of completion in Tumbarumba, and four were completed or were in course of completion in Nolbrook. All this work was financed with limited State funds. Indeed, it is sad to learn that as a result of the incompetent way in which the Fraser Government is handling the economy, it has led to a 50 per cent cut in funds for housing in this State. The result is fewer Housing Commission homes and units.

In April this year the Leslie Nott afforestation camp at Laurel Hill near Tumbarumba was opened by the Minister for Corrective Services. The Government rebuilt the camp at a cost of $275,000. Established for the rehabilitation of prisoners, it is a showpiece in the State's prison system. Since the 1976 elections, when this Government came to power, years of neglect in education within the electorate was recognized by the Minister for Education, who set out to rectify the position. The following improvements were implemented by a commitment of $8 million over a period of two and a half years: the establishment of the new Albury technical college at a cost of $3 million; the building of stages 2 and 3 of Albury high school at a cost of $2 million; the construction of Springdale Heights public school, costing $1.3 million; and the provision of additional accommodation at East Lavington school at a cost of $585,000. Minor work was done at other schools. Additionally, $40,383 was forwarded this year to Acquinas College, Albury, to meet interest on a capital loan for building projects.

Since 1976, the Government has set about to improve hospital services in the electorate. I thank the Minister for Health for his acknowledgment of my representations. I refer to the purchase of Woodstock girls' school as a centre for the intellectually handicapped. The centre includes 24 hectares of land. The transfer of Adamshurst girls' hostel from the Department of Education to the Health Commission for use as a day-care centre in Albury to service fifty or more elderly citizens each day is appreciated by the community. Next month the Minister intends opening the recently-completed day-care centre in Tumbarumba. The cost of this work was $137,000.

I thank the Minister for Public Works for his continued interest in the electorate of Albury, and particularly for his recent approval to extend water supply to villages close to Albury. As recently as last Friday approval was granted to extend a water supply to Tabletop, which is north of the Australian Newsprint Mills site. Approvals of the Minister for Lands and the Minister for Sport and Recreation and Minister for Tourism have resulted in grants for major improvements to Holbrook showground, that is, the show pavilion, the sporting facilities there, the Holbrook racecourse and the Holbrook caravan park. A decision of the Minister for Transport has resulted in the reconstruction of the Borella Road railway bridge; also an effluent plant for Albury railway yard as well as the allocation of $1 million for design and resumption costs for the Albury–Wodonga by-pass. In addition, installation of traffic lights at the Lavington roundabout and the Guinea Street intersection is to proceed.

I sympathize with the Minister for Youth and Community Services because of lack of federal funding and unjust criticism that has been directed to the preschool education problem. The Opposition, quite aware of cutbacks by the federal Government, chose to bring that question into the debate and attempted to place responsibility for it on the State Government. Last week I was upset to see a march by unemployed

people at lunchtime in Castlereagh Street. I wonder if members of the Opposition saw that march. I was upset because many young unemployed people were marching. I find that unacceptable. In my electorate 2 400 people are unemployed. That is about the national average. About 40 per cent of that number are under the age of 21 years.

The Fraser Government came to office on issues such as a lowering of the number of unemployed and reducing inflation. It promised that inflation would be down to 5 per cent by last month but it is running at more than 9 per cent now. Doubtless the Fraser Government is more concerned with solving coalition differences than with important issues such as economic recovery. One wonders at the economic policies that the federal Government endeavours to impose on the State of New South Wales. A classic example is how the Fraser Government has ignored decentralization of industry. Borg-Warner employs 800 people in Albury, though General Motors Holden world car concept, supported by the Fraser Government, is likely to lead to reduced employment there.-I am awaiting with interest the recommendations of the Industries Assistance Commission early in September. Accepance by the Fraser Government of the Industries Commission's proposals for the textile industry will affect the woollen mills at Albury.

Last week my colleague, the honourable member for Newcastle, mentioned the savage tax levy on petrol and diesel fuel, with an anticipated increase in revenue to $2,200 million. That is an indictment on the Fraser Government. Though an estimated increase in income of that size from that source will occur the State is restricted in its funding by the federal Government. In my few months in the Parliament I have found the Government progressive and stable. The Speech by His Excellency leaves no doubt in my mind of a continuation of sound and responsible legislation being brought into the House. In conclusion, I again congratulate those honourable members who made their maiden speeches during this debate.

Mr FREUDENSTEIN (Young) [5.4]: As is traditional in this debate I congratulate the mover and seconder of the motion for the adoption of the Address in Reply to the Governor's Speech at the opening of this session of Parliament. I sympathize with those who have spoken from the Government benches on their difficulty in being able to present a case that would point to New South Wales as a progressive State. It is rather in retardation at the moment. I offer my congratulations also to the honourable member for Willoughby and the honourable member for Miranda who have made their maiden speeches in this debate. Speakers from the Labor Party have endeavoured to draw attention to the federal Government and to its failures, in order to detract from the poor performance of the New South Wales State Government. Attention has been drawn particularly to what are said to be failures of the federal Government with regard to finance.

The Speech delivered by His Excellency, which was prepared by the Government, is a dismal document indeed. It was prepared by a rather lacklustre Government and clearly spelled out the philosophy of the Labor Party, not only in New South Wales but also throughout Australia. The Speech deals with high taxation which is the policy of the Labor Party and spells out gross inefficiency flowing from lacklustre ministerial direction. The Speech spells out also a lack of knowledge. It calls on the federal Government to pick up the tab for the extravagances and wastes of the Wran Government, which should be condemned. The first three pages of the Speech show the usual Labor Party approach and firmly enforce the well-known fact that a Labor government is a high tax government. The third paragraph of the Governor's Speech demands more money and virtually says, "To hell with the taxpayer, let us do the spending". Undoubtedly the New South Wales Labor Government is spending wastefully in many directions but it is not bringing industry and investment to New South Wales.

A most glowing example of the Government's inefficiency and shooting from the hip attitude is its failure to provide properly for the winning and exploitation of the State's great coal resources. One has only to look at the report of the Joint Coal Board to see how far New South Wales is falling behind Queensland in coal production and capturing world coal markets. By words that are put into the mouth of the Governor, words that are quite wrong, the Speech reads, "A good seasonal outlook faces New South Wales rural industries." But two-thirds of the State is facing near drought conditions. That calls for questions to be asked of the Minister for Agriculture about where that information came from and how long ago it was produced. The rural industries are in a critical condition. Though the Minister uses words like those I have quoted from the Governor's Speech, the honourable member for Burrinjuck knows that the cockies in his electorate are screaming for rain, though he does not have much interest in his cockies.

Mr Sheahan: Was the honourable member for Young at home during the weekend? It rained.

Mr FREUDENSTEIN: I was home at the weekend. We got 40 miserable points of rain. Cootamundra received less than that. Firm demands are being made by the Premier and Ministers—these demands have been repeated tonight by the honourable member for Albury—for more funds from the federal Government and for higher taxation of the Australian people. It is suggested that the welfare state can be achieved only at cost to the taxpayer. Every single penny that the Government spends and every act it performs is governed by the amount contributed by the taxpayer. Let us consider how taxation has grown in Australia over the years. In 1968–69 total federal receipts amounted to $6,228 million. During the ten years to 1978–79 federal receipts rose to $26,057 million—by $20,000 million or 318 per cent. That much more money is now being drawn from the pockets of the taxpayers of this great country of ours, Australia. I need not tell this House at what period in the history of the Commonwealth Government that great increase in taxation took place. It was in the period when none other than Labor's Gough Whitlam and his followers occupied the Treasury benches in Canberra.

There are three tiers of government in New South Wales and we have proudly proclaimed that fact for many years. I believe there is a fourth tier of government, or a fourth partner—that is, the taxpayers. They are about to revolt, as they did in California and many other countries in the world. That is why socialism is dying out and will die out in this State, because socialists impose high taxation. If one looks at these three tiers of administration and adds together the total revenue demanded by them in direct taxation, indirect taxation and rates, one finds that to satisfy them all a wst of $91 a week must be borne by every working member of the Australian community. One should take this analysis further and relate it to the amount earned by the income earners in the community. If that is related to average weekly earnings one finds that 40 cents of every dollar earned goes into Treasury funds. That is an extremely dangerous situation. It takes away initiative and the incentive of people to get into work. Could it be that the reason why there are so many strikes in Australia today is that the average workingman is getting between only 50 cents and 60 cents of every dollar he earns? Yet the Government of this State demands that the federal Government increase its take even higher.

I mentioned that in 1968–69 the total revenue of the Commonwealth Government was more than $6,000 million. In that year the population growth in New South Wales was 80 000. In 1971–72 the population growth dropped by 50 per cent to 40 000. That reduction has been reflected still further in a reduction in the population

increase over many years, yet the Teachers Federation of New South Wales, the Labor Government of this State, and others demand a greater expenditure on schools, the building of schools and of hospitals and in other areas of government expenditure. That requires expenditure of borrowed money, and the only cut that the federal Government has made in contributions to this State has been in regard to borrowed money. Is it reasonable to expect that when the population of the schools is reduced by 50 per cent, the boys and girls going through the schools now will have to repay, as adults, those debts? They will have to pay back the money that was borrowed to build schools that will have empty classrooms. In the same way, they will be paying back the money borrowed to provide hospital beds that will be empty. For thirty years, as they pay back that money, they will curse their forebears for massive expenditure on such things. A small group of taxpayers will be saddled with a tremendous debt and a greatly increased public service.

Let us not call for more money. Let us examine our responsibilities as a State and endeavour to reduce expenditure, to save the taxpayers' money and bring back some incentive to the work force and investors within the community, the people who are willing to work. We should not take half of the workers' money to provide things that will never be needed. According to the Governor's Speech this Government is supposed to encourage private investment in this State. What of its decision to go back on its undertaking in regard to death duties? Will that encourage investment in this State? I was interested at the weekend to read an article in which it was estimated conservatively—-not by the Queensland Premier but by experts in the field of taxation—that 33 000 people have uplifted their holdings from New South Wales—their cash, virtually— and moved to Queensland to settle. Imagine the capital that that number of people would have taken with them—capital that could have been used for the development of this State.

In what way has the Government offered incentives? Any department that is concerned with growth is driving business away. The Department of Consumer Affairs plagues small business houses—not massive manufacturers but small business houses—in country areas because of manufacturers' faults such things as demand rectification. The system is one of endeavouring to protect idiots from themselves. *So* great is this disease today that the Attorney-General and Minister of Justice and others concerned with what they call corporate crime are forgetting other areas of crime, as they are forgetting their own responsibilities.

The Governor's Speech purports to be a statement of what is proposed by the Government within the next twelve months. When one examines it one finds that most of the things for which the Government claims credit are operations being carried out by private enterprise. The Government talks about the Electricity Commission negotiating on joint coal ventures. Surely that was an area that should have been left to private enterprise. This document claims that the $55 million pipeline from Sydney to Newcastle is a Government initiative. It is a project of the Australian Gas Light Company, not of this Government. As a matter of fact, at the moment the Government, with the aid of the environmentalists, is throwing spanners into the works in an endeavour to stop the pipeline going through. The Total Oil Refinery at Matraville is not an initiative of this Government but of private enterprise. The Government claims it is examining priorities and facilities for the storage and transport of fuels. Who will do it? The Government has before it a submission by the oil companies relating to these facilities but is holding up approval. No government money is involved. The Government takes credit for a pilot powerhouse in western New South Wales. That was a project of the Commonwealth Scientific and Industrial Organization; it had nothing

to do with the New South Wales Government. The $25 million water storage at Mangrove Creek near Gosford is one of the really desirable developments mentioned in the Governor's Speech and it is possibly the only place where the Deputy Premier, Minister for Public Works and Minister for Ports is doing anything constructive.

I condemn the Government soundly for its failure to proceed with the construction of the coal loader at Botany Bay and for its decision to build an enlarged coal loader at Port Kembla. The Government's decision has trebled the cost and meant the loss of 11 000 job opportunities; it has endangered many lives, caused a disturbance in a number of residential areas and increased freight costs for coal; it has caused major pollution problems from the stockpiling of coal at Port Kembla. Even when completed, the coal loader will be unable to meet the needs of the coal industry after 198.5. That hip-shooting exercise is similar to the decision to close Katingal. When announcing the decision relating to the Port Kembla coal loader, the Premier said it would cost between $160 million and $180 million. The cost of the coal loader itself was estimated at between $50 million and $70 million, and the balance of the estimated cost was for the railway works associated with the project. The latest available figures—not from the Premier but from a much more reliable source—show that the Port Kembla–Balmain package will cost $312.5 million, compared with the estimated cost of $108 million for the Botany Bay alternative. Despite the tremendous increase in cost, by 198.5 the production of coal in the State will outstrip the capacity of the coal loaders at Balmain, Port Kembla and Newcastle. The total quantity of coal the coal loaders will be capable of handling is 39 million tonnes. The State will produce a minimum of between 47 million tonnes and 55 million tonnes for export. On world forecasts. the loss of coal exports will cost the industry, the State and job seekers some $430 million a year.

Many contracts that should have been fulfilled by this State will be lost to Queensland and oversea countries. Almost daily one hears of accidents in the coal industry most of which would not have occurred had construction of the Botany Bay coal loader proceeded. The proposal was for coal to be fed to Botany Bay by rail. It would have been transported through five suburbs and hardly interrupted the peace of the residents. Coal transported to Port Kembla goes through thirty residential suburbs. The coal travels 234 miles to Port Kembla, whereas it would have travelled only 162 miles to Botany Bay. That results in higher freight costs, expensive stockpiling and consequent pollution. This State will not be able to compete successfully with other States. This has come about as a result of the usual half-baked, hip-shooting actions of the Premier. He has done a real Wran act, and one for which he cannot blame the federal Government. Nor can he blame the Commonwealth Government for the closure of Katingal and the death of Mr Mewburn, a product of the Young electorate. If the Premier or any of his Ministers had been in that electorate at the weekend, they would have been run out of the district on the point of a pitchfork, so incensed were the people there.

To appease a few way-out reformers in our society the Premier went off half-cocked and closed Katingal. As a result, a fine citizen from my electorate is dead. To his relatives I extend my sympathy. Today one did not get the impression that the Premier extended his sympathies when speaking in this House. He said, "What of it? One man is dead." He made that statement from the podium in this House.

Mr Day: He did not say that.

Mr FREUDENSTEIN: He did say that. That action was taken to satisfy a few so-called humanists who said Katingal was not human.

Mr Rogan: What about Mr Justice Nagle's report?

Mr FREUDENSTEIN: Mr Justice Nagle, the Attorney-General and the Premier are lawyers, as is the honourable member for Burrinjuck. I am convinced that lawyers have a real place in the courts of our country, but when criminals have been sentenced by the courts they should never again be in the hands of lawyers. Lawyers have a vested interest in crime. Some of them would go to any lengths to get people out of gaol so that they can bring them back and get more money from them.

Mr Sheahan: The honourable member was a member of the Cabinet that established the Nagle Royal commission.

Mr FREUDENSTEIN: Lawyers see only the good side of criminals, because lawyers plead for them in the courts. Criminals show their best side to lawyers all the time. Lawyers never see a criminal's hatred of the lifestyle of others. Lawyers, and judges, should be kept apart from criminals. The necessity for that has been clearly illustrated by the original decision to close Katingal. That decision caused much trouble and the loss of the life of a fine citizen from the Rugby area.

Recently I have received many phone calls from persons in the Rugby area demanding the re-opening of Katingal and saying that the first person to be put into it should be the Premier. Generally the public will not support strike action, but on this occasion almost everyone in New South Wales would support the prison officers. I have not studied today's decision by Cabinet, but I believe the right decision may have been made. The Government should get rid of the stop-go sympathizers of criminals in the Cabinet and get back to a little realism.

As I am deeply concerned about water supply in country areas I shall mention the Mangrove Creek dam. Little reference was made to this matter in the Governor's Speech, and one assumes that little is to be done in regard to country water supplies. When the Liberal–Country party was in government the waiting time for augmentation schemes and new water supply schemes was reduced to a minimum of seven years. The State is now back to the never-never scheme, the old principle followed by Labor when it was last in office. I am concerned that no special funding will be available for the Department of Public Works to carry out major exercises in this important field. The augmentation schemes that were to proceed in smaller country towns will be held back while the major one at Gosford goes ahead. Though I recognize the need for a better water supply in that fast-growing area, I deplore the abandonment of schemes for smaller areas.

The south-west tablelands water supply scheme is subject to a tremendous increase in cost but will not receive any further funding for work to be done by the Department of Public Works to extend it within the municipality of Young and other areas, particularly the electorate of Burrinjuck. Much has been said about the insufficiency of funds for the building of houses in the State. Money has been available from private enterprise for the building of homes at Young, but in the area of Cook Crescent and Endeavour Place private homes and Housing Commission homes have not been constructed, because the Department of Public Works cannot provide an adequate water supply. The work cannot go ahead though only a paltry sum of $4,600 is involved. Persons in the area are missing out on a vital development for the housing of people because of lack of funding for such a small amount.

This is the sort of operation about which I am gravely concerned because no funds are being made available for the extension of water in rural areas. The *$25* million scheme on Mangrove Creek should properly be the work of the Water Resources Commission, and that project raises the question: what part does the Minister for Public Works now take in the Cabinet of New South Wales? The Attorney-General seems to be preoccupied with corporate crime and is goirg soft on other types of

criminals. It is to the point to mention a case affecting some of my constituents, the handling of the estate of John Thomas Toohey, who provided in his will for the real property of his estate to pass to his grandchildren. Those grandchildren are constituents of mine. By some devious means the executors sold off, for their own purposes, land comprised in the estate, and the Attorney-General has done little about it. Court cases have been held and the executors have been changed, but nothing has been done to get back the money raised by selling the land. The Attorney-General's only answer is that it is a matter for private litigation. Private litigation would use up the entire estate of about $500,000. It would go, not to where the testator wanted it to go, but into the pockets of the people who have taken some of it.

I have said enough to prove conclusively that the Wran Government is the ultimate in excessive taxation and incompetent, irresponsible spending. I have proved its irresponsibility in its treatment and punishment of criminals and I have established that it has driven away investment, killed initiative and created unemployment. I have sought to prove, and have been supported by an advertisement in yesterday's *Daily Telegraph,* that this Government will go to any lengths to reduce the community's moral standards. Thus the aim is to make crime easier and the penalties for those crimes less easy to pursue. This is a government of deception, and the document being debated today is a foul use of Her Majesty's representative to deceive the people of this State into believing that they are well governed. No government so restrictive of freedom, so culpable of neglect, so powerful to deny normal initiatives of private enterprise, will survive long. The fear of government members of ballot box reprisal will be evidenced when the electoral boundaries are redrawn.

Mr ROGAN (East Hills) [5.34]: I too congratulate the honourable member for Woronora, who moved the motion for the adoption of the Address in Reply, for his eloquent attack on the disastrous Fraser Government's economic policies. In particular I congratulate the honourable member for Willoughby and the honourable member for Miranda on their maiden speeches. They have shown clearly that they will make a significant contribution, both to this House and to their constituents. I look forward to their continued contributions to the debates.

The honourable member for Young referred to the Labor Government as a high taxation government. I remind the honourable member that in Canberra a Prime Minister by the name of Fraser heads one of the highest taxation governments ever seen in this nation. I take exception to the remarks of the honourable member for Young in respect: of the most unfortunate death of a prison warder, Mr Mewburn, when he ascribed the closing of Katingal as the reason for it. It is regrettable that from time to time prison warders, as is the case with police who are in the front line of law enforcement, will be injured and killed in the course of their duty, just as innocent citizens are sometimes the victims of these foul criminals. However, it is deplorable to cite the Government over the closure of Katingal for the Government had merely followed a recommendation of a Royal commission that looked into this question extensively. It is unfair to lay the blame for this unfortunate death at the foot of the Government. I now refer to His Excellency's Address, particularly his opening paragraph, in which he said:

> During this Second Session of the Forty-Sixth Parliament my Government will seek your approval for measures to advance its programme of reform and progress for the welfare of the people of New South Wales.
>
> The continued success of that programme has required the most rigorous review of priorities and a sustained effort to marshal the State's financial resources.

> The financial and legislative measures for this Session have been prepared against a background of severe financial restrictions imposed by the Federal Government, particularly in the fields of capital works, health, housing, and education.

In that context I should like to refer to the policy initiative of this Government in the field of technology. Much has been spoken and written in recent times on this all-embracing subject. It is said that we are living in the technological or, as it is sometimes referred to, the information revolution, and a parallel has been drawn between the industrial revolution dating back to 1781, and the commercial development of the steam engine. However, we find that the rate of change associated with the present technological revolution is like an exponential curve. If the rate of acceleration is not monitored, assessed and possibly controlled it will have far-reaching social and economic effects on this State and the nation.

I emphasize this aspect by pointing out that twenty years after the first steam-powered machine was built there were still only 330 steam engines in the United Kingdom. Compare that rate of development with the rapid advancement of present-day technology, based on the electronic data processing device called a microprocessor, or a computer on a chip. Microprocessors, consisting of tiny silicon chips that are small enough to pass through the eye of a needle, have revolutionized the computer industry. In essence, it has meant that a computer which fifteen to twenty years ago would have occupied a whole room, can now be placed in a corner cupboard of that same room. In 1963 the Americans learned how to put eight transistors on a single chip of silicon, producing a so-called integrated circuit. The know-how of getting more transistors on to a chip evolved rapidly. Today 250 000 such transistors can be placed on a single chip of silicon. Five years ago a whole computer was put on to a single chip and the microprocessor was devised. It gave birth to the $10 computer that can easily fit into a match box. A calculator that cost $50 in 1976 could be bought for $30 in 1977 and now costs $5.99—clear evidence of the rapid development of this industry. As one who was actively involved in the automation industry prior to entering politics, it was obvious to me some five years ago that this development would have a substantial impact upon the community. With this in mind, I worked actively within the Parliamentary Labor Party to develop a positive policy in respect of this modem phenomena.

Prior to the 1976 State election, I put to the Parliamentary Labor Party a recommendation advocating a policy that gave recognition to the technological revolution which was at that stage upon us. However, it was in April 1977 when I presented a paper to a Parliamentary party seminar, the title of which was "Automation—the need for a clear Government policy"', that the need for a firm policy was recognized. I said at that time that there was an obligation on the State Labor Government to effect a Labor policy that would give positive direction to unions and employers on the very important question of automation; the sharing of the obvious benefits that it must bring, but also the protection of the worker from exploitation, which quite often is the final result of such a move.

I put to the Government that a department of technology should be established as an advisory unit consisting of people with extensive knowledge in the field of automation. They could advise the Government on the need for specific legislation and action that might be required to offset some of the more disruptive effects of the uncontrolled introduction of automation. I envisaged that such a unit would also have as its function the monitoring of the rate of change and the introduction of new technology. I felt it was necessary to have such a unit because the expertise was not then available within the only department that had a responsibility in this area, that is,

the Department of Labour and Industry. At that time a position paper by the Department of Labour and Industry containing comments on the policy I proposed more than anything else convinced me that it was absolutely essential for the Government to establish a department of technology. The departmental position paper indicated how out-of-touch the department was with the technological revolution that was occurring in industry. I say this in no critical way as I believe the Department of Labour and Industry was never previously given a role in this rapidly-changing field. To illustrate this point I refer members to this extract from the position paper of the Department of Labour and Industry:

> In recent years, the introduction of automation and technological change in industry generally have been of a significant nature but it is considered they have not markedly altered or affected employment or employment opportunities.

The department qualified this statement by saying that this is probably due to the emergence of alternative work opportunities and an expanding economy over that period. The department further stated that in the short-term it appears that there will be a slackening in the introduction of automation and technological change. I have referred members to the department's position paper merely to indicate the need as I then saw it for the establishment of a unit of technology.

Prior to the 1978 State election I made a specific submission to the Premier, suggesting that he announce in the party's policy speech an initiative along the lines I previously proposed, that is, that a department of technology be established and that the Department of Labour and Industry be renamed the Department of Labour, Industry and Technology. As previously proposed, I felt this unit should consist of a small number of experts in the field of technology who could advise the Government on the need for specific legislation, as well as being a source of advice on the effects of the introduction of technology. The Premier, I am pleased to say, did make this announcement when delivering the Labor Party's policy speech in the 1978 election, and he said that the Government upon being re-elected would expand the Department of Labour and Industry to establish an advisory unit of technology with experts in the field of automation and technological change. Its role would be to advise the Government on ways to offset the disruptive effects of change and to co-ordinate the activities of employers, trade unions and other community bodies in the efforts to deal with the impact of technological change. Henceforth the department would be known as the Department of Industrial Relations and Technology. I am delighted to note the progess that this department has made under its Minister. The Minister outlined the role that the department will play in this way:

> To summarize, the new unit—the first of its kind anywhere in Australia—will perform multi-faceted functions such as:
>
> It will assess the impact of technological change on employment opportunities. It will monitor developments, both here and overseas, of economic, political and social techniques designed to minimize adverse effects of technological change. It will establish a library of reference material and maintain an information service for all public and private sectors. It will examine the industrial relations implications, and help unions and management to resolve problems with a minimum of hardship. It will develop soundly based manpower planning strategies. It will consider the development of job creation schemes and alternative occupations for persons displaced by such change. It will make recommendations for training and retraining. It will foster modem technology and innovative developments to synchronize with the pace at which industry can absorb displaced labour.

Mr Rogan]

Since assuming control of the department the Minister has also made a series of speeches and statements on technological change. In particular I was keenly interested in the Government's submission to the Commonwealth Government's inquiry into technological change. I sincerely hope that the Commonwealth committee of inquiry, which is headed by Professor Rupert Myers, Vice-Chancellor of the University of New South Wales, will address itself seriously to the most important question of the social impact of technological change on the community. I note from the terms of reference that the committee will examine, report and make recommendations on the process of technological change in Australian industry in order to increase to a maximum the economic, social and other benefits and reduce to a minimum possible adverse consequences. I am rather concerned that too little consideration will be given to the far-reaching social and human aspects of technological change. A great deal of information exists on the benefits and technical aspects of technological change but so far little has been produced on the real social impacts of technological change. We shall all be awaiting eagerly the findings of this committee.

The Minister for Industrial Relations, Minister for Technology and Minister for Energy stated in the Government's submission to the Myer committee that New South Wales has the largest manufacturing industry and the largest work force in the Commonwealth, and New South Wales would challenge the concept that technological advances are necessary and presumptively beneficial. He further stated in his submission that technology is not changing every ten or twenty years but rather every three to four years. It is the rapidity of the rate of technological change that is new and requires caution as to its possible effects. Obviously any acceleration in the move by industry towards automating their operations will have a significantly greater impact on workers in New South Wales. In the Minister's submission under the heading '"The Economics of Technological Change" he states that New South Wales will challenge the concept that technological advancements are necessary and presumptively beneficial.

My view is that the mere geography and population of Australia makes it imperative that in manufacturing we become technologically superior to our trading partners if we are to maintain our position as a trading nation. The size of Australia coupled with its small population scattered across the length and breadth of the nation means, of course, that unlike the United States of America, Europe, the United Kingdom or Japan, Australia does not have a large market within its geographic boundaries to consume the products of its manufacturing industry. Let me emphasize this point by referring members to the Nissan motor car plant at Zama in Japan where it has an assembly line 2 kilometres long that is 97 per cent automated. There are only 3 200 workers on the assembly line but they produce 420 000 cars a year. This output is more than the total output of the entire Australian automobile industry, which currently produces approximately 360 000 vehicles annually and employs SO 000 production workers. From this illustration one can appreciate the sheer economies of scale.

In Australia IBM has just opened a new plant at Wangaratta in Victoria where some fifty workers will produce about 23 000 electric typewriters a year. This represents 76 per cent of the current Australian market. Australian manufacturing industry employs one-fifth of Australian workers and it is said to be the economic life blood of much of Australian urban society. Despite the growth in this area during the 1950's and 1960's, manufacturing is producing a smaller proportion of Australia's wealth than it did ten years ago. In 1968–69, 41.2 per cent of private capital expenditure went into manufacturing industry in Australia. In 1977–78 this proportion had declined to 30.1 per cent.

If Australia is to remain a manufacturing country, it will have to embrace computer technology. It, coupled with our decided advantage in mineral and energy resources, should give us the competitive edge, thus ensuring the maintenance of our role as a self-supporting manufacturing nation and an exporter of manufactured goods. In an era of world-wide pressures for a reduction of tariff barriers and with pressure being exerted by the ASEAN countries for greater access to the Australian market, we must move ahead faster with technology-based manufacturing industry.

In a recent statement the federal Minister for Trade and Resources and Deputy Prime Minister has stated that the Industries Assistance Commission has estimated that between 1968–69 and 1976–77 a tariff equivalent of all protection of manufacturers, that is, tariff restrictions and subsidies, fell from 24 per cent to 15 per cent. He said that the result of this liberalization had been a large expansion in imports of manufactured goods. In 1968–69 imports accounted for 17½ per cent of the Australian market of manufactured goods. In 1977–78 this had risen to 23½ per cent. In my view these figures firmly establish the importance of the statement I have just made. As further evidence of the need to educate Australian manufacturers on the need to become more efficient through automated production techniques I refer to an article by Mr Christopher Jay in the business section in the ***Financial Review*** of Monday, 20th July, 1979. It stated that the degree of enthusiasm with which new technology is embraced by Australian companies is emerging as one of the key factors in determining the survivors of the sorting-out process likely in Australian business in the next two to three years.

Mr Jay said that that was one of the important implications from an expensive survey of business attitudes *to* new technology carried out by management consultants W. D. Scott and Company and released at a technology conference in July of this year. The survey clearly separates the Australian business community into two broad groups of executives. One group is gaining experience in micro-processor technology, seeing the creation of more employment opportunities, looking for growing export of technology and supworting an expansion of private spending on research and development.

By comparison with that entrepreneurial group, a large number of respondents are unhappy in the current environment of rapid change and pressure on businesses and are clearly better suited to the easier days of the sixties than the forthcoming uncertain days of the eighties. In general this larger group tends to be lagging in plans to introduce micro-processor technology, sees a static or declining number of job opportunities and increased purchase of imported technology, and relies on public spending to supply research and development funding. As a result of the survey I see a need for the new Department of Technology which has been established by the Government to educate manufacturing industry on the advantages of developing technology-based manufacturing industries.

The future of our manufacturing industry lies in our ability to adapt to computer-based operations, but the workers and the Australian community should not have to pay the price for these changes. These developments should not result in economic and social loss for the work force. The benefits that must come from improved technology must be shared equally with the workers and the community. If that is not done some of the dire predictions that have been made will become a reality.

When visiting Australia in May of last year British trade union leader Clive Jenkins forecast local mass unemployment as the economic recession forced industry to use more labour-saving technology and fewer people. He said that Australia's present

jobless figures would look small stuff compared with tomorrow's wasteland of unemployment. Professor Bill Ford, personal consultant to the Minister for Industrial Relations, Minister for Technology and Minister for Energy, when addressing Premier Hamer's conference on unemployment last year, said that the level of unemployment in the eighties will be much higher than is predicted at present. In making that evaluation he argued that the present predictions of unemployment as a result of technology are based on the introduction of technology as applied in the sixties and seventies and this, in turn, had been translated into the eighties. Those using this basis for predicting unemployment forget that technology in the eighties will be different, cheaper, more sophisticated and capable of replacing more people.

Professor Ford said that in the sixties a company could lease a computer for $17,000 a month, generally on a 4-year contract and sometimes longer. Thus the cost was high and labour remained competitive. That computer can be bought outright today for $17,000. In the eighties the same computer might be as redundant as the T-model Ford. Its super-brain replacement might be cheaper. Given those predictions and the hitherto complete lack of consultation and co-operation with the union movement it is only natural to expect a hardening attitude by trade unions towards employers seeking to introduce advanced technology. That was made clear in July this year by Mr John Maynes, federal president of the Federated Clerks Union of Australia, when he addressed a technology assessment workshop in Sydney. He said that the trade unions will take a harder stand on new technology because of the failure of governments and employers to confer with unions on technological change.

The congress of the Australian Council of Trade Unions to be held in Melbourne during September will take an even firmer attitude on new technology. It has recognized that many of the problems following the introduction of past technology could have been avoided. Ten years—arguably up to twenty years—have been wasted. It is true that up till now there has been a complete lack of statistical information following the introduction of computer-based automation. As part of its operation the New South Wales Unit of Technology will fill this vacuum. I was interested to read an article by the Foundation for Australian Resources, which has carried out some research and has published its findings in a publication entitled ***Computers*** in *Australia --**Usage and** Effects.*

Five conclusions from that article are of interest. The first conclusion is that an additional 3 million persons would be required to do the tasks that were undertaken by computers installed in Australia as at 1978. It is estimated that 150000 low-level jobs have been taken over by computers but 25 000 new, high-level jobs have been produced in the computing industry. However, the rate of penetration of computers into Australia's manufacturing industries has been slow. This has had both good and bad effects, with a lag in jobs displaced and incomplete benefits in production assistance. The banking industry, telecommunications and the printing industries are examples of three main types of industries affected by the use of computers. Those industries have been the subject of separate case studies in the report. According to Professor Simon, Nobel Laureate in Economics and a contributor to the report, the final effects of computerization will be largely governed by the negotiating abilities of labour, government and industry.

Though I should have liked to have seen the unit of technology that has been established by the New South Wales Government brought into operation earlier, its role will be invaluable in working with the union movement and employers to ensure necessary preplanning before the introduction of new technology. Certainly greater consultation must take place between unions and employers before new technology is introduced. I make a plea that the new Department of Technology devote itself to that task.

If governments, unions and employers work together on this question I share the optimism of Mr Bob Hawke, president of the Australian Council of Trade Unions. At a recent seminar in Sydney he stated that if Australians want a better standard of living they should not reject the new technology. He said that imaginative innovations can mean a vastly richer life for everyone and could release a reservoir of talent in many sections of the community. If the criteria I have outlined are adopted the era of technology in which we now live will result in higher living standards for all. We must ensure that work is fulfilling to those engaged in it, and we must harness this great revolution for the benefit of society.

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

Mr PICKARD (Hornsby) (7.301: 1 wish to add my congratulations to the honourable member for Willoughby and the honourable member for Miranda on making their maiden speeches in the Address-in-Reply debate. I trust that they will have happy experiences in this House with both Government supporters and members of the Opposition and that they will build friendships that will last a lifetime. Since the Governor made his address in the other place on behalf of the Government something that has come through continually, like a theme from a Beethoven symphony, is an attempt to sheet home blame for all of this Government's financial difficulties on to the federal Government. It seems that this Government deliberately set out to refuse to shoulder responsibility for raising money that it wishes to spend on projects in this State. The Government is intent on taking the increased volume of money that is coming from the federal Government and using it as it will for programmes other than those that it had normally used funds for under the tied grant arrangements. It wants someone else to raise the money and carry the blame for raising it on its behalf, and then sheet home the blame to that someone else for this Government's inability to make decisions as to how the extra money should be spent.

In the Speech, the Government, via the Governor, said it will resist pressure from the federal Government for the introduction of a State income tax. We have heard a lot of bally-hoo about this predicted tax and its introduction, and a number of confidence tricks have been played on the people of this State as to the nature of these things, but it is most interesting that under the present Government there have been taxes in the disguise of charges and other fees, and there has been an increase in taxes in this State. I refer to such things as freight charges. They are not called taxes, but the Government put them up and in doing so increased the cost of living for people across the State. The registration of vehicles and the licensing of drivers are taxes under another name, and they, too, have been increased. The fee for registration of companies has increased several hundredfold. They are all taxes that the State Government has imposed upon the people and the industries of the State. Now there has been an increase in fares for public transport to overcome the vast budget deficit, which the Government has apparently not enjoyed over the period it has been in office. The deficiency has increased from $220 million to almost $500 million this year, yet the Premier said that if he could not bring down the deficit in his first three years in office he would deem himself to have failed. Apparently he has failed, and now he is trying to find a way to blame someone else.

I wish to refer to a statement prepared not by the Opposition but by an independent commentator for the *Sydney Morning Herald,* Alan Mitchell. On 15th August he wrote that in the current year untied grants from the federal Government to the State Government will total $1,667 billion, an increase of nearly $203 million or 14 per cent over last year. With an expected inflation rate of 9 per cent, that means that there has been a betterment factor in funds to this Government of 4 per cent over and above the programmes that it had last year.

Mr Mulock: That is what he says but it is not true.

Mr PICKARD: Does the Minister say it is not true? Will he deny what is printed in all of the journals? Me moans and groans and says that this newspaper is publishing a half-truth. It is there for all to read. With your permission, Mr Deputy-Speaker, I should like to have the whole article included in my speech, if the honourable gentleman claims that it is a half-truth. He deals in lies; that is why he retails them readily. The Government has said in this House that there has been a cutback in loan funds. It says that it cannot build any more hospitals or schools or buildings for social welfare because its loan funds have been cut back. But overall there has been a 14 per cent increase in grants to New South Wales. That money can be transferred at will to any other programme the Government desires. It should not keep saying to the public, "Although we got an increase in this area we cannot pass it across to capital expenditure". Perhaps the Minister will tell me that that, too, is a lie; his colleagues have said that they cannot do it. We all know that is not so. Funds can be transferred from recurring expenditure to capital works if the Government decides to do so. The Government has the power to make a decision and transfer excess funds even though it does not want to take the responsibility for collecting the funds to carry out its programmes.

I noted with a touch of hilarity the statement by this Government, via the Governor, in his Speech, relating to freeways. It said, "and freeway construction is making good progress". What are we to believe? Should we believe the Minister in another place when he says, openly and frankly, "There will be no more expressway development within the metropolitan area of Sydney"?

Mr Mulock: Hear! Hear!

Mr PICKARD: "Hear! Hear!" says a member on the Government benches. That is exactly what his party says, yet the Government has the effrontery to make the Governor say in his Speech, "We are carrying out a freeway programme that is satisfactory".

Mr Mulock: It is going well in the western suburbs.

Mr PICKARD: Nothing has happened there, as the Minister well knows, and one can hardly find anyone working on the freeway at Pyrmont. I should like to say something about the need for a freeway system in the Hornsby electorate. The Minister said that a freeway extension from Berowra to Pearce's Corner should commence no later than 1983 and that we might get it by 1981. I do not know why we might get it by 1981, for the Minister has never said so. I should like to see a commencement in 1981. The Minister will not come to my electorate and repeat what he said at Mt Colah when he was shadow minister for transport. He said, "It is a terrible situation, having the Pacific Highway destroy your quality of living. You must have an expressway. You must support it." Despite that utterance, since he became Minister he has not been seen in that electorate.

I do not mind if the Minister does not visit my electorate. I know he is a busy, hardworking man and that tremendous pressure has been put on him because of the sell-out to some of the unions and the payoffs that have been made. As a result the Minister and the Government are faced by tremendous flow-on problems to other sections of the railways unions. The Minister has problems created not by himself by but his Government, and by the Premier particularly. The people in the Hornsby electorate want him to say definitely that 1983 is the date for the construction of the freeway and that funds will be made available for commencement of the work on a specific date in that year.

The Hornsby electorate is subjected to noise and air pollution. Children are constantly endangered and many have been knocked down by vehicles on stretches of highway where traffic signals are installed. Recently at Berowra two children were maimed and are now seriously ill in hospital. On that occasion while a policeman was booking the driver of one through-transport vehicle, another transport vehicle went through the traffic signals against the red light and narrowly missed hitting auother child. The people of Hornsby want to know that their suburb will be their suburb and that the highway can be used as a suburban road. It is the only road by which the people of Berowra can go to the shopping area, attend the hospital or go to see a doctor. It is the only route by which some of them can go to church on Sundays. Many of them are in constant fear of what might happen to them or to their children. People of the electorate want action taken in regard to freeways. They want to know that the Government's programme is progressing well. The Governor's Speech included a reference to the construction of new hospitals. The areas concerned are Mount Druitt, a Labor electorate; Wyong, a Labor electorate; Liverpool, a Labor electorate; Newcastle, a Labor electorate; Gosford, a Labor electorate; and Camperdown, also in a Labor electorate.

Mr Caterson: No mention was made of The Hills Hospital?

Mr PICKARD: No, and no mention of a proposal to give a grant of $7 million to the Hornsby Hospital for the development of an emergency and accident centre. Local residents have raised $1.5 million towards the construction of such a centre. In the past five years they have raised $2.5 million towards hospital buildings in the area. A sum of $1.5 million has been set aside to go towards a new accident and emergency centre. That money has been available for three years—as long as this Government has been in office. To satisfy the Government, $100,000 has been spent on planning for the overall development of the centre, but each time plans were submitted the Government requested a further plan. Money is being wasted and the people of the electorate are beginning to wonder whether the Government is serious when it says it wants to bring to all the people of New South Wales the best possible health care. This group of people has raised $1.5 million towards an accident and emergency centre but cannot get permission to proceed with the project.

I look forward to the statements in the Budget intimating that moneys will be allocated to Hornsby for this project. If not, I trust that the Government will allow those people to spend their money for the hospital and the services they require, by granting approval for construction of the centre to commence. The Hornsby District Hospital accident centre was constructed before the war to deal with 700 out-patients each year. It now deals with approximately 60 000 outpatients each year. The hospital staff works in cramped spaces. The Government will not get off its bottom to give approval for the people to spend their own money to upgrade facilities not only for themselves but for the passing traffic moving up and down the highway in the Hornsby region.

The honourable member for Oxley pointed out that no mention is made in the Governor's Speech of the sewerage programmes urgently required in many areas of the State. He took the point that this important matter should be mentioned, as the health of the community is so basically bound up with the provision of sewerage services. The Governor's Speech made no mention of the amount of work that will proceed this year. Between 1974 and 1976 in the electorate of Hornsby, with co-operation between the honourable member for Northcott, the local council and myself, sewerage services were provided in the areas of Thornleigh, Normanhurst, Hosncby West, Asquith West and Hornsby Heights.

In the three years since that time not one new area has been connected to the sewerage system, though the same amount of money has been spent as in those earlier years. Not one additional home has had a reticulation service connected to it. One might ask, what has been done with the money? The services have been promised but nothing has been done. Nothing has been set down for Berowra; Mt Colah still awaits a reticulation plant; Hornsby Heights has not had even a trench dug up on the hills; and Berowra still awaits its first tunnel—indeed, the area has not yet been surveyed. The little village of Cowan will have to wait for a sewerage service, or it might get nothing at all. Residents of the beautiful fishing village of Brooklyn have been given no indication of when their properties will be sewered. The health of persons in the community and the health foods that come from the Hawkesbury River in that vicinity are very much in balance with what happens to the sewerage system in the region. The sooner a sewerage system is provided, the sooner we can look forward without fear to health foods coming from that river and a return to a healthy industry.

The Governor's Speech, presented on behalf of the Government, makes little mention of youth movements. Representatives of the scouting movement are present in the public gallery tonight. They are most anxious for the Government to continue with some of the fundings that used to be available for the scouting movement. Last year the Government gave the organization a paltry $23,000, and then imposed a payroll tax upon their institutions that took $30,000 away from them. One wonders how that could be reconciled with the claim that this is a generous, open-hearted Government, concerned about youth.

Mr Caterson: They would blame the federal Government.

Mr PICKARD: Government supporters would say that the federal Government should have given the New South Wales Government a 20 per cent increase instead of a 14 per cent increase over last year's funding. No matter how much one gives the Government, it still asks for more.

Mr Cameron: The New South Wales Government will take that money from these organizations now.

Mr PICKARD: I believe it is in the wind that the Government will take everything from the scouting and girl guide movements and other structured youth groups in the community and provide funds for unstructured groups—whatever that means. Does that mean that the Government prefers a system involving a lack of accountability—that one does not need a structure or an organization or anyone accountable for the funds? Does the Government propose to cut out funding to structured groups and give handouts to unstructured groups? When one turns to the question of employment it is interesting to note that the Governor said in his speech:

> However, unemployment remains at levels totally unacceptable to my Government.

Hear! Hear! But, I am motivated to ask a few questions about a statement like that. This Government would not support the federal Government in its proposal to assist the dockyard in Newcastle and would not ask the shipyard unions, with 1 500 of their membership out of work, to get the ships out on time. This Government would not say to the unions, "We can get you a $40 million contract to keep the industry going if you guarantee to put the ships out on time." When the same Government wanted to build a Manly ferry for $2 million the Government said to the same industry, "You must guarantee to put the ship out on time or you will not get the contract." The Government's record in the creation of unemployment is damnable.

Who put the great stopper on the sandrnining industry up and down the coast? The Minister for Mineral Resources and Development is sitting mute; he well recalls the statement he made about the North Coast about the marvellous industry and how he would like to see it prosper. The Minister was rolled in Cabinet and had to backtrack. He has really had a bad time. Prior to **1976** the sandrnining industry produced more than **$70** million worth of revenue; that has been almost halved. At least 1 **000** jobs in the industry or related to the industry have been lost in country areas along the coast. People cannot move out away from these areas. They have their homes there and in some instances a debt of **$60,000.** Their children are attending school in those areas, and they feel committed to stay put. Some of them live on hand-outs of jobs they can pick up, or on social security benefits. This has been brought about because this Government refused to allow an increase in the number of licences to mine, and in some cases took back the licences already granted for mining in that region. The Opposition agrees that this Government has a record for not being happy with the unemployment situation. Certainly it should not be happy with it. Why? Does the Government want it to be higher? Its record suggests it is out to create more unemployment.

I query the **$1,500** million bonanza that was supposed to be going on out at Campbelltown? We have not heard anything more of it since the original announcement. Maybe it is there. Where is the Ford factory that was going to be there by 1981? The Government had better get a start on it soon. Where are all these jobs that the Government was to create in that area? Let us turn some attention to the Alumax project that was proposed for the Hunter River region. It was predicted that when it was established it would offer 1 **000** jobs. It was supposed to go to Kooragang Island, but that is not now on. The Government will not tell even its friends in the press gallery where the factory will be located. Why is it that in the past eight months this Government has been willing to reserve blocks of power in its new electricity programme for Alumax from overseas, Pechiney, also from overseas and for Alcan, established here but originally from overseas, but when Colonial Sugar Refinery—an Australian company run by Australians—comes forward with a proposal and wants a power block reserved for its proposed development it was rejected? Where are the other factories that were supposed to be built and for which power has been reserved? If the Government was really interested in creating jobs and enticing investment, it would have got behind CSR, which already had the Courtaulds plant in the Newcastle area. That company had the money, the organization and the knowledge. It was ready to go, but there was no reserve power available. It had to wait until every foreign company that showed interest in coming here had had a turn.

On the question of coal, what a sorry record has the State Government of New South Wales. This State has several major proposals in which thermal coal, or steaming coal, will play a large part in the new development. In a matter of five years Port Richards in South Africa has developed its export of thermal coal from nothing to $23 million worth this year. Colombia is to come onstream with some of the sweetest coal that can be found anywhere in the world. It will ship right across Europe when it comes onstream next year. In Queensland, right near home—that place that really picks up all our markets when we cannot supply them—is going ahead in leaps and bounds. For instance, during the six weeks long strike at the coal loader the opportunity to export $60 million worth of coal was lost. No fewer than thirteen ships were tied up in ports, costing $10,000 a day. One ship **with** 100 000 tonnes of coal bound for

Whyaila, incurred demurrage charges of $800,000 while it sat in port. Because of the strike nothing could be done about it. Where do these ships go when strikes are held? They go to Queensland. A report in the latest edition of *Miner* says:

> Queensland is gearing up for another round of coalmine development. The early 1980s will see, if the present bullish mood persists, a spate of new developments, particularly of steaming coals, to meet export demands.

By 1984, Hay Point, which at present can handle up to 20 million tonnes shipped out in loads of 150 000 tonnes at a time, will be completely absorbed with one enterprise. The State is building another port and coal loading facility alongside the existing one and it wiil handle an additional 15 million tonnes. This project will be completed and exporting coal by 1984. When on 16th August I asked the Deputy Premier, Minister for Public Works and Minister for Ports a question that I thought was self-explanatory relating to coal loading facilities he did not seem to know what was going on.

Mr Caterson: That is fairly typical of the Deputy Premier.

Mr PICKARD: Yes. I repeat the question now. I asked:

> As most countries in the world are in the process of a major change-over to coal-fired power stations and as industrialized nations have stated their requirements for large single shipments of 120 000 to 150 000 tonnes of thermal coal by the year 1982 or 1983, will the Minister say which port in New South Wales will be able to handle such single shipments of thermal coal by 1982? Is it a fact that the State of Queensland is already able to load coal ships capable of carrying 150 000 tonnes?

The Minister's reply was:

> Surely the honourable member for Hornsby is aware that in Newcastle the Maritime Services Board is spending $70 million on deepening the harbour to provide for vessels of the type he has referred to.

What utter rot, lies and nonsense. The Minister knows that in Newcastle Harbour even with the $70 million spent on dredging, given a good tide and a lever under the bottom of the vessel, it would not be possible to get 110 000 tonnes out. At Port Kembla the situation is exactly the same. At Balmain 70 000 tonnes will be the most that will get out. The latest journal published by the Public Transport Commission of New South Wales suggests that in 1986 it will be carrying 50 million tonnes of coal annually. To which ports will it be carrying that coal? How can it handle that coal? This Government closed down the only port capable of handling large ships. I do not suggest that the other ports should be closed. This State needs ports capable of accommodating ships of all sizes. By 1982 or 1983 large ships of 150000 tonnes capacity must be accommodated to meet the demands of new power stations overseas. Unless we have that capacity we will not enjoy the economic growth factor that will be associated with the use of thermal coal. When I was recently in France, England, Italy and Israel all the Ministers I met said, "Do not dare suggest to us you will be able to get a ship laden with 150 000 tonnes of coal out of Botany Bay".

Some Ministers have admitted that political decisions were taken about Botany Bay to the detriment of the development of New South Wales. The Government has continued to act disgracefully; it places the blame anywhere but upon itself, and it will not take responsibility for its actions. The Government continues to take all it can from the federal Government, and then blames that Government when it is unable to proceed with its favourite projects. The Government has allowed a situation to continue in which some hospitals have not been allowed to spend their own funds, and it has refused to give adequate assistance to many schools.

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

[*Interruption*]

Mr DEPUTY-SPEAKER: Order! I call the honourable member for Wagga Wagga to order.

Mr DEGEN (Balmain) [8.0]: I congratulate the honourable member for Willoughby and the honourable member for Miranda on the excellence of their maiden speeches. Honourable members who took the opportunity to listen to their speeches would conclude, as I have, that those honourable members should be members of this House for a long time. The quality of their contributions continued the high standard of debate in this House. The honourable member for Hornsby made some interesting observations about the Government's decision to abandon city freeways. I represent an inner city electorate which the former Liberal–Country party Government earmarked for almost wholesale destruction by the development of inner city expressways. I do not agree with the honourable member's arguments about inner city expressways. Moreover, I should not be surprised if his remarks are not appreciated by many people living in the Hornsby electorate. Incidentally, I understand that at one time the honourable member for Hornsby proposed taking part in a road blockade as a protest over the failure to develop a highway in his electorate. Many people—and certainly my constituents—welcome the Government's decision to abandon inner city expressways.

The honourable member for Hornsby mentioned the boy scout movement, and suggested that some form of taxation might be imposed on their small earnings. To deal with any Opposition criticism of the Government's attitude to boy scouts, or indeed members of any other junior organization, one has only to refer to the federal Liberal–Country party Government's iniquitous plan—supported in particular by Senator Guilfoyle—to tax the earnings of paper boys. I am pleased that Senator Guilfoyle changed her mind about that proposal. The result is that paper boys and paper girls—if there be such people—will not be waiting at this moment with bated breath for the federal Treasurer to announce that their earnings will be taxed. Doubtless every wage earner in this country is looking forward to some relief from taxation. I hope the federal Treasurer will be ever mindful of his responsibilities towards the States and their financial needs.

I have great pleasure in having the opportunity to participate in this debate on the motion for the adoption of the Address in Reply to His Excellency's Speech at the opening of this, the second session of the forty-sixth Parliament. The Governor's Speech foreshadowed many worthwhile pieces of legislation that the Government intends to present to this Parliament. Those measures are sure to receive wide acclaim throughout the community. With that background it is important that the federal Budget, which is a pre-election budget, should be examined closely. [Quorum ***formed.]***

The Government's programme has been prepared against a background of what are possibly the most severe financial restraints ever imposed on a State government for many decades. The Fraser Government's federalism policy has failed. Doubtless the federal Budget, which is being presented tonight, will seek to correct some of the mistakes made by the Fraser Government. The New South Wales Labor Government is ever-mindful of its obligations to all sections of the community. My colleagues and I, representing both city and country electorates, are privileged to support this Government. The honourable member for Hornsby criticized the Government's proposal to develop the coal loaders at Balmain and Port Kembla. Those developments will have a tremendous effect on coal exploration throughout New South Wales. The Government is alert to the energy crisis throughout the western world. Being aware of its obligations, the Government has announced that it will increase the number of petroleum and other fuel outlets and further develop the energy resources of this State.

This Government is not willing to stop at that; it has announced the development—and this will be the first of its kind in the world—of a solar energy power station in western New South Wales. The Premier announced recently that the initial cost of this development will be approximately $800,000. The first unit in this power station will consist of fourteen solar collectors that will supply superheated steam to a steam engine driving an alternator. The station will have a 25 kilowatt capacity. That is another indication of the Government's awareness of its responsibilities in terms of the supply of energy and the development of existing fuel resources. New South Wales has huge coal resources and plenty of sunshine. The Governor, in his Speech, referred to the Government's proposal to seek the advice of experts in Germany on whether our coal resources can be used for large-scale conversion to liquid fuel. That is yet another indication of the Government's awareness of its obligations on this issue.

Reference has been made in this debate to the Balmain coal loader. The Government recognizes the need to increase fuel export outlets, particularly for coal. The decision was made to upgrade the existing Balmain coal loader, which has been in operation for more than thirty years. The existing plant at the coal loader is approximately fifteen years old and quite inadequate to meet demands. It has been stated that the upgraded coal loader will have a life of between five and seven years. It is the earnest wish of my constituents that at the end of that time the public will have access to the waterfront where the coal loader is now sited. If that it not feasible, it is hoped that the land will be used for what could be termed a less obnoxious port facility. I trust that the Minister for Planning and Environment will take the opportunity to investigate that proposal.

Leichhardt municipal council has been concerned about the need to look after the interests of residents living in proximity to the coal loader by ensuring that the most modern environmental protection measures are taken in that area. The council has had meetings with the Maritime Services Board and has received assurances from the Minister for Public Works in regard to the transportation of coal by rail and on other important issues. Discussion has also taken place on dust fall-out, train movements, the shunting of coal trucks, the dredging of White Bay and noise pollution. I trust that all of those matters will be resolved with no deleterious effects to my constituents as a result of the work done at that unfortunate, although much-needed, facility in my electorate. I trust that when the coal loading plant has ceased to operate, no further obnoxious industrial development will be permitted in the area.

It is with some concern that I take the opportunity to castigate the federal Government on one of its most outstanding failures. As we all know, Mr Fraser is on record as saying he has need to smarten his act. But if there is one area in which he has to smarten up it is in welfare housing, especially because of the cutbacks in funds to New South Wales. I propose to quote some figures carefully so that I do not do an injustice to Mr Fraser. In 1977–78 New South Wales received $129.9 million for welfare housing. In 1978–79, $105.6 million was allocated for that purpose, but the allocation for the current financial year is a mere $75.5 million, a shortfall of $30 million over the previous year's allocation. The cutbacks in federal allocations have meant that this State has had to find from within its limited budget and financial resources an additional sum to make up for that decline in welfare housing finance.

It is with some regret that the State Government has had to announce postponement of the complete abolition of death duties. It has suggested, quite correctly, that the amount of $30 million which total abolition would have cost the State Government has had to be allocated to welfare housing. The figures, made available to me by the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies, show that as at 30th June, 1979, a total of 29 915 applicants

were seeking Housing Commission accommodation. Of that number 23 000 have been approved to go on the waiting list. The remainder are awaiting review. If one compares these figures with those for the past two fiscal years, one sees that for the year ended 30th June, 1977, the Housing Commission received 17 705 applications and 20 379 applications in 1977–78.

On the one hand one finds the demand for welfare housing increasing and on the other hand the Housing Commission allocation for welfare housing savagely reduced by the federal Government. It is no consolation to my constituents when I tell them the sad news that the waiting time for high rise units in an inner city area for single aged accommodation is four and a half years and that for ground floor, walk-up accommodation there is a five and a half years wait. It is extremely distasteful for a member of Parliament to have to relate figures like this to a constituent in urgent need of accammodation. Of course, applicants for Housing Commission accommodation in the electorates of some members opposite would scarcely make up a cricket team. It is terribly important that Mr Fraser should be as mindful of his obligation to people in need of welfare housing as this Government is. I hope that a new era in inner city development is to occur.

It has been announced by the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies that an area at Pyrmont is to be redeveloped for housing purposes. If that regenerates that area and brings welfare housing back into the city, no one would be more pleased than me. I applaud the Government's recent decision to purchase the old IXL factory in Newtown for conversion to welfare housing. There must be other similar places suitable for conversion. Indeed, private enterprise has taken over a building in Clarence Street far conversion to luxurious Maddison Avenue, New York, type office accommodation. If it is good enough for private enterprise to look for such accommodation it should be equally reasonable for the Government to seek to provide welfare housing in the inner city.

I congratulate the Minister for Housing on the provision of additional accommodation in my electorate in Manning Street, Rozelle, an area formerly earmarked for highway construction. The units to be provided there will be welcomed by my constituents, who do not have much truck with the previous Government for its concern over the lack of expressways in the inner city.

I congratulate the Minister for Housing on his efforts in the current lengthy battle with the federal Government over the future use of a former migrant hostel known as Ningana. Could there be a worse example of lack of co-operation of the federal Government with the State Government than over this hostel? Ningana consists of fifty-?even units but the premises have not been used for four and a half years. The units meet the standards required by the local municipal authority. The Minister is doing his utmost to convince his counterpart in the federal Government that these units should be sold back to the State for welfare housing. I could not think of a better venture upon which the State Government could embark. It is to the eternal shame of the federal Government that it is not anxious to sell it, and the sad fact remains that this type of accommodation, which is within the inner city area, is not being used.

If a private entrepreneur were involved in this venture, he could, for a capital outlay of something like $460,000, acquire these units at minimal expense, convert them into acconimodation units and be able confidently to expect $40 a week rent for them. I am proud that the Minister for Housing is trying to acquire the premises for housing purposes.

Mr Degen]

I congratulate the Government on its policy on public transport and place on record my constituents' appreciation of the Government's efforts, particularly in the provision of the Government buses that are now servicing the electorate. They are well received. I know my colleague, the honourable member for Drummoyne shares this view. I am pleased that the Minister for Local Government and Highways is present as I wish to refer to a matter raised by His Excellency in his Speech—the construction of new bridges. I invite the Minister's attention to the proposal to construct a new bridge at Brennan Street, Annandale. The bridge will provide an alternative arterial link with the city. The contract period of 40 weeks seems inordinate for such a small bridge in these days of bridges construction from prestressed, precast concrete. I ask the Minister to take the opportunity at some stage to review this matter to see whether this bridge can be completed in much less than 40 weeks. After all, the bridge will span only a narrow channel.

Members on both sides of the House have expressed concern over the savage cutbacks in finance for hospitals. They will have a particularly serious effect in country areas. The federal Government is showing a callous indifference for the hospital needs of the people. As members are aware, the home health service provides an essential service for many people. The demand for these services is expanding, but there are insufficient funds for this sort of home aid as well as for the backup administrative services. The required level of service cannot be maintained without adequate finance.

The importance of consumer affairs was evident from His Excellency's Speech. Again the Government has shown that it will not turn its back on consumers but will do all it can to ensure that their rights are zealously protected. Unfortunately the principals of the Australian company Simpson Pope Limited are a little remiss in their attitude to the consumers of New South Wales. In March I asked a question relating to the activities of that company in posing a threat to a group of companies trading as Sydney and New South Wales Trading Associates Pty Limited. They trade as independent, small electrical retailers who depend upon Simpson Pope and other manufacturers for their stock.

In March they were advised that Simpson Pope would not supply them as it wished to supply only the high volume retailers who could move that company's entire output. This attitude represents a blatant restriction of trade to the detriment of a group of retailers who have a capital investment of over *$2.5* million and currently a staff of eighty-three. The sad fact is that they have been denied access to Simpson Pope's factory, which favours supplying high volume retailers. Notwithstanding the actions of the Minister for Consumer Affairs in bringing this action by Simpson Pope to the attention of the Trade Practices Commission, recent advice that I have received indicates that this group of small electrical retailers is being denied access to Simpson Pope's products. This is a further example of the Fraser Government's callous disregard for the rights of small traders, its laissez-faire attitude towards big business, and letting big business look after the country. In this instance big business is not looking after small businesses and the consumers of New South Wales.

I wish to make one point in relation to police administration. During the Address-in-Reply debate last Thursday the honourable member for South Coast referred to my acquaintanceship with a person named in a police report. That person had lived in my electorate for over twenty-five years. I have known him for twenty years, and make no apology for that whatsoever. In conclusion I congratulate the Government on its excellent record and on the preparation of His Excellency's Speech. I trust that the proposed legislation mentioned by His Excellency will have a speedy passage through the House.

Mr SINGLETON (Clarence) [8.23]: I join with other honourable members in congratulating those honourable members who have made their maiden speeches during the Address-in-Reply debate. I trust that their stay in this House will be a happy experience for them. The Government's intentions as expressed by His Excellency the Governor lacks recognition of country areas of New South Wales. Except for a few broad statements by His Excellency, not one major project is to proceed outside Sydney, Newcastle and Wollongong except the construction of additional wheat storage facilities with a capacity of some 110 000 tonnes. All honourable members know that the wheatgrowers pay for those facilities.

As an illustration of the lack of proposed public works in country areas, for the first time since 1966 there will be no major public works undertaken in the city of Grafton. This must have an effect on that city. Although a lot has been done there over the years, it still has need for further public works. I hope that the Government will recognize the error of its ways and gets on with its work. An astounding number of major projects are under way within the Sydney, Newcastle and Wollongong areas. Major new hospitals are under construction at Mount Druitt and Wyong. Major hospital extensions are under way at Liverpool, Newcastle, Gosford and Camperdown. These works are in addition to major projects at Westmead, Gosford and Wyong, a $40 to $50 million entertainment centre at the Haymarket in Sydney, and an $80 million sports stadium at Homebush. The Government will have a half share in the Total oil refinery project at Matraville at an estimated cost of $150 million. Certainly if that undertaking gets off the ground the country areas of New South Wales will gain benefits from it. It would have been much better left entirely to private enterprise.

The water from the new dam at Glennies Creek will cover some of the best agricultural land in the Hunter Valley. This water is purported to be for power generation in the Newcastle area. At the same time the Government has allowed the Koolkhan power station at Grafton to be closed down, which will inevitably lead to the closure of the Nymboida coalmine. The Government would have been better advised to construct a dam on the Clarence River with a major new power station on the North Coast. This would have given a tremendous boost to decentralization, provide defence benefits, not interfere with good agricultural land and in the long term give the northern region of New South Wales the independence in power that it has always lacked.

Coal is available in the Clarence River basin. In 1976 an offer by the firm Hancock and Wright to spend some $3.5 million to $4 million was not accepted by the Government. After the experience of Coal and Allied Limited there would be no chance of Hancock and Wright returning to New South Wales while the Labor Government is in office. The result has been that business has shied away from New South Wales. For the year ended 30th June, 1978, 3 099 259 persons were included on the electoral rolls. At 30th June, 1979, this figure had fallen by 3 991 to 3 095 268. This loss is an indictment of the Wran Labor Government. I should like to know where these people have gone. I suggest that they have gone to Queensland, the population of which has increased by 30 000 fallowing the abolition of death duties there in 1977, a period of less than two years. This increase in population has led to additional capital investment in that State of many millions of dollars. Now that the Premier has announced the deferral of the abolition of death duty in New South Wales the run from this State will become a gallop. The only thing faster than an industrialist disappearing over the horizon from South Australia is an industrialist disappearing over the horizon from New South Wales.

The figures released by the federal Department of Industry and Commerce, which are the only officially accepted figures of their type, show that New South Wales is lagging in the development race. The latest figures available, which are at April **1979,** show that mining and manufacturing investment projects in the pipeline are well down on what they should be. The figures I shall give the House represent committed expenditures for final feasibility studies. They do not include the Premier's announce-them-whenever-he-is-in-trouble projects or pie-in-the-sky ideas that may never come to fruition. In April Australia had committed itself to mining projects totalling **$9,481** million, of which this State's share was **$1,795.5** million or **18.94** per cent, and to manufacturing projects worth **$6,853** million, of which this State's share was **$1,669.7** million or 24 per cent. For total mining and manufacturing commitments the Australian figure was **$16,334** million, of which this State's share was **$3,465** million or **21.2** per cent. That is an important figure.

The Premier never tires of saying that New South Wales represents about 40 per cent of Australia. He believes that if a thing is worth saying it is worth saying ***ad nauseam.*** The figures speak for themselves. If New South Wales stands for 40 per cent of Australia, and gets **21.2** per cent of manufacturing and mining development, then clearly something is lacking. Could it be that investors have weighed the Government up, and found it lacking? It is a sorry story. These figures reflect the combined efforts of the largest State Government in Australia's history. It comes complete with a **$29** million budget, just for its public relations empire. Those figures are in the State budget. It is becoming increasingly obvious that any Premier spending that sort of money, for that sort of result, ought to hang his head in shame. One must add to that sum greatly increased losses on public transport and the losses of the Land Commission.

The obvious but reluctant conclusion is that the people establishing mining and manufacturing industry just do not trust the Premier or his Government. These are shrewd people; they have been around. They are spending hard cash, so they have to trust their judgment. Their reasoning must be pretty sound—or they would not be in a position to expand, at a time when the world is in serious economic recession. This is the solid-as-brass decision of hard-headed businessmen: they just do not trust the Premier or his Government. This is a shocking conclusion to have to reach—but there is just no alternative. The rot set in when Coal and Allied Industries spent many millions of dollars on exploration in the Warkworth area only to find that the State Labor Government would take **51** per cent of the equity in proven coal reserves by way of the Electricity Commission.

Lang Hancock, the great Australian industrialist, who was interested in moving into New South Wales at the time, could not be seen for dust. I do not think we should forget the Ford Motor Company's proposals for Ingleburn, or the paper manufacturing plant at Campbelltown. Both have disappeared from the scene. We have now progressed to weekly statements about massive new aluminium smelters in the Newcastle region. However, they are all just announcements and nothing ever seems to happen except in Government-backed city projects.

My real purpose here is to highlight the Government's lack of interest in the real decentralization of industry and people in New South Wales. Even the Premier has said in this Chamber that there will be no more active decentralization of industry from the metropolitan area, and that his Government is not going to construct factories in country areas and have a lot of failed companies and empty shells standing around rural New South Wales. I say to the Premier that his statement was a flagrant lie and that few companies have failed following decentralization to country areas. Though

it is impossible for me to get exact figures, approximately 57 out of more than 1 000 decentralization assisted industries, or about 4.7 per cent, have failed, and that there are a few empty shells in the State. I am certain that with a little activity from the Minister for Decentralisation the shells would be filled overnight.

Mr Cowan: Mr Barry Cassell will fix it.

Mr SINGLETON: He will keep for another day. A lot can be done and will have to be done. One of the empty shells is in Lithgow, a Labor electorate. A really determined effort ought to be made to fill the shell. The records show that the Department of Decentralisation has lost only $160,000 from $38 million actually spent on factory buildings. The Land Commission lost $3 million in one year but the Premier has the hide to talk about empty shells and how the decentralization policy of the former Liberal Party and Country party Government failed. One of the great Ministers of that time is in the House tonight. It was a marvellous record and full marks must go to the officers of the department, past and present, for the outstanding contribution they made to decentralization and development of country industry in New South Wales.

The Government's decision to abandon the system of 100 per cent loans is a further indication of its lack of interest. This Labor Government in New South Wales talks a lot about environment but when will it start to look at people as part of the environment? With concentration on the development of Sydney, Newcastle and Wollongong, the environmental problems facing people living in those cities will increase. The job opportunities generated will speed up the drift from the country areas. This Government will just have to realize that if it does not spend money on the growth centres and on general decentralization that will make for better living in country areas and divert the congestion from Sydney, Newcastle and Wollongong, we shall have to meet huge expenses in providing costly schemes within those areas for development, such as a harbour tunnel, new harbour bridges, and massive new road systems, which the Government has temporarily knocked out, and of course, this will accelerate the drift of people from the country.

In our growth centres and country towns, people can live within a reasonable distance of their work instead of having to spend hours commuting daily from places such as Campbelltown, Gosford, Katoomba, Newport and so on at enormous cost to themselves and to the taxpayer in providing costly public transport. I urge the Government to reconsider the long-term folly of their present policies and adopt a genuine, sympathetic and practical approach to decentralization in New South Wales and ensure that the growth of this huge population mass is scaled-down.

The Wran Government has endeavoured, since attaining office, to knock and denigrate the decentralization and development policies of the former Liberal and Country party Government. The facts speak for themselves. I feel they are such that they are worth repeating. During the time the Government was in office, some $100 million was committed to help nearly 1 000 industries become established and expand in more than 200 New South Wales country centres. When it is considered that this was achieved in 11 years starting from behind scratch, following 25 years of centralized Labor Government, the last three years of which were in a period of centralized Labor Party control of the federal Parliament, the dimension of the result can be fully appreciated. It is estimated that that programme resulted in more than 80 000 people either remaining in, or moving to country towns. Of these, almost 20 per cent were relocated completely or in part from Sydney, interstate or overseas.

The re-location of population completely changed the drift to the city that had occurred during the past quarter of a century. During the census period 1971 to 1976 the major non-metropolitan centres of 15 000 or more people accounted for 39 per cent of the State's total population growth and more than 21 per cent of the growth occurred in the Sydney, Newcastle, Wollongong area. That was a marvellous result. The Opposition deplores the Government's system of including in the country statistics Sydney, Newcastle and Wollongong and the areas between which are truly tied to the one great industrial mass. It is perpetuating the greatest hoax of all time against truly country people.

Unfortunately for the country areas of New South Wales, decentralization is dead in principle and in fact, and so much so that His Excellency saw fit to make only a broad reference to this important work. He spoke of the Government's decision to establish shopfront offices for the Department of Decentralisation in regional centres of this State. When the proposal was announced originally it was received so badly that the new Minister had to try to promote it with an expensive television campaign. Who paid? The taxpayer. Did that come out of part of the $29 million that the Premier has spent on his Taj Mahal? To ensure that country industry remains healthy and able to compete in a world of rapidly increasing fuel costs and escalating transport charges the Government will need to make amendments to the Country Industries Assistance Act to permit extension of financial assistance to pioneer tertiary and service industries which represent the decentralization of an activity normally found in metropolitan locations.

Local government needs to be subsidized on a $2-for-$1 basis for the construction of access roads and other facilities to new and expanding industrial sites. One hundred per cent loans must be restored. Local government is now committed fully to funding minor local government, water and sewerage schemes following the withdrawal of loan funds. It is absolutely essential that no further pressure be put on councils. The State Government must meet commitnsents that are truly its own. The 100 per cent subsidy should be extended statewide to relieve local government. Councils in growth areas particularly are already fully committed because of their rapidly expanding populations.

The withdrawal of the 100 per cent subsidy will affect the North Coast, and Cessnock, Maitland, Lithgow and Broken Hill. Casino council told the Minister that the decision to withdraw the 100 per cent subsidy is not acceptable. Bathurst council moved a motion of no confidence in the Minister but did not go on with it; that council wanted talks with him. The Bathurst–Orange Development Corporation did carry a motion of no confidence in the Minister.

The Premier has the hide to stand here and tell us that he is sincere in trying to promote decentralization. He is only deceiving himself. He is not able to convince the people who live in the bush that he is sincere. There is an absolute necessity to allow a rebate of 100 per cent of land tax paid by an approved decentralized industry in respect of its manufacturing or processing operations. The extension of the present rebate of payroll tax to approved decentralized industries ought to include abattoirs and sawmills. Members on both sides of the House know the struggle those two industries face in the country. There should be a grant of $100 for each new staff member employed upon establishment of an industry in a decentralized area. In addition, there should be a grant of $100 per employee to any existing approved company which can demonstrate a five per cent increase in staff each year. Suitable areas of Crown land should be provided for development as industrial estates.

A subsidy is absolutely necessary for country brickworks to cover the differential in cost between natural gas used by metropolitan firms and the coal and oil used in country areas. Victoria has been providing such a subsidy for quite some time. It is

essential that the same assistance be provided for New South Wales country brickworks. Already many such brickworks have gone to the wall financially and more will follow if this action is not taken. Country brickworks are among the oldest of our country industries. They provided stable employment for a great number of people over many years. It is essential that this assistance be given to enable them to compete with metropolitan brick producers. Unless the Government does that and gives a lead with the promotion of active decentralization of industry, the people of New South Wales can look forward to declining living standards.

The once great Department of Decentralisation, with its proud record, is being fragmented, reduced, destroyed, brought to the stage where it is unable to operate effectively as a machine for decentralization. Where once ihe decisions were made within the department, they are now made in the offices of the Premier and the Treasurer. Every approval for a loan has to be approved by the Premier's Office. Loan approvals are taking six months or more to finalize. All this adds up to a sad story in decentralization.

The relocation of regional officers has meant nothing. Many are farther away from parts of the areas they represent than they were when they were stationed in Sydney and able to get an aeroplane for transport and be there within an hour. For the North Coast region an officer is stationed at Armidale. He has 100 miles of mountainous road to drive before he arrives. Even after arrival he has probably another 200 miles to travel to get to the electorates represented by the honourable member for Oxley and the honourable member for Byron. These are growing areas of New South Wales. They should have ready access to the officer. I pay tribute to the officer representing the North Coast. He is doing a wonderful job. Re should not be compelled to do the amount of travelling he is doing in order to get the job done.

I urge the Government to reconsider the long term folly of its present policies. The Government ought to adopt a sympathetic and practical approach to decentralization in New South Wales and ensure that the growth of this huge population mass is scaled down.

[*Interruption*]

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr SINGLETON: The Government is designating national parks and large areas of land for which it has absolutely no hope of paying. In the Clarence Valley the Government is about to designate the new Yuragir National Park. In order to do this the Government put aside the proposed Lake Hiawatha development, a $50 million tourist development which would have done much for the Clarence Valley,. providing not only a wonderful tourist facility but also tremendous job opportunities. The proposed development has been knocked out by the Minister for Planning and Environment and Vice-President of the Executive Council, and that is a crying shame. Just a few weeks before the Minister took this action the Premier had the hide to say that a $4.0 million tourist facility would be considered for the North Coast. It was a complete blind to conceal the Government's intention. That development was ready to go. It would not have cost the taxpayers one cent. Private enterprise was willing to take the financial risks necessary to make the venture a success. The proposal for Lake Hiawatha is not yet finished with.

His Excellency spoke of roads and bridges and what the Government is doing about freeways. I do not know what the Government is doing about freeways but I can speak of a little bridge in Grafton over which, a few years ago, I wuld jump. The Minister for Transport and the commission placed a weight limit of eleven tonnes

on that bridge, cutting off the only access to the main industrial area of Grafton. The mayor of Grafton came to Sydney, having first sent letters and telegrams about the matter to the Minister for Transport, but to no avail. A year or two ago approval was obtained to replace it.

The Government's reply is that it does not have the money; the work will go on the estimates for next year. I have great confidence in the mayor of Grafton. He will find the money to build the bridge, and the Minister for Transport and his commission can go play with their dolls. The problem will be overcome hut it is an indictment of the Government, which says it is concerned about country areas, but has left this bridge with a load limit on it that completely cuts off access to the main Grafton industrial area.

I should like to mention the link road from Sawtell to Coffs Harbour. Work on this road is absolutely necessary to meet the needs of the rapidly expanding population. It is purely an urban road, notwithstanding that the Premier wrote me a letter saying that it was a rural road and that it would have to be funded out of rural local road funds. There is not a farm within cooee of that road. It is a service road between Sawtell, a minor town, and Coffs Harbour, but it should receive some attention from the Government. The Minister has announced that funds will be made available for urgent work. I hope that construction of the two bridges required will receive consideration by the Minister for Local Government and Minister for Roads when he allocates funds for special purposes.

There is a great need in my area to realign, widen and resurface the Pacific Highway, particularly south of Coff Harbour. A few of the intersections have been completed but many more have not been. The road has reached saturation point, with about 15 000 to 16 000 vehicles using it every day. It is a traffic hazard and it has a high accident ratio. I ask the Minister to expedite work on that section of the Pacific Highway.

With other members, I deplore the fact that the Speech of His Excellency the Governor has been used to foster socialist policies in this State. His Excellency's office is above that and should not be used by governments to promote their own philosophies and ideas. I noted with a great deal of interest that the Anti-Discrimination Act will be further amended to bring it into line with the Government's original intentions. It will be recalled that the original bill was drastically amended in the last Parliament. The other day the Premier answered a Dorothy Dix question about where the private schools system stood in relation to the proposed amendments to this Act. A number of other matters are coming up to be dealt with but most of them have little meat in them. They will do little to improve the living standards of the people of New South Wales. Again I ask the Government, the Premier and the Minister for Decentralisation to examine their policies and the effect that they will have over the next twenty or thirty years.

Mr MAHER (Drummoyne) [8.53]: I am delighted to have the opportunity to contribute to the debate on the Address in Reply to the Speech that His Excellency delivered at the opening of Parliament. All honourable members are acutely aware of the few opportunities that they have to make any contribution concerning their electorates, the community at large or what they feel must be done in this, the major State in Australia, the State of New South Wales. I have no complaint about the forms of the House. Normally we are required to speak to the terms of a bill and any honourable member can take a point of order and bring us back to the bill if we stray too far, but

tonight, following the opening of Parliament we have an opportunity to make a few comments in the limited time available to us in reply to His Excellency's commendable Speech, which was prepared by the Government and delivered in Parliament last week.

The motion for the adoption of the Address in Reply was moved by the honourable member for Woronora, who is obviously a member with great ministerial potential, and it was seconded by the new honourable member for Willoughby, who has shown the House what capacity he has as a member representing an electorate on the North Shore. We know that he will hold his seat because of his hard work and his character.

Tonight we are fortunate to have in the gallery representatives and members of the Western Suburbs Evening View Club. They have witnessed a debate that has perhaps not been scintillating or aggressive, but nevertheless they have heard members putting forward as best they can their views and the problems that confront fheir electorates. This is one of the few chances that members get to speak to their electorates. I assure the honourable member for Oxley that I shall get on to the subject of caravans later, but this evening I have to arrange for supper for the View club and I must not speak for too long.

I want to start by touching on that part of His Excellency's Speech that dealt with ethnic affairs. We are all aware that there is no country in the world other than Israel that has taken into its land as many people from other countries and tried to make them nationals and has welcomed them as Australia has. I am fortunate in representing an electorate that has a large number of residents who were born overseas —people who have been welcomed into the community, have settled in and made an indelible mark on our society. I think of our eating habits, tastes, interests, cultural activities and even our entertainments. My wife has been in Australia for only ten years, so I know the problems that confront people who come from another land to settle here and obtain permanent residency. They have to face many problems. Christmas and birthdays are lonely times when one's family and friends are far away, and many of one's old attachments are not present. It is a hard time for these people and I know some of the problems they have.

I praise the work of people in my electorate and elsewhere, like Alderman Bill Jegorow of Ashfield council; Frank Arena, who has done fine work; Dr Evasio Costanza, former editor of La *Fiamma*; Tony Bamonte and many others who now live in my area but were born overseas. They have become fine Australians while keeping their own cultures and making sure that family languages and traditions are retained. They have become loyal and good Australians who will enrich our culture.

From interviewing constituents and moving round my electorate, I have found that one of the problems that face newcomers to this country is citizenship. Many of the people who come to Australia become naturalized. However, there is now a small nucleus of people, particularly widows and other women, who are interested in becoming Australians because they are approaching the pension age. They are permanent residents of Australia, but cannot attain citizenship because they have never learnt English. Most of these people live in suburbs where one can shop without knowing one word of English. These people have a particular problem.

The families of several women have approached me wanting them to become Australian citizens. When these people go for an English language test and are asked a question such as, "Who is the Prime Minister?' they stumble over it and are failed. The federal Government must be more sympathetic to people who have a genuine desire to become Australian citzens. After the age of sixty no language test is required. One can become an Australian citizen without one word of English or any knowledge or

comprehension of the English language. At present people who have difficulty with the English language are embarrassed when interviewed by officers of the Department of Immigration. They are upset when they fail their English language test. They want to become Australians and have a right to vote. They want to get an Australian passport to travel. Even though they have been in Australia for twenty years, they are told that they still cannot become Australian citizens. That is unfair.

I have corresponded through Senator Mulvihill with the federal Minister, but am having great difficulty about certain aspects of the English language test. The silliness of it all is that after a certain age the test does not apply. Action must be taken by the federal Government if it is genuine in welcoming this nucleus of people who are still aliens and encouraging them to become citizens.

Though only 1 per cent of applicants for Australian citizenship fail, this is significant when one considers the number of people who are naturalized every month. However, I shall continue to press on with this matter because it discriminates against people who have difficulty in learning a language. All of us have different degrees of ability in this regard. The federal Government must be made more aware of this problem.

The report last year of the Ethnic Communities Council and the report of the State Government's own Ethnic Affairs Commission titled *Participation* highlighted the aim and aspiration of the present-day ethnic residents of New South Wales. They came to Australia not speaking English and are now Australian citizens. The council's report was aimed at participation, not integration or assimilation. In the many statements that have been issued through Alderman Jegorow, the chairman of the Ethnic Communities Council, one reads of this theme of participation. The Ethnic Communities Council points out that few people of ethnic origin hold high positions in the public service, positions among the judiciary and other positions of importance in the State. This is fair criticism. I know that the Premier and the Government will take note of Alderman Jegorow's comments.

In my electorate of Drummoyne an interesting exercise has been conducted by Sister Roberta, the principal of St Joan of Arc School, Haberfield. Sister Roberta and the staff have created an ethnic awareness programme so that the teachers in the school will be aware of the problems facing children from families in which English is not spoken. A great amount of work has been done at this school to make teachers aware of the problem of children with ethnic backgrounds. A survey conducted at the school disclosed that in some of the ethnic families the children are encouraged to sit still before going to school and after arriving home, not to run round or play with toys, but to watch television. The teachers discovered that these children had motor skill retardation. The sister in charge and the teachers could not believe that it was the correct correlation that because children from ethnic families were quiet this affected their reading ability. This survey was subsequently checked by other education officials and there appeared to be a real link between the retardation in reading and the fact that the child is told to sit still at all times. Certain innovative schemes and programmes have been implemented at this school to encourage these children to improve their motor skills and thus their reading ability. Recently, when I was fortunate to visit this school and converse with the teachers, I was most impressed with the work done in this ethnic awareness programme.

Five Dock public school in my electorate has started a programme whereby every child in the primary school spends one and a half hours a week learning the Italian language from an Italian language teacher. When the principal of this school sent out letters to the parents of all children, there were five objections, four of which

were from Italian speaking parents who thought their children should be learning more English. Fortunately the community in Five Dock has accepted this programme. It is a step forward to have every one of these children taught the Italian language. It is not a revolutionary step because the other subjects are not being taught in Italian. It only applies to this programme whereby one and a half hours a week is being spent teaching the pure Italian language. The families of these children were delighted.

When I meet pupils from Fort Street and other high schools in my electorate, I ask them, "Why are you not learning Italian at secondary school?' They reply, "I did not do it in primary school. How can I start to learn it in secondary school?" When these children get to secondary school in Five Dock or Haberfield, they will be able to study Italian to the higher school certificate level. I have been assured by the principal, Miss Margaret McManus, that children have accepted this new subject in the primary school curriculum which is a crowded one. A concession has been made and these children are encouraged to study Italian. I give all praise to the Minister who has introduced this subject and also the teachers at Five Dock Public School.

While commenting on the ethnic element in my electorate, I must praise the work done by the mayor of Drummoyne, Alderman John Murray, and his wife Maureen in creating an atmosphere to assist the large number of ethnic children in the Drummoyne municipality. Last year in the Five Dock area the mayor organized a carnivale celebration one Sunday. It was attended by the Premier and his wife. More than 30 000 residents of the inner western suburbs attended that function. I am reminded by the honourable member for Yaralla that he also was in attendance. It was a splendid occasion, probably the biggest carnivale function in the whole State. I know that the Premier was delighted and is anxious to know why this function is not being repeated this year. I assure him that the effort in organizing the activity last year totally occupied the attention of the council for some weeks. I have been told that it possibly could only be repeated every second year.

I want to touch on another problem concerning an ethnic family named Abraham from Broughton Street, Concord, in my electorate. Mrs Frances Abraham, who has no English at all, lives there. She is a lady of some years and has a grown-up family. She was working in 1977 and went to a tax agent in Burwood—I think it was ITP—to prepare her income tax. Many ethnic people attend these places because they do not understand English and have trouble filling in forms. Mrs Abraham took one of her small children along with her. The tax agent who completed the form asked her, "Is your husband working?" She replied, "No", because he was receiving the dole or sickness benefits at the time. The answer was no and she signed the form to this effect. Mrs Abraham was subsequently prosecuted for making a false statement because it appears that she should have said, "My husband is receiving sickness benefits". Her husband came to me because she was subsequently in several psychiatric hospitals and has been very ill. She was dragged before Redfern court of petty sessions and fined $200 with an order to pay the Commissioner of Taxation $300, plus $10 for costs, making a total penalty of $510. The woman has not worked since that year and her husband has been on sickness benefits since that time.

Subsequently I contacted the magnanimous federal Treasurer, Mr John Howard. In reply he wrote a number of long letters. I contacted Senator Mulvihill, who wrote to Mr Howard but got absolutely nowhere. While we were trying to get a sympathetic reply for Mrs Abraham, she received from the Commissioner of Taxation a notice under section 218 of the Income Tax Assessment Act that her property would be sold up, That was a heinous and serious thing to do to a woman who speaks no English and is extremely ill. Justice would be seen to be done if the Commissioner of Taxation

adopted the same attitude with Mr Sinclair in regard to taxation as he has adopted with this woman from my electorate. This lady has never learned English and for that reason has been unable to qualify to become an Australian citizen. However, she has raised a family of boys and girls who from their savings have had to pay out her debt.

I am deeply concerned about this matter. The woman and her husband are most distressed. The honourable member for Yaralla has spoken to Mr Abraham and he assures me that he was not able to understand the gentleman. The wife speaks even less English. They see me regularly and give me their correspondence. I was stunned when they received the notice under section 218 of the Income Tax Assessment Act of an intention to proceed against their property. I do not know what recourse they have. The Attorney-General considers that little can be done as the matter is in the hands of the federal Attorney-General. Senator Mulvihill said that it is absolutely useless writing to Mr Howard, for he has never known him to intervene in any matter.

The heartless attitude of the federal Government towards ethnic people is highlighted by the case of the Abraham family. People from other lands should be given understanding and sympathetic treatment. One could imagine this woman being asked by a tax agent whether her husband was working, and replying that he was not. Through no fault of his own he had not worked for years and had been in receipt of sickness benefits. At present I am endeavouring to obtain for him an invalid pension.

I have dealt already with the problems encountered by ethnic children in schools. Many of the schools in my electorate have problems and needs. Schools such as Concord, which celebrates its centenary next year, Mortlake and Five Dock have a high component of ethnic children from families in which English is a second language. I confine my remarks to the problems of ethnic people from my electorate. I congratulate the Government on taking a significant stand by bringing forward and promoting an awareness of the problems of ethnic people, and on setting up the Ethnic Affairs Commission, so capably and ably headed by Dr Paolo Totaro, who has done an enormous amount to highlight in his report the problems of ethnic people in this State.

Mr MOORE (Gordon) [9.15]: I congratulate Government supporters who have made their maiden speeches on this motion and wish them a happy, and short, time in this House. I extend the same wish to all new members who are Government supporters. I shall deal with a number of matters contained in or omitted from the Governor's Speech.

Mr Whelan: Why do you not talk about the federal Budget?

Mr MOORE: I propose to deal with that in passing. A number of matters of industrial law should be given serious attention by the Government. The first is the problems created by the case of ***Moore*** v. Doyle, which deals with a separate corporate legal personality for trade unions at State and federal level. That case was the subject of a judicial inquiry conducted some years ago by Mr Justice Sweeney which has not

been acted upon by successive federal and State governments of either political persuasion. It is a matter of major importance requiring attention and should be dealt with as soon as possible.

The Governor has referred to a proposal to legislate for maternity leave for persons who are not covered by a State or federal award. If that legislation is in accordance with a recent test case brought before the Conciliation and Arbitration Commission I shall applaud it. I am most concerned that no mention was made of any proposal to review and overhaul the apprenticeship system in the State. There is a serious need to investigate the introduction, by agreement between unions and employers, of a system of adult apprenticeship, so that young persons who are unemployed do not become part of a lost generation and miss out on any future opportunity for an apprenticeship. It is important for young persons to be given an opportunity to achieve trade qualifications. I hope that we can have a consensus approach, to the introduction of an adult apprenticeship system so that young persons who miss out on such an opportunity will have a chance in the future.

The Governor's Speech mentions a comprehensive programme for the use and conservation of energy in all its forms. I look forward to the introduction of that soon. The development of mineral resources and energy in this State is a major need. The attitude of the Government towards the recycling of waste products from its own departments requires further examination. Insufficient is being done in that area at the present time. The Governor's Speech refers in part to the reservation of further areas of the territorial sea as marine national parks. I hope the Attorney-General will provide honourable members with an outline of the discussions about delimitations that have taken place between the State and federal governments as a result of the territorial seas and submerged lands case in the Nigh Court. The Parliament and the public should be told about the discussions, for at the moment the High Court decision has left these matters unresolved.

The Government has stated that it intends to legislate concerning animal welfare. The appointment of the advisory committee to deal with such matters was long overdue. It is a pity that animal welfare remains fragmented between the Department of Local Government and the Department of Services and that there is no co-ordination of activities. A recent newsletter published by an organization called Animal Liberation stated as follows:

> It is our opinion that in Parliament, Members of both sides of the House would like to see a more humane treatment of animals, and that they feel many aspects of our present exploitation is unpleasant and shameful. However, because they are in fact the reflectors of the people's wishes and demands, they are not prepared to act radically until they are called upon to do so by a huge upsurge of public opinion which forces them to make, not only the smaller, less contentious stabs at new legislation, but sweeping changes that truly do protect the interests of animals.

The consciences of members of this House should be pricked enough to contemplate supporting wide ranging legislation in the area of animal welfare, not merely amendments to the Dog Act that the Minister for Local Government and Minister for

Roads has promised for over three years but have still not appeared. The legislation on animal experimentation, which will put the onus on the experimenters to prove that their experiments are justified and not merely a repetition of oversea material, should include matters of the type contained in the Ontario Act on animal experimentation.

The Governor's Speech should have mentioned also firearms legislation in this State and the need to re-examine the concept of supermarket sales of weapons by bodies such as Target stores which recently advertised rifles on special at some stores. That could be heading us in the direction of the infamous .38 calibre Saturday night special pistol of the United States. That should be avoided at all costs.

I turn to the problems of young people in our community and particularly to the Ningana hostel at Annandale which has been vacant for a number of years because of the dilatoriness of both the State Government and the present federal Government. I find it appalling that a spokesman for the Minister for Consumer Affairs, when asked to comment on a letter written by a federal Minister, should describe the letter as total, and then he used a word for bovine excreta, for publication. In the circumstances that is deplorable and not constructive. Ningana hostel in an inner area of Sydney could well be used as a refuge or welfare housing for young people from the streets of our city. There should be a bipartisan approach between the State and federal governments to achieve this. It is unfortunate that both governments seem to be abandoning their responsibilities in that area.

On 15th August the House was treated by the Minister for Youth and Community Services to a tirade on the subject of pre-school kindergartens and the attitude expressed by members of the Opposition to the need for a pre-schools policy and an eariy childhood services policy for this State. The Minister made a number of unfair, untrue and misleading statements to the Parliament about what the Opposition was proposing. The Opposition is proposing that an additional $11.5 million a year should be expended on pre-schools and in the area of early childhood services. It is deplorable that New South Wales has the worst proportion of enrolments in pre-schools of any State in Australia, with 40 per cent of our pre-school ages enrolled, when a diverse area such as the Northern Territory can achieve an enrolment of more than 90 per cent. In 1977–78 in Victoria the annual expenditure on recurring costs was $195 a child and in New South Wales $19.46. In 1978–79 the estimate for Victoria was $199.80, and in New South Wales $23.81. In New South Wales in recent years no money has been spent on capital works for pre-schools. Victoria is spending $1.75 million, which is $13.50 a child.

It is shameful that more than one month's allocation of the budget for pre-schools in New South Wales in the 1977–78 financial year was not spent, at a time when pre-schools were facing a desperate financial plight. There is a major need for a coherent policy on participation levels and predictable advance funding for pre-schools. There is no policy for early childhood services or in the areas of ethnic pre-schools, Aboriginal pre-schools, handicapped children, long day care centres, occasional care centres, play groups, family day care or any of the other areas of concern for children in the age group 0 to 5 years.

There is a need for a major investigation of the occupancy and use after normal school hours of buildings owned bv the Department of Education. It is a shame that these major capital works remain idle generally after 4 or 4.15 in the afternoon and over the weekends. The lack of cohesion in the Government is such that when the New South Wales State president of the Young Liberal Movement wrote to the Minister for Youth and Community Services asking whether he would provide the Young Liberals with a copy of the official policy of the State Government on youth matters, the Minister wrote a very polite letter to the State president and provided him with a 1974 white paper produced by the Minister for Youth and Community Services of the Liberal–Country party Government at that time and said, in effect, "My Government has produced nothing since those days. My Government has no coherent policy on youth matters".

I turn now to the general area of community welfare and matters of administration of the Minister for Youth and Community Services, including the Minister's administration of his department. Members of the House will be aware that a number of years ago quite serious charges alleging the passing of bad cheques were laid against a member of this House who is now a member of the Cabinet. It was reported on 28th June in the ***Sydney Morning Herald*** that the Attorney-General had quashed charges against a club manager who had allegedly stolen $19,000 from his club and attempted to defraud it of $10,000. The club involved was the Helensburgh Workers Club, which was notoriously the institution milked to buy out the bad cheques of the Minister for Youth and Community Services. I believe there is a need for an independent investigation between the dropping of those charges and the involvement of the Minister for Youth and Community Services. In addition, I wish to raise in the House matters concerning excessive departmental expenditure on entertainment by the Minister for Youth and Community Services. His course of conduct which, I understand, involves expansive and expensive entertainment at the taxpayers' expense warrants a complete investigation over the whole of the period that the Minister has had his portfolio. This investigation should be independent and be seen to be independent and the Minister should step down for the period of the investigation.

On 16th January, 1977, at the Hotel Florida, Terrigal—the scene of much infamous and riotous conduct by Australian Labor Party figures at their national conference—at a Department of Youth and Community Services conference the Minister announced that he was buying the beer. The drinking continued into the early hours of the morning and I understand that the bill footed by the taxpayers, for alcohol alone, was over $500. To provide a more recent example, the Minister hosted a luncheon for a number of journalists and senior staff in his department at a restaurant called "The Don Quixote" in Albion Place, Sydney, on, I understand, 23rd February this year, which commenced at 12.30 p.m. and finished over six hours later. I believe that the bill for this modest luncheon, which was paid for by the taxpayer, was over $600. It is notorious that, under a previous administration of this parliamentary institution, the Minister's cheques were not accepted by the accounts committee.

I understand that the bookmaking fraternity, the canine section of which has more than a passing acquaintance with the Minister's cheques, on his extensive, expensive and frequently unsuccessful forays at Wentworth Park, will no longer have anything to do with them either.

Mr Walker: On a point of order. The standing orders do not permit honourable members to make personal and scurrilous attacks upon other members of Parliament, unless they do so by way of substantive motion. The honourable member for Gordon is endeavouring to make a scurrilous and unsubstantiated attack upon another honourable member and has not moved a substantive motion in relation to what he is saying.

Mr Moore: On the point of order. I am dealing with questions of departmental expenditure, the legislative programme and how the department's funds might better be used. I believe that an investigation would reveal a systematic lifestyle supported by the taxpayers at the sort of level that I allege.

Mr ACTING-SPEAKER (Mr Quinn): There is substance in the point of order raised by the Attorney-General. The honourable member for Gordon has gone beyond the stage that honourable members should reach in discussing another member of this House. If the honourable member wishes to proceed further it should be by way of substantive motion. I uphold the point of order.

Mr MOORE: I believe that the administration of the Department of Youth and Community Services, that is, the public servant administrators of that department, is a caring and concerned group of individuals who wish to work, as best they are able under the administration of the incumbent Minister, for the good of the socially disadvantaged and needy people of this State. It is appalling that there is no mention of pre-schools and the major problems of young people in the Governor's Speech, other than a passing reference to a number of matters dealing with the youth work co-operatives programme and establishing the New South Wales council of youth.

Mr Whelan: Tell the House something about what the Commonwealth Government has done to alleviate unemployment among young people.

Mr MOORE: The honourable member for Ashfield asks what is being done in the area of youth unemployment. 1 suspect the major problem of this Government is that not enough of its Ministers are close enough to the age group of the young people about whom we are talking to be aware of their problems. Ministers in this Government are more capable of dealing with the problems of elderly people in the community; they can understand their problems because they are of that age. The Government should start looking seriously at areas of community and youth welfare. It would be better if the Government were to spend on this development all the money it expends promoting what it says it is going to do. The Government announces a multitude of projects that never seem to come to fruition. These projects are announced and the Premier's photograph is plastered all over the newspapers—usually just after he has visited his hairdresser to have the colour of his hair restored. In fact, he and his Ministers remind me of the plastic Ken and Barbie dolls, strutting the stage of their own making, supported by the puppets who sit on the back bench, all of whom are fighting for personal preferment. They, too, are engaged in spending the taxpayers' money, but in a different way, in pretending to look towards the problems of the unemployed and

the young, instead of doing as the Minister for Youth and Community Services is doing —going out and having a big bash at the taxpayers' expense. If he were an honourable man, which he is not, he would stand down.

Mr Wilde: On a point of order. The honourable member for Gordon is transgressing the matter raised a few minutes ago by the Attorney-General, that the honourable member was making personal references to another member of this House. I submit that the honourable member for Gordon is defying your ruling.

Mr ACTING-SPEAKER (Mr Quinn): I am sure the honourable member for Gordon will bear in mind my previous ruling and proceed with his contribution in line with it.

Mr MOORE: It is deplorable that in this State we do not have open government that would enable a member of the Opposition who wanted to find out details of departmental expenditure of this nature to get that information without having to resort, for example, to a list of dishonoured cheques in the name of a member of Cabinet. This Parliament should be honoured by having men of integrity, such as perhaps the honourable member for Ashfield or the honourable member for Charlestown, as Ministers rather than the sort of person who has now decided to grace the Chamber with his presence, at last realizing that on some occasions the bucket can be in a different hand.

Mr FACE (Charlestown) [9.37]: I do not propose at this stage to endeavour to answer what has been said by the previous speaker. No doubt, in due course the Minister will deal with the honourable member for Gordon. I do, however, congratulate the honourable member for Willoughby and the honourable member for Miranda, both of whom made their maiden speeches during this debate, for their contributions to the Address in Reply. Unlike the honourable member for Gordon, who always has to put a furtive motive to anything that anyone in this House is doing. I wish both honourable members well and hope their stay here will be long. Each has in his own way made a significant contribution since entering this Chamber.

I wish to refer to several matters in the Governor's Speech. The first is the reference to law and order throughout this State, with specific reference to the Police Department. From time to time constituents write to their members of Parliament or to the editors of newspapers advocating the need for photographs on driver's licences. The initial reaction is almost always positive. Arguments in favour of photo-licences usually focus on their durability and benefit for identification. However, opposing arguments are seldom heard or considered. Rather than rely on initial reactions, let us consider some arguments against the introduction of such a scheme in New South Wales. In this State approximately $3.5 million to $4 million would be needed to introduce this scheme and thereafter $1 million would be needed each year for its administration. The additional costs would have to be met either by increasing licence fees or some other charge imposed upon motorists or the community as a whole. In the area of road safety if this expenditure were needed I do not think anyone would quibble at the cost. But, that does not get to the root cause of the problem.

The scheme would require personal attendance at a motor registry at least once every three years and every time a licence had to be amended or replaced. A further imposition would be the payment of a three-year licence fee at the one time—currently $30—plus fees for a photograph. The people who will suffer most are workers—the people who would have to take time off work—poor people, country people, and the significant percentage of our community who might change their address within the three-yeas period, or change their appearance by the addition of a beard or moustache, both of which are quite popular in the community today. Though a photograph establishes a relationship between the person in possession of a licence and the photograph appearing thereon, this does not establish that person's true identity. Any person would still be able to obtain a licence under an assumed name. This would be especially true in the case of an applicant for a substitute licence—approximately 90 000 cases per annum—unless a copy of the original photograph were to be retained centrally. Such centralization of photographs would be repugnant because of the dossier connotations it would arouse and the extra costs involved.

Inability to ensure positive identification on the original issue of a licence would undermine the essential purpose of the scheme. Effectiveness of the scheme would be reduced further unless it applied to all licences and learners' permits. This would increase the inconvenience to new drivers and those in respect of whom an annual licence is obligatory, and at any given time there are approximately 250 000 people in this category. Such a change in procedures would cause a substantial interference with the present highly automated, economical and efficient licensing processing system, in which there is a massive investment of public money. Though the scheme would have as its basic objective the control of a small minority of wrongdoers, experience in the United States of America indicates that some smarties would still find a way to circumvent the scheme. It is as easy to forge a photographic-licence as it is to forge a non-photographic one. In the United States of America forged licences are available almost over the counter. My research has shown that in the United States of America a person can obtain a licence which he may use in any part of that country.

The Police Association's suggestion that a system of photographic licences would solve all our problems is a long way short of the mark. Compulsory photographing may raise suspicion of surveillance. Moreover, it may lead people to believe such a licence to be a mandatory, universal identity card. Many people may see the concept as oppressive. They may see the State placing its interests above those of individuals for the sake of questionable benefits. The most potent reason for rejecting the scheme is that its benefits are negligible. Financial organizations that are now losing money by accepting drivers' licences as sufficient identification will continue to do so, except that they will probably have greater complacency. It is significant that neither the Australian Bankers Association nor the Australian Institute of Credit Management supports the introduction of photographic licences. Retail organizations throughout New South Wales indicate that such a scheme would cause them further problems. The Commonwealth Department of Social Security also has questioned the benefits of photographic licences. That department has stated that the issue of licences in various names to one individual would not be reduced unless it could be supported by a system of recording and retrieval according to the image, not merely the name. Such a procedure is not possible having regard to the present stage of technology.

The two main justifications for the scheme put forward by the New South Wales Police Association are, first, a lessening of the possibility of unauthorized persons obtaining licences and the impersonation of licence holders; and, sewnd, a lesser need for police to ask probing questions of a driver in cases of doubtful identity, and therefore less intrusion of a driver's privacy. Despite a survey of the association's members, no concrete examples have ever been given. With respect to the first point, dishonesty in obtaining a licence without proper testing and impersonation by a simple change of name will continue regardless of photographs on licences. As to the second point, if police were to accept that a photograph sufficiently identified a driver it could lead to complacency.

A responsible policeman will not desist from asking questions in the circumstances outlined simply because the photograph on a licence corresponds to the likeness of the driver under suspicion. I am speaking from experience. I have some knowledge of this subject, and I know that responsible policemen will ask many relevant questions of a driver under suspicion. For instance, he may ask the driver his name and address, his date of birth and the postcode of his suburb. Such a procedure has made the present system successful. Policemen can sometimes easily detect a driver who has a borrowed or false licence by asking him to hand over his licence and then discussing the incident in respect of which he has been stopped before asking him to spell his full name, spell the name of his street, give his postcode and his date of birth. A policeman may ask a driver to sign a piece of paper so that he can compare that signature and the signature on the licence. As one may expect, the proposed scheme is being promoted by the Polaroid company and other manufacturers of photograph licences.

The general secretary of the Police Association of New South Wales, Mr Bob Page, has recently exhibited himself in his true colours. He has shown himself, through the media, as being against this Government. I understand from reliable sources that the Opposition has offered Mr Page a position if it ever returns to office. One can understand Mr Page's disappointment in not being able to get what he wants. He has adopted an attitude on this and other matters simply to justify his position. His attitude has been the subject of severe criticism from several branches of the Police Association throughout the State. Mr Page has been shown to be against this Labor Government.

Mr Page did not have much success in the investigation into the tow truck business. Doubtless we will see the rest of his plans unfolded in the coming weeks. I understand that there is more to come and that he will be shown in his true political colours. There is no doubt that 70 per cent of policemen throughout New South Wales — the world for that matter — support conservative governments. In general, policemen are adverse to reform and reform governments. I make that statement with some authority. I have been a member of the Police Association and I value my friendship with many policemen for whom I have a great respect. However, I do not respect what has gone on in the past few days when Mr Page has made political statements to suit his own ends. As usual, he has gone off half cocked; he has not had the facts

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to support what he has had to say. Though I have great admiration for the majority of officers of the Police Association of New South Wales, I cannot say the same for Mr Page.

I have never been backward in coming forward in this Chamber in the defence of policemen. However, I cannot say the same of Mr Page. When it has suited him he has never been slow to see me. Moreover, he has almost worn the carpet in approaching the Premier. On this occasion Mr Page has gone his own way; he has taken action into his own hands and he has incited many people. Mr Page said: "We will get photographs on licences. We will embarrass you into doing that". He has said that the other States have introduced this system or are about to introduce it. I shall examine the facts on that aspect.

In New South Wales an interdepartmental committee presented the Minister for Transport with a report on this matter in April 1978. That report remains confidential. The Minister has made no comment on its recommendations or its contents. The Police Association, the Polaroid company and other organizations that manufacture photographic equipment appear to be the only proponents of the scheme. The Privacy Committee has surveyed a number of organizations and investigated the benefits and costs of introducing such a scheme. That committee remains unconvinced as to the benefits of the scheme, and it is monitoring developments closely. I am still unconvinced that the scheme needs to be introduced into New South Wales. The need for such a scheme is being closely monitored. On a number of occasions over some years the scheme has been discussed in Victoria but at this stage no proposal has been made to introduce photographic licences. However, it is significant that the Victorian Department of Transport is now looking at a proposal to introduce plastic licences in that State. The subject of photographic licences may again be raised in conjunction with the proposal.

The introduction of photographic licences is not being actively promoted in South Australia. It has been said that three factors have influenced the Government of that State. The first is that South Australia does not wish to be left behind if the other States adopt a scheme of photographic licences. The second is that, according to cost studies, a three-year scheme would not be unduly expensive. The third factor is that the South Australian Government is becoming conscious of privacy issues. No photographic scheme will be implemented in that State before those issues are first settled. The Western Australian Government has considered a report recommending a scheme in which a duplicate of an original photograph would be retained by the issuing authority. That report does not appear to be convincing, although some support has been received for its recommendations subject to the question of costs. It is unlikely that any positive decision to introduce the scheme in that State will be taken without a great deal of research and consideration. Nevertheless, Western Australia will be monitoring the scheme closely and watching future developments.

If anybody should want to introduce a national identification scheme it should be Mr Bjelke-Petersen. Limited information is available about the position there. That is understandable. A statement issued by the Queensland Premier within the past two years includes a reference to his opposition to photographs on licences. That is not so understandable.

In Tasmania the equivalent of our Department of Motor Transport favours the placing of photographs on licences. However, the police there feel that they are somewhat committed by a resolution reached at a conference of police commissioners.

I understand that further information will come to hand later about the Tasmanian attitude. The only person who now seems to favour the proposal is Mr Page of the Police Association of New South Wales. I will tell the House why. In the past few days, he has been as emotive about this issue as he has been about certain actions for which he has taken the Attorney-General to task.

I come now to the action taken by the Government to improve fire services in New South Wales. It is pleasing to be able to say that the Minister for Services has at least brought about a better degree of ministerial control in this department—a department that was being left behind by comparison with other government departments. Previous governments had a completely negative attitude to the fire services. For twelve or thirteen years morale was at a particularly low ebb. Members of that service are now proud of their reformed organization. Indeed I take my hat off to them for the tremendous comradeship evident among them.

The Government has introduced seventy-nine of the ninety-six administrative recommendations of the departmental inquiry into the fire services but it has not finished yet. It has approved certain amendments to the Fire Brigardes Act, 1909, specifically to empower the Board of Fire Commissioners to authorize members of fire brigades to engage in, as and when the need arises, hazardous reduction activities, rescue operations where no fire is involved and operations related to spillage of dangerous substances. The Act will also be amended to provide the necessary legal protection to firemen in the bona fide performance of their duties where they are engaged in these types of activities, something which the previous Government completely ignored. A fireman could lose all his possessions if he involved himself in activities that could result in the loss of a case at common law. The Government has moved to extend the firemans' rights of entry and powers of inspection in relation to fire safety and fire prevention activities. I am sure that members have heard of firemen who have been virtually kicked out of the premises when they went to make an inspection of them.

The Board of Fire Commissioners will be given the power, through members of fire brigades specifically authorized for this purpose by the Minister for Services, on the recommendation of the board, to make, at the request of a local government council or the owner or lessee of a building, or upon receipt of a complaint, an inspection of that building to ensure that adequate provision is made for fire safety in terms of section 317D (1) of the Local Government Act and to furnish a report for council's consideration. Inspections will be required to be carried out jointly with the council.

I recall the time when as a member of the Opposition I caused an investigation to be made into the Centrefold restaurant. By permitting a minute to be signed during the Christmas period the former Lord Mayor of Sydney allowed a fire hazard of great magnitude. As a result of the Government's activities members of the fire brigade will be authorized to carry out inspections and to enter buildings at any reasonable time to inspect them and require maintenance to be carried out under the Local Government Act and other ordinances.

I wish to refer to the Ethnic Communities Council of New South Wales, which will hold a meeting on 26th August at the Ashfield town hall. This council will represent the State's ethnic communities. The council has branches in Newcastle, in which I have great interest, and Wollongong. The council is endeavouring to have

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similar branches set up in country areas. The Government, which is funding the council's administration, is the first in Australia to take more interest in ethnic communities. So far—and I make that reservation—it has been a non-party political organization. Of course it will indulge in political lobbying in an endeavour to obtain better conditions for ethnic persons.

From experience in my own electorate, in the past the Liberal Party used ethnic groups for its own political purposes. That party's activities divided those communities. I have five active ethnic groups with headquarters in my electorate. A member in another place seeks to divide those communities in the same way as did Mr Darby, who used to represent the Manly electorate and on occasions used to visit my electorate and tell ethnic persons that I was a fellow-traveller. I inform the House that it would be waiting a long time for me to bring about a revolution. On the occasion of Captive Nations Day Mr Darby and Senator Peter Baume would visit my electorate. Some less sophisticated persons were told that a Labor government would mean that socialism was about to walk through the door. In 1949 from the time my father-in-law left Germany by ship until he arrived in Australia he was told that the Labor Party was the equivalent of the Communist Party. If the Ethnic Communities Council is to get off the ground a considerable amount of tolerance will be required by many people. Fortunately the second generation is starting to wake up to the false propaganda. I have never used ethnic communities to gain political advantage. I appreciate that they wish to be wanted and to assimilate. When the late Steve Mauger saw what happened with one ethnic group in my electorate he offered to come there and resolve the problem. Unfortunately some supporters of the party to which he belonged endeavour to incite ethnic communities. I speak from experience on these matters as my wife is of ethnic origin. Those who incite ethnic groups can be described only as despicable. I remind them that in the long term their efforts will backfire.

This is the centenary year for the establishment of national parks. I am most concerned about the desecration of national parks and reserves by the use of trail trikes and mini-bikes, commonly known as pleasure vehicles. Neither the Government nor the former Government came to grips with this problem. The Government has now taken the initiative, which the former Government would not take after 11 years of procrastination, and has set aside within my electorate **310** acres called the Awabakal field study area for field studies with the aim of assisting the education of children of New South Wales. Erosion and desecration have taken place over the whole area to the stage where I am starting to wonder whether the project was worth while.

The damage has occurred because no one wants to come to grips with the problems of pleasure vehicles and the setting aside of proper areas for their use. Each Saturday and Sunday damage occurs on the beaches over the whole length of the coastline. On some beaches millions of dollars are being spent to replace the vegetation following over-use by pleasure vehicles. The stage has been reached where the police force is considering disbanding the police trail bike squad. That will bring further disorder to the situation. I do not suggest that imposing fines on children is the answer, but the Government should come to grips with the matter. Issuing juveniles with cautions is not having the desired effect. They just laugh at them.

Parents buy vehicles for their children and let them take them into national parks, field study areas, nature reserves and other unprotected bush areas. I do not think that the parents realize the situation in which they are placing their children. Children are liable to District Court action following damage that is done to people or property. The honourable member for Nepean has been a police prosecutor and he knows that a young person, following a conviction, could find himself paying

back a considerable amount of money for the rest of his life. People think that because the riders are licensed and the vehicles are registered there is automatic exemption from the law, but that is not so. Only riders over the age of 16 years and 9 months can obtain permits to drive these vehicles and that adds to the problem. The noise from beach buggies and motor cycles is deafening. In my electorate five or ten years ago two locations were irreplaceable historic Aboriginal sites but following the over-use of pleasure vehicles they are now mud heaps of erosion.

I implore Parliament to do something about this matter. The Government should not stick its head in the sand, as it were, and say that the problem does not exist. This is a problem about which I received more complaints than I have about any other problems facing my constituents. I view it with concern. Before the Whitlam Government was dismissed it took up the cudgel and was setting up a select committee to inquire into the use of pleasure vehicles throughout Australia. A need exists for that to be done. The present federal Government probably is not even aware of the position. Beautiful areas of New South Wales have been desecrated and the State Government should look at the problem.

In Victoria a Pleasure Vehicles Act has been enacted. That legislation does not go far enough in some respects, and in others it goes too far. The matter should be looked at constructively on non-party lines. Viewing the matter across the broad spectrum, the Government should come to grips with the problem. It is easy to get mini-bikes and trail bikes, the use of which is to the detriment of the heritage. The devastation caused will be apparent for many years unless means are found to come to grips with the problem.

Debate adjourned on motion by Mr Osborne.

House adjourned, on motion by Mr Haigh, at 10.5 p.m.