Legislative Assembly

Thursday, **8** *November,* 1979

Petitions—Questions without Notice—Lismore Building Standards (Urgency)--Question without Notice—Consumer Claims Tribunals (Amendment) Bill (third reading)—Precedence of Business—Gaming and Betting (Race Meetings) Amendment Bill (Int.)—Pecuniary Interests of Members (Message)—Assent to Bill—Bills Returned --Cognate Builders Licensing Bills (second reading)—Printing Committee (Eighth Report)—Adjournment (Aged Persons' Housing)—Questions upon Notice.

Mr Speaker (The Hon. Lawrence Borthwick Kelly) took the chair at 10.30 a.m.

Mr Speaker offered the Prayer.

PETITIONS

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

Abortion

The Petition of the undersigned who care for kids born and unborn respectfully sheweth:

(1) That the civil rights of the unborn should be protected.

(2) That the role of the pregnant woman should be respected and given economic support.

(3) That grave concern is felt at the number of abortions being carried out in New South Wales.

(4) That the law in respect of abortion should be enforced for the protection of unborn children and pregnant women.

(5) That violence against the unborn and their mothers must cease forthwith.

Your Petitioners humbly pray that the Legislative Assembly in Parliament assembled should respect the right to life.

Petitions, lodged by Mr Brewer, Mr Freudenstein, Mr Kearns, Mr Maher and Mr Punch, received.

Drug Usage

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

That we support your efforts to strengthen our family and community life particularly by increased penalties for "drug pushers" and distributors. We, however, wish to register our firm opposition to any

legal changes which would increase or encourage the distribution or availability of so-called "soft" drugs, such as marijuana. We believe such drugs to be harmful to the physical and psychological health of the individual and therefore to the interest of the community of which such individual is part. Although there is current controversy concerning the question of such harm it appears to us quite foolish to legalize and encourage the use of such drugs unless or until it be shown that such drugs are in fact harmless.

Any efforts to legalize the distribution or usage of such drugs will have the following results:

(1) Encourage and inculcate a social acceptability towards such drugs.

(2) Increase the volume of usage of such drugs in schools and the community by present users and by "drug pushers" through the proposed one oz legal possession.

(3) Extend the usage of such drugs to persons who would previously have abstained because of the legal sanctions.

(4) Put pressure upon Parliament to establish and license import, manufacture and/or distribution of such drugs, that is, to regulate another industry contrary to the best interest of the individual and society.

(5) There would be the probable temptation to use such drugs as another source of State revenue.

We urge the Government to increase the medical and counselling facilities for the assistance of drug users and to expand existing Drug Referral Centres and Clinics. We have general confidence in the existing law and its sympathetic implementation by the Police and Courts.

Your Petitioners therefore humbly pray that your honourable House will firstly take no measures that could extend the major social problem of drug usage and secondly will oblige those who are promoting marijuana and/or similar drugs to prove without doubt that such drugs are harmless before any legalization of use is introduced.

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

Petitions, lodged by Mr Mason and Mr Punch, received.

Nursing Homes for South Coast

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

That a need exists for public nursing homes on the South Coast. Many senior citizens there either cannot find suitable accommodation or have had to enter nursing homes in other areas.

Your Petitioners therefore humbly pray that your honourable House

(1) investigate the need for public nursing homes on the South Coast and

(2) bring this need before the Commonwealth Government.

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

Petition, lodged by Mr Knott, received.

St Vincent's Hospital

The Petition of citizens of New South Wales respectfully sheweth:

That the closure of sixty (60) occupied beds at St Vincent's Hospital will adversely affect the health and welfare of the community.

Your Petitioners therefore humbly pray that your honourable House:

(1) reconsider its decision to cut sixty of St Vincent's Hospital's 590 acute occupied beds;

(2) meet a deputation to discuss the future of this hospital.

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

Petition, lodged by Mr Barraclough, received.

Proposed Auburn–West Ryde Bridge

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

We strongly protest and object to any proposal for the construction of a road bridge connecting Auburn to West Ryde via Cobham Avenue.

Any such proposal would not only create unnecessary noise and pollution to this residential area, but would create massive traffic problems on roads totally incapable of carrying large volumes of traffic both now and in the future.

Your Petitioners therefore humbly pray that your honourable House abandon the proposal to build the road bridge between Auburn and West Ryde.

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

Petition, lodged by Mr McIlwaine, received.

Beach Road, Bondi

The Petition of the residents of Beach Road and its surrounding area respectfully sheweth:

That the level of noise and the degree of hooliganism in Beach Road, Bondi, has reached an intolerable level.

Your Petitioners therefore humbly pray that your honourable House take immediate measures to redress the situation.

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

Petition, lodged by Mrs Foot, received.

Dangerous Chemicals

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

That changes in legislation regarding the production, storage and disposal of dangerous chemicals are required for the well-being of the community.

Your Petitioners therefore humbly pray that your honourable House:

(1) Compile an index of dangerous chemicals and establish strict regulations and a new single authority responsible for control of production, storage and disposal of these chemicals.

(2) Compel all companies producing, storing or disposing of dangerous chemicals to keep an accurate register of these chemicals for inspection by any member of the public. This is to be regularly supervised by an officer of the proposed authority.

(3) Locate monitors permanently at strategic points in the factory for inspection by employees.

(4) Regularly test those areas where dangerous chemicals are manufactured, stored or disposed of for air and/or water pollution with the most modern equipment available. This testing is to include analysis of waste disposal areas, which are included in a water catchment area, for pollution by leaching.

(5) Call for all reports compiled over the last 18 months by the Division of Occupational Health and Radiation, the Metropolitan Water, Sewerage and Drainage Board, the Metropolitan Waste Disposal Authority, the State Pollution Control Commission, the Department of Industrial Relations and Technology and the Warringah Shire Council in regard to Alpha Chemicals, to be made available to the public. Statistics concerning the personal health and accident rate of the employees are to be included.

(6) Review all present legislation regarding the safety from contamination of employees in factories manufacturing, storing and disposing of dangerous chemicals and, where necessary, amend legislation to guarantee safe working conditions.

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

Petition, lodged by Mr Webster, received.

[Notices of Motion]

Mr Cameron: More claptrap.

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

QUESTIONS WITHOUT NOTICE

RAILWAY STRIKES

Mr MASON: I address a question without notice to the Minister for Transport. What action does he propose to restore some sense of order out of the growing chaos in the railway system in this State which is causing immense inconvenience, distress and financial hardship to the travelling public, business and commerce? During a recent series of bans imposed by electricians engaged on the maintenance of rail air-conditioning systems, did the Minister eventually declare the men to be on strike and thus bring the matter to a head? Will he now end his soft attitude towards the 5 000 maintenance workers whose bans are disrupting rail services and declare the men to be on strike, and follow that up immediately with stand-down procedures?

Mr COX: I am surprised that the Leader of the Opposition should raise this matter this morning when it is the subject of a hearing before Deputy President McKenzie of the Conciliation and Arbitration Commission. The Leader of the Opposition is inflaming a problem that Deputy President McKenzie is attempting to solve. To indicate the Government's attitude on a 48-hour stoppage that was to have occurred on Friday evening, I shall read a letter that I wrote, after discussions with the Premier, to Mr Mansford, the acting divisional secretary of the Australasian Transport Officers' Federation. It is as follows:

> I refer to the current dispute concerning the Federation's claim for the restructuring of the classifications of Station Master and Assistant Station Master and the payment of certain allowances to these employees.
>
> I wish to advise that I am prepared to arrange for these matters to be discussed with Commissioner P. J. Johnson, Special Conciliation Adviser to the Government and the Public Transport Commission, early next week and for Mr Johnson to expedite his consideration of the issues contained in the claim.
>
> However, I should like to emphasize that the above discussion would depend on no industrial action being taken, as proposed.
>
> I am bound to advise that the Government views with grave concern the current wave of industrial disruption, which is seriously affecting not only the travelling public of New South Wales, but the movement of freight.
>
> Should the proposed 48-hour stoppage of Station Masters and Assistant Station Masters take place, I am obliged to inform you that the Government will seriously consider the standing down of other Commission employees who cannot be gainfully employed because of the industrial action mentioned.

Mr Maddison: You said that five months ago.

Mr SPEAKER: Order!

Mr COX: My letter concluded:

> I hope that the Government's offer of conciliation will be accepted in lieu of action that can only lead to major confrontation.
>
> Finally, I should mention that I have conveyed the Government's attitude to the Labor Council of New South Wales.

While I am on my feet. for the benefit of members of the Opposition, I might indicate that former Ministers for transport—

Mr Mason: This Government should act now.

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

Mr COX: On 4th July, 1965, just after the Liberal–Country party Government bought the votes of railway employees and went into office, without reference to the arbitration courts it introduced the following over-award payments for transport employees: $1 in the first year, $2.50 in the second year and $3.25 in the third year. In 1965 non-tradesmen received over-award payments of 75c for the first year, $1.25 for the second year. and $1.75 for the third year. Again, on 8th October, 1967, the tradesmen's rates were increased in the first, second and third years. The rates for non-tradesmen also increased.

[*Interruption*]

Mr SPEAKER: Order! The exhortation to order applies to every honourable member who is disorderly at the time. I have already called the Leader of the Opposition to order once. The next time he interjects I shall have him removed.

Mr COX: Again, on 3rd May, 1970, there was another increase, and so it went on and on—these deals being made by the Liberal–Country party Government without any reference to the arbitration system. Let me say that every matter that has been determined since I have been Minister for Transport has gone to the arbitration court. The present dispute is before Mr McKenzie and as a result of what takes place this morning the Government will make a decision about the current disputation.

Mr Morris: The Ministry in 1965 was trouble free.

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

GAY TEACHERS AND STUDENTS' GROUP

Mr R. J. CLOUGH: My question without notice is directed to the Minister for Education. Is he aware that in the current issue of ***Education,*** the official newspaper of the New South Wales Teachers Federation, there appears a reference to a group known as the New South Wales Gay Teachers and Students' Group? Did the group in its article seek membership by advertising a box number at Kingsgrove and by telephone contact? Will the Minister give me and the House an undertaking that an urgent inquiry will be held within his department on this matter to ensure that students are protected where necessary from homosexual pressures? Will he state the department's attitude on the matter?

Mr BEDFORD: I thank the honourable member for Blue Mountains for his question. I am aware that in a recent issue of the Teachers Federation journal ***Education*** there was such a classified advertisement. All honourable members would agree that it is not for the Government to interfere in any way in what appears in the journal of that or any other trade union. Although we all might hold individual views on the sorts of things that are said and printed in the journal, and the advertisements inserted in it, as I say, it is not appropriate for the Government to interfere with the internal arrangements and the editing of that publication—certainly not in a democratic society.

The Department of Education is always alert to the concern of parents and, above all, the welfare of' students. It also respects the privacy of all teachers. At the same time, the director-general has a responsibility for the efficiency of teachers in public schools. This requires consideration of such matters as the diligence and tact with which they discharge their duties and the relationships they maintain with their pupils and the community. Any particular case? where the behaviour of teachers in relation to their students is brought to the attention of departmental officers will receive full and careful investigation and consideration in the light of the circumstances.

I do not think that a departmental investigation of a private group would be appropriate—again, in a democratic society. The department does not discriminate against teachers on grounds of their sexuality. It respects the rights of individuals to form political or social groups without being penalized for such activity. The particular advertisement referred to did invite students in schools to join the group. If any circumstances arise where it can be shown that students in any way have been affected by the advertisement or have made approaches to that group and are being guided by it or led into life styles that their parents might consider inappropriate, as I intimated before, a full and careful investigation will be carried out. Whatever disciplinary action is necessary will be taken under the terms of the Teaching Services Act.

PUBLIC TRANSPORT COMMISSION REORGANIZATION

Mr ARBLASTER: I address my question without notice to the Minister for Transport. On 23rd March did the Minister announce that the Public Transport Commission would be restructured into two separate divisions, with the commissioner, then Mr Alan Reiher, in control of both new authorities? Did the Government change its mind about this restructuring only last month, after the Cabinet industrial resources committee sought the Labor Council's approval of the proposed restructuring? After a meeting with the Labor Council did the Government reverse its original proposal and decide to sack Mr Reiher as a scapegoat? Are the Labor Council and the Trades Hall now running the State's transport system, or is the Government trying to?

Mr COX: I am a little amazed that the honourable member for Mosman should raise this question, for in the other place on 6th November the Hon. J. W. Kennedy gave notice that he would move:

> (1) That a Select Committe be appointed to inquire into and report upon the objectives, operations and structure of the Public Transport Commission and, without limiting the generality of such investigations, to make recommendations on ways and means of improving the public transport system in New South Wales.
>
> **(2)** That the Committee have leave to sit during any adjournment of the House and power to take evidence and send for persons and papers, to report from time to time and to visit areas within New South Wales, other States and the Australian Capital Territory.
>
> **(3)** That such Committee consist of the following Members, viz.:
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> Mr Burton, Mr Calabro, Mr Dyer, Mr Melville, Mr Pickering, Mr Watkins, and the Mover.

Mr Arblaster: What does that have to do with my question?

Mr COX: In another place members of the honourable member's own party have indicated their concern about the present position of the Public Transport Commission. It is true that the Government has announced a restructuring of the commission. It is true, also, that last month it decided that instead of having full-time commissioners of the new authorities, part-time chairmen would be appointed. That was decided after discussions with the most senior Cabinet committee, the policy and priorities committee.

Mr Arblaster: And the Labor Council.

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

Mr COX: If the honourable member can wait and be patient I shall tell him of a number of organizations that have part-time commissioners. The Toronto Transit Authority, which is recognized as one of the leading rail authorities and regarded as a model in this field, has a part-time chairman, and a managing director named Mr Warren who recently visited Australia and spoke to persons involved with transport in New South Wales. The Toronto transport system works remarkably well. In Australia the federal Government reorganized the postal departments and established Telecom with a part-time commissioner.

Mr Arblaster: He should be a full-time commissioner.

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

Mr COX: I am reluctant to point out that in raising this matter the honourable member for Mosman has made a sort of personal attack upon me. However, I am pleased that he has asked the question for it enables me to remind him of a meeting he attended at the Mosman Town Hall that had been arranged by the northside councils. That meeting was attended by the honourable member for Mosman and other North Shore members, including the honourable member for Lane Cove, **and by** my two colleagues the honourable member for Wakehurst and the honourable member for Manly. At that meeting the honourable member for Mosman, the shadow minister for transport, made the following statement:

> The present Minister for Transport is a very good one, and perhaps the best one we have ever had.

Mr Arblaster: On a point of order.

Mr Smith: He was obviously misreported.

Mr SPEAKER: Order!

Mr Arblaster: What the Minister said is a total lie. I said that the commissioner was the best commissioner we have ever had.

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

Mr Arblaster: I said the commissioner.

Mr SPEAKER: Order! Serjeant, remove the honourable member for Mosman.

Mr Arblaster: Sir, there is no need to. I shall remove myself with a dignity not seen in the Chamber.

[The honourable member for Mosman left the Chanzber, accompanied by the Serjeant-at-Arms.]

Mr COX: I am sorry that a friendship has been disrupted temporarily. I shall return to the point raised by the honourable member for Mosman about the Labor Council. The main request that the council made to the Government was for a representative of the Labor Council to be on the various authorities. The policy and priorities committee considered this request and made a recommendation to Cabinet that the Labor Council be represented on these new authorities. It is totally wrong for the honourable member for Mosman to suggest——

Mr Pickard: He is not here to defend himself.

Mr SPEAKER: Order! I call the honourable member for Hornsby to order* I warn him that he will be next to be removed if he does not refrain from interjecting.

Mr COX: So I repeat——

Mr Booth: If the honourable member for Mosman had behaved himself he would still be here.

Mr Pickard: No one behaves himself in this place.

Mr SPEAKER: Order! I call the honourable member for Hornsby to order. He just reflected on the Chair, and that is grossly disorderly. If it happens again he will be named and he will be suspended not for one day but for two days.

Mr COX: I reject totally the suggestion made by the honourable member for Mosman that this new concept emanated from the Labor Council of New South Wales. In fact, Cabinet and the Government have been looking at the question of restructuring the Public Transport Commission. At times proposals have been put forward for the appointment of part-time chairmen.

[*Interruption*]

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. The Minister for Transport is answering a question. He should be heard in silence.

Mr COX: As I said, the previous decision was a decision of principle. After further and long investigations Cabinet decided to have part-time chairmen. The present structure of the commission is completely unworkable. It is too big for one commissioner. I have said so previously. More manageable units need to be established so that we can get the system working properly. There is now clear indication of what took place under the administration of the former Government, which established the commission. The former Government established also a marketing branch which became an empire of 157 employees. This marketing branch does not communicate properly with the operations branch. The former Government knew about this but took no action to remedy the situation.

It is about time the system was restructured so that the operations branch could become the number one branch of the commission and get about its business of running trains and keeping them running to a fairly regular programme. The system that I inherited as Minister was a mess. If honourable members opposite want me to give the details I am willing to do it. I am amazed that if this matter is so urgent, today is the first time I have had a question asked of me on the issue. Yesterday an urgency motion could have been moved to seek to have the matter debated. Members of the Opposition have run away from the issue. It is a lot of rubbish for the honourable member for Mosman to suggest in his question that the whole of this new concept emanated from the Labor Council.

HIGH SCHOOL CLASS SAFETY

Mr R. J. BROWN: My question without notice is directed to the Minister for Education. I refer to a recent announcement in which it was indicated that, for safety reasons, a number of industrial arts classes and technical classes in New South Wales high schools would be closed. I ask the Minister to clarify the substance of this announcement, and to give some indication of the reasons for it and the possible impact of it. Also, if possible, will he state what action may be taken to ensure early reintroduction of these classes?

Mr BEDFORD: A statement appeared recently in the Sun *Herald* concerning the closure of some industrial arts classes in New South Wales high schools. It should be pointed out that the safety instructions that wcrc issued by the Director-Gcneral of Education would affect only some schools and only some classes in those schools. It was not a blanket instruction that would cut out a number of extra lessons in the technics course in high schools, as perhaps was suggested in the newspaper and in comments of a representative of the Teachers' Federation.

There is a case before the Industrial Commission of New South Wales concerning the size of classes in industrial arts or technics in schools. During these proceedings it has been brought to the attention of the Director-General of Education, by way

of evidence given by experienced and highly valued teachers in the field, that there have been some safety problems. As a consequence, the Director-General issued a memorandum to principals of high schools dated 29th October, 1979, which said:

> I have been seriously concerned with certain statements made before the Industrial Commission by teachers in the current case regarding industrial Arts class sizes. These statements indicate that, in some schools, the safety of pupils may be endangered by some activities associated with the new syllabus in technics.
>
> While this Department maintains a high standard of safety in Industrial Arts subjects by applying and constantly reviewing stringent safety procedures and while I have great confidence in the professional skills and commonsense of Industrial Arts teachers, I must treat seriously statements made by experienced teachers in such circumstances, and activities observed in schools during inspections by the Commission.
>
> For this reason, I have brought forward the proposed evaluation of the new syllabuses in Industrial Arts and have asked Mr W. Nay, Assistant Disector-General (Development), to convene a committee for this purpose. The evaluation will, among other matters, take into account any special conditions regarding group size, accommodation or equipment required for the safety and effective instruction in any activity in Industrial Arts subjects.

In part answer to the question of the honourable member for Cessnock, the evaluation carried out on the whole course in technics will be part of the lead-up to any necessary changes that may come about. The memorandum continued:

> As an immediate measure, however, I must ask principals to direct their attention to the following activities in their schools:
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> (a) electric arc welding by pupils or teachers in class time;
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> (b) work by pupils in fibre reinforced plastic (fibre glass), in any form;
>
> (c) all foundry work;
>
> (d) any activity which places pupils near unguarded revolving machine parts—for example, revolving shafts or fans on engines in power mechanics.
>
> Unless you can assure your Regional Director that safety precautions for these activities are adequate in your school, you are hereby directed to suspend the activities.

Again, that is purely on safety grounds. The memorandum then went on to say:

> Please complete the attached form and forward it as a matter or urgency to your Regional Director.
>
> Principals are also asked to ensure that the number of portable power tools in operation at any one time will permit adequate supervision and safe operation, and are reminded of their responsibility to ensure that the requirements of safety set out in the Handbook for teachers of Industrial Arts and Crafts are properly complied with in their schools. The committee of evaluation will be asked to submit its recommendations on the activities listed above as a matter of urgency.

The memorandum concluded by saying:

> I regret the need to take this action, but I am sure you will agree that any extension of learning experience for pupils, however desirable, cannot be permitted if it places the safety of pupils at risk.

I should mention that courses undertaken by students in the technical arts in high schools are not examination subjects. Many of them are interest-type activities. Over the past few years interest in them has increased. That may be the result of the high level of unemployment. There is a need to evaluate the syllabus to ascertain what subjects should be examinable. Class sizes and proper direction should be reviewed also. It was thought that by suspending these courses at this stage it would be possible for them to be evaluated by a committee. In 1980 the committee should be in a position to recommend guidelines. Only a few pupils will be affected by the decision, and their safety will be ensured. In any event, they will be affected for only the remaining few weeks of the academic year.

LISMORE BUILDING STANDARDS

Urgency

Mr DUNCAN (Lismore) [11.0]: I move:

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

> That this House deprecates the threat by the Minister for Planning and Environment to override the Lismore city council in its attempts to enforce uniform building standards and calls on the Government to support the council in its endeavours.

It is vital that this motion be debated, particularly in view of the threat by the Minister for Planning and Environment last Friday to override the Lismore city council if it tried to demolish the homes of members of the alternative society in its area. A matter is urgent when a Minister of the Crown, on behalf of the Government, adopts a big brother attitude, meddling in matters that are the responsibility of local government. These homes, in respect of which demolition notices have been served, were constructed in defiance of planning regulations, without approval and in contravention of the requirements of ordinance 70 of the ordinances made under the Local Government Act. The matter is urgent because the people in the area, who have conformed with the laws of the land, are concerned that the Government is about to pander to a small section of the community that holds authority in contempt.

The matter is urgent because support by the Government for these illegal shacks will not be merely a rebuff to the Lismore city council, which is attempting to apply the standards required by this Parliament; it will be also a case of the Government riding roughshod over local government generally. The problem is not isolated to Lismore. It exists along the entire New South Wales coast. The Government's support of these illegal shacks will encourage substandard development in Sydney, Newcastle, Wollongong and country New South Wales. It is necessary to debate the matter to ascertain whether the Premier was genuine on 12th April, 1976, when, as Leader of the Opposition at a time when he was enunciating the policy of the Australian Labor Party, he said, "We are determined to enhance the role of local government in the planning and preservation of the environment."

There is a need for honourable members to ascertain whether the Government has two laws, one for those who conform and another for the alternative lifestylers. It is urgent that this issue be debated to prove that demolition notices are not a backlash to the issue at Terania Creek, as the Minister for Planning and Environment

suggests. Since 1976 the Lismore city council has been battling to have communal development brought up to acceptable standards. It is urgent to debate the demolition notices served on dwellings on Bodhi Farm and Crystal as well as the hamlets at Wallace Road, The Channon. It is urgent to point out that eight months ago the Lismore city council told the residents of those dwellings what was required to bring them up to standard. It is urgent also to point out that these same citizens at Bodhi Farm then sought from the Government a stay of proceedings so that discussions could take place about communal and hamlet development. The result was that the Lismore council established a working party consisting of representatives of the council, representatives of the Planning and Environment Commission and the people at Bodhi Farm. Despite that concession the residents at Bodhi Farm thumbed their noses at the regulations and building standards and continued to build more dwellings.

No local government body can expect only one section of its ratepayers to pay for a home builder's permit from the Builders Licensing Board, to employ a licensed builder, pay council fees which are expensive, contribute to the maintenance of roads and kerbing and guttering, and observe proper standards while this small minority of people turn their backs on the regulations and build dwellings that will be the slums of tomorrow. It is urgent to debate this matter so that the Government, which has bowed before the demonstrators at Terania Creek, does not sell out to the non-conforming hamlet developers on the question of standards. This State cannot afford to have two sets of laws, one for the straights and one for the nonconformists. It is urgent to point out the problems that these shacks will create. Those problems include fire and health hazards. Moreover, these structures are completely inadequate to withstand cylonic depressions and storms, which are not uncommon to this area.

It is necessary that this House adopts a responsible, commonsense approach to planning and building standards and preserves the standards that were fought for over a long period. It is urgent to point out that the Lismore city council is fulfilling its responsibility, vested in it by this Government. That council is not hippy-bashing. The council and the people of the district will welcome any new settlers who wish to reside and work there. In return is sought the co-operation of those new settlers *to* observe accepted regulations and maintain the quality of living and environment of the area, which has undoubted rare appeal. In requesting urgency I seek the support of this Government only for the uniform application of building standards in the interests of health and safety. If this Government, in keeping with its track record, bows to this vocal minority it will be guilty of applying double standards; undermining the authority of local government; and condoning hamlets which will surely be tomorrow's slums.

It is necessary to show how out of touch with reality is the Minister for Planning and Environment, and I shall endeavour to do so. This Minister is a confidant of the Premier. Last week both the Premier and the Minister stated they would not back down on their new tough anti-pollution standards affecting new cars. This stand **will** have the effect of pushing up the price of new cars and adding to their cost of running. The Premier and the Minister for Planning and Environment, who claim those standards are necessary in the interests of public health, obviously condone substandard development in the Lismore area. These hamlets promise to become a future hot bed for infectious diseases such as hepatitis and gastro-enteritis. I seek urgency to resolve once and for all that this House adopts a uniform application of acceptable building standards throughout the State of New South Wales.

Mr WRAN (Bass Hill), Premier [11.8]: The honourable member's motion is moved upon some misconception. I believe he has deliberately framed the motion in order to use the terms of it locally to gain some support from those elements of the

community who are rather dictatorial in their attitude and want an overnight solution to what has been a longstanding state of affairs on the north coast of New South Wales. In his motion the honourable member refers to a threat by the Minister for Planning and Environment to over-ride the Lismore city council. Nothing could be further from the truth.

The situation is, as all honourable members including the honourable member for Lismore are aware, that on 1st December, 1979, the Minister for Planning and Environment, through the Planning and Environment Commission, will conduct in Lismore a seminar to discuss the commission's interim policy on hamlet development. The Minister for Planning and Environment has written to the Lismore city council requesting it to forgo demolition or other action until that seminar has been held and he has received a report on the policy. I should have thought, having regard to the fact that a large number of decent people and their future is involved in the question of demolition of the residences in which they live, that it is not too much to ask a reasonable body of men to postpone or forgo demolition until the seminar has been held and the Minister has received a report on policy.

The honourable member for Lismore attempted to drag in extraneous matter by referring to fuel emission control. There is no problem about fuel emission control at Lismore, Nareen or where the Rt. Hon. I. M. Sinclair and the Rt. Hon. J. D. Anthony live. The problem exists where a quarter of the people of Australia live—in the city of Sydney. It is quite wrong of the honourable member for Lismore to raise that issue to try to gain some political capital in his own electorate. The honourable member for Lismore spoke of fuel emission control in the context of the Minister for Planning and Environment, and perhaps myself, being out of touch with the reality of the situation. That is not so.

A similar hamlet development issue arose in Bellingen. The Bellingen council overcame the problem through consultation with the people who lived in the hamlet development, and alterations to the buildings were carried out. I am surprised that the honourable member for Lismore is unaware, as I understand it, that the Local Government Association is endeavouring to organize a conference with the Lismore city council to see whether some solution can be found to the problem. All honourable members have had some experience with local government either directly or indirectly, and we all know that there are many failures to comply with the law in the construction of dwellings or places that people inhabit. The long-standing practice of local councils in New South Wales is to serve notice to comply with the law. Hundreds of cases—over the years probably thousands of cases—where that problem has arisen have been solved properly and amicably by negotiation after the notice to comply has been served.

I ask honourable members and, indeed, the public to reflect upon the number of cases in the past decade in which the forced demolition of a place in which people live has occurred in New South Wales. I venture to suggest that one could count on one hand the number of such forced demolitions. The honourable member for Lismore contends that the properties of some significant number of men, women and children should be demolished and that these people should be thrown out on the street. I am staggered that the honourable member makes the suggestion that it should be a matter of compulsion, without negotiation and without waiting for the reasonable suggestion, not a threat, of the Minister for Planning and Environment.

Mr Duncan: That is not what the press report said.

Mr WRAN: The honourable member might accept what the *Northern Star* publishes. I repeat, the Minister for Planning and Environment through the Planning and Environment Commission is conducting a seminar in Lismore on 1st December.

[Interruption]

Mr WRAN: Now that the truth is revealed for a change the honourable member for Lismore does not want to listen. At this seminar discussion papers will be presented and discussions held on the appropriate planning and building provisions and environmental conditions to apply for the establishment of hamlet developments.

[Interruption]

Mr SPEAKER: Order! Honourable members will desist from engaging in conversation across the Chamber.

Mr WRAN: Obviously the Minister for Planning and Environment is attempting to provide a constructive policy on the development and planning for the location and construction of hamlet developments. The Government is looking forward to some co-operation from local government. It will not serve any purpose whatsoever to demolish rnandatorily dozens of dwellings in the Lismore area. In comparable circumstances in Bellingen the same problem was solved in a humane and civilized way.

I am somewhat disturbed that the honourable member for Lismore has chosen this Parliament as a forum to attack the Minister for Planning and Environment in the way in which he has and to widen the schism that he knows exists on the North Coast of New South Wales because of recent events there. In other words, he seeks to fuel the fire of division that exists in the community, all for his own base, miserable, political purposes. One would think that the honourable member was in a swinging seat with only a small majority. He wants to drain every last vote out of a situation in which some people find themselves. I think I have adequately told the House what is occurring in relation to the whole matter. I hope that the Lismore council will consider the request of the Minister for Planning and Environment. Urgency is refused.

Question of urgency put.

The House divided.

Ayes, 31

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

Noes, 60

Mr Akister	Mr Cavalier	Mr Face
Mr Anderson	Mr Cleary	Mr Ferguson
Mr Bannon	Mr R. J. Clough	Mr Flaherty
Mr Barnier	Mr Cox	Mr Gabb
Mr Bedford	Mr Crabtree	Mr Haigh
Mr Booth	Mr Day	Mr Hills
Mr Brereton	Mr Degen	Mr Hunter
Mr Britt	Mr Durick	Mr Jackson
Mr R. J. Brown	Mr Egan	Mr Jensen
Mr Cahill	Mr Einfeld	Mr Johnson

Mr Johnstone	Mr O'Connell	Mr Wade
Mr Jones	Mr O'Neill	Mr Walker
Mr Keane	Mr Paciullo	Mr Webster
Mr Knott	Mr Petersen	Mr Whelan
Mr McCarthy	Mr Ramsay	Mr Wilde
Mr McGowan	Mr Renshaw	Mr Wran
Mr McIlwaine	Mr Robb	
Mr Maher	Mr Rogan	
Mr Mair	Mr Sheahan	*Tellers,*
Mr Mallam	Mr A. G. Stewart	Mr Kearns
Mr Mulock	Mr K. J. Stewart	Mr Quinn

Question so resolved in the negative.

Motion of urgency negatived.

QUESTIONS WITHOUT NOTICE

(Resumed)

YOUTH WORK CO-OPERATIVES

Mr O'CONNELL: I address a question without notice to the Minister for Youth and Community Services. Have I drawn the Minister's attention to cutbacks in the youth support scheme by the federal Government during the last few days, particularly one major cutback in my electorate? Will the Minister use his best endeavours to persuade the federal Minister concerned to provide support once more for the schemes that have been cut? If the Minister is unsuccessful in that endeavour, will he expedite the provision of State funded schemes to operate youth work co-operatives in those areas?

Mr JACKSON: My attention has been drawn to recent announcements made by the federal Government concerning its intention of abolishing a number of youth support schemes in New South Wales and other States. That is typical of the attitude of the federal Government towards unemployment and is indicative of its complete disregard for the problems of unemployment of youth in our community. One of the sad circumstances drawn to my attention by the honourable member for Peats is that a number of the branches to be closed by the federal Government are in areas where large pockets of unemployed, including youths, are found. I shall certainly draw the attention of the federal Minister concerned to the strong resentment felt by this Government and by honourable members in whose electorates the cutbacks are to be made, particularly that of the honourable member for Peals. The federal Government is closing, or watering down, a programme that has been successful, to some degree, in generating employment for young people. The State Government will review the need for more youth work co-operatives.

Ten months ago the Premier announced that the State Government would make available $3 million during three years to establish youth work co-operatives. Not only will these assist unemployed youth to find work; they will also generate employment within the co-operatives themselves. The responsibility for the development of those co-operatives was directed to the Department of Youth and Community Services. At the moment, nineteen youth work co-operatives are proving highly successful in New South Wales. Their operation has proved to be one of the more successful employment programmes within Australia. Officers of other State governments are studying this programme in order to decide whether it should be developed in their States.

Yesterday the honourable member for Peats spoke to me at length about the possibility of a youth work co-operative being established in the Central Coast area. Next week, representatives of my department will travel to Gosford to talk with local government authorities and other community organizations about the possibility of establishing a broadly based committee to form a youth work co-operative in that area. For some time the honourable member for Peats has expressed concern about unemployment and the lack of work opportunities for youth on the Central Coast. I assure him that when a youth work co-operative is established in that area, local government authorities, community organizations and my department will be involved. But, before a youth work co-operative is established, a most important departmental guideline must be satisfied: the committee should be as representative as possible. A broadly based committee can inject into a youth work co-operative the wide range of knowledge and experience of the people involved. Next week, a youth worker and a social worker employed by the Gosford and Wyong council will be involved with officers of my department in forming a youth work co-operative in the Central Coast district.

CONSUMER CLAIMS TRIBUNALS (AMENDMENT) BILL

Third Reading

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

PRECEDENCE OF BUSINESS

Mr WALKER (Georges River), Attorney-General and Minister of Justice [11.24]: I move:

> That until the adjournment of the House for Christmas, Government Business shall have precedence at every sitting.

Mr BRUXNER (Tenterfield), Deputy Leader of the Country Party [11.25]: The Opposition does not agree to the motion. The Opposition has offered its co-operation in the Government's programme of legislative business until the end of the year, but members of the Opposition consider that the notice given for cancellation of the grievance debate today is far too short. I intend to move an amendment to the motion that will allow the grievance debate to take place this afternoon. The Opposition would then agree to the discontinuance of private members' days until the Christmas adjournment.

Only one grievance debate has taken place during the present session, which commenced in August. I remind honourable members on the Government side that it was they who sat on the Standing Orders Committee and insisted on the establishment of a grievance debate in this Parliament. That request was met. Grievance debates have been successful. A grievance debate is one of the few occasions when all honourable members are given the opportunity to raise matters of importance within their electorates. The Attorney-General and Minister of Justice has had discussions with me about the business of the House. I do not intend to offer any criticism of the motion other than that which I have raised. All members appreciate that the Government wants to meet its legislative programme this year and that that programme is extended every day as new bills come forward. The Opposition will agree to the loss of private members' day but honourable members consider that the grievance debate should be allowed to take today. Accordingly, I move:

> That the question be amended by inserting after the word "That" the words "as from Tuesday, 13 November, 1979, and".

Mr FISCHER (Sturt) [11.28]: I support the amendment moved by my deputy leader. Too often in Parliament we see the executive, the Cabinet and the Government overriding backbenchers. This is an opportunity for backbenchers on both sides of the House to bring some sanity to the running of the House by supporting the second only grievance debate for the last half of 1979. Only one grievance debate has taken place since the opening of this session of Parliament in August.

This is a rare opportunity for backbenchers to assert their will and demand a grievance debate, which is provided for in the standing orders. Honourable members are entitled to have a grievance debate. It gives members of the Opposition especially a chance to raise issues pertaining to their electorates and it gives Ministers the chance to respond. It is not a one-sided affair. Grievance debates take place rarely, and to deny honourable members the last remaining opportunity to have one in 1979 is a backhand slap to the backbenchers on both sides of the House. I strongly support the amendment moved by the Deputy Leader of the Country Party. I hope the Leader of the House will see the light, be reasonable, agree to the amendment and give backbenchers their rights.

Mr HATTON (South Coast) [11.31]: I support the amendment and I plead with the Government to accept it in recognition of the rights of backbenchers in this Parliament. I have been in this House for three terms, serving under governments of both political persuasions. I have no criticism to offer of the conduct of the business of the House under the present Government, but when the Opposition was in government it ran the House in a shocking fashion. Often the House sat until late at night and I, as a private member, never knew whether the House would adjourn the following week or not. I did not know whether it would rise at 10.30 p.m. or 12.30 p.m. A number of sittings went into the early hours of the morning. I give the Labor Government credit for the fact that since it has been in office honourable members can be sure that on most nights of the week the House will rise somewhere between 10 p.m. and 10.30 p.m. Some notice is given to members of the Government's intentions about sitting times. Of course, criticisms could be levelled at the Government on other matters.

When the Government was in opposition it addressed itself to having more frequent grievance debates and private members' days for the benefit of honourable members. Mr Fraser is having problems with his backbenchers and I predict that this State Government will too if it does not give them an opportunity to become more involved in government. There should be less executive government. I ask that the Standing Orders Committee consider improving private members' day considerably. It is now a farce. Only one or two honourable members have an opportunity to take part in the debate. That is a ridiculous situation. Important matters are not debated because the executive decides thst it does not want them to be debated. The Leader of the Opposition and many of his supporters have few opportunities to debate matters that they believe should be discussed. Backbenchers are in a similar position. It is deplorable that although $3 million has been spent on a Royal commission to inquire into the most horrendous problem that our society faces, it has been treated in a most cavalier fashion in this House. The commission lasted for two years and the report contained 89 recommendations. Then the report was simply tabled in this House. Not even a ministerial statement was made, which would have given the Leader of the Opposition the right of reply. There was no opportunity to debate it. Not one member in this House can involve himself in that most important matter, for he is denied the opportunity.

Mr Wran: That is nonsense. It is obvious that the honourable member has not read the report since it was tabled. Perhaps he was in no position to do so but he should read the report before offering any criticism.

Mr SPEAKER: Order!

Mr HATTON: I am grateful lor the Premier's interjection. He did not have the opportunity to read the report either. If the Premier will say that there will be an opportunity for full debate of the Royal commission report I shall retract my criticism. It has been the practice that reports are tabled and an indication is given to the House that there will be time for dcbate of them. I hope that practice will be followed when the report of Mr Lewer on the Department of Motor Transport is tabled.

Mr SPEAKER: Order! The honourable member for South Coast should address himself to the amendment, which proposes the insertion of certain words in the motion. He may make passing reference to matters that he might wish to raise in the grievance debate, but he cannot dwell on them.

Mr HATTON: There has been only one grievance debate during the present part of the session. I was not to take part in the grievance debate today so I am not speaking out of personal interest. Sometimes as many as ten honourable members have the opportunity to speak for ten minutes on matters that worry them or their constituents, so the preservation of the grievance debate is most important. I should like the length of the grievance debate to be extended so that, for a start, it flows on immediately after question time on Thursdays. Other changes could be made to the standing orders to improve the system.

I give credit to the Government for the way it has improved the running of the House and I welcome the introduction of the grievance debate, but I ask the Government, in the interests of its own party as well as other honourable members, to expand the opportunities for backbcnch members to express themselves on matters of critical importance. Therefore, I strongly support the amendment and, as the Government's intentions came as a complete shock to me today, I ask it to reconsider its decision. It would be bad enough that private members day is to be lost even if the Government's proposal did not take effect until after next Tuesday.

Mr SINGLETON (Clarence) [11.37]: I support the amendment moved by the Deputy Leader of the Country Party and I endorse the remarks of other honourable members on this side of the House. The grievance dcbate is the only chance that members of the Opposition and backbench members on the Government side of the House have to raise grievances about matters relating to their electorates or other areas of the State in which they have an interest.

[*Interruption*]

Mr SPEAKER: Order! It is disconcerting to the honourable member for Clarence to have people talking behind his back.

Mr SINGLETON: Attempts to raise matters by other means are often out of order. The only opportunity that members have is by way of the grievance debate. Since August there has been only one day on which honourable members have had that opportunity. Even then it is limited to a few members. The honourable member for South Coast mentioned that about ten members may speak during a grievance debate. Only a small percentage of them have had any opportunity to raise grievances such as country rail services, which concern many of us on this side of the House, hospital closures, which concern a large number of members, and hospital redevelopment, roads and bridges. I have two technical colleges in my electorate. They have run into trouble because of the hours dispute between the technical teachers and the Government. I have endeavoured to raise this matter by way of a question but the standing orders have precluded me from doing so. The only avenue left to me is to

draw attention to the Minister's incorrect statement in this Rouse and to air it in a grievance debate. Now that opportunity has been denied me. I hope the Government will see the light and that the Leader of the House will agree to the amendment, thereby allowing the business of the House to proceed in accordance with the normal practice.

Mr MOORE (Gordon) [11.39]: The erosion of the rights of ordinary members of this House as proposed by the Attorney-General and Minister of Justice in his motion would preclude me from raising this afternoon an important matter concerning access to court transcripts from the Department of the Attorney-General and of Justice. An honourable member in another place has an interest in them and I believe he has a right to examine them in the interests of the general public. The refusal of the Attorney-General ——

Mr Einfeld: On a point of order. No one is more aware of the necessity for giving private members the right to speak on matters than I am. It was my own action in the Standing Orders Committee that finally prevailed upon the Minister and the Speaker of the day to agree to the introduction of grievance debates—much to their chagrin. But it is wrong, and quite out of order, for members of the Opposition to try in the debate on this motion and the amendment moved to it to bring up grievances they would bring up in this House this afternoon if there were a grievance debate. By virtue of this motion they are confined to commenting on whether there should be a grievance debate. They should not use this debate as a vehicle for bringing up matters—as each honourable member has done so far—that would be brought up in a grievance debate. They are trying to use this debate as a substitution for a grievance debate. That is wrong.

Mr Moore: On the point of order. The Minister has taken the point that I am seeking to traverse all of the issues that I would raise this afternoon if that were possible. I am not doing that; I am not even raising the matter of the adjourned annual meeting of Helensburgh Workmen's Club Limited. I just want to state in general a matter of principle, that I am to be precluded from raising those matters if the Attorney-General's motion is agreed to.

Mr Mason: On the point of order. The amendment moved by the Deputy Leader of the Country Party specifically requests that this motion not apply today. I put it to you, Mr Speaker, that it is competent within this debate to give reasons why a grievance debate should be allowed today. It would automatically follow that honourable members must refer to some of the issues that they want to put forward today. The main reason why honourable members should be permitted to raise these matters is that they should have the opportunity to represent their constituents. I put it to you, Mr Speaker, that unlike the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies, you should weigh the intention of the amendment. It is to seek a grievance debate today. I put it to you further, Mr Speaker, that, in order to substantiate their argument, members will want to refer to matters that they proposed to raise this afternoon and thus impress upon the Government the importance of those issues.

Mr SPEAKER: Order! The motion is, That until the adjournment of the House for Christmas, Government business shall have precedence at every sitting; whereupon the honourable member for Tenterfield moved, That the motion be amended by inserting after the word "that" the words "as from Tuesday, 13th November, 1979, and". Honourable members should be discussing that grievance day should not be abandoned; they should not be discussing the matters that they wish to raise in a grievance debate. I uphold the point of order taken by the Minister for Consumer

Affairs, Minister for Housing and Minister for Co-operative Societies. The honourable member for Gordon will be out of order if he proceeds to mention matters that he would raise in a grievance debate.

Mr MOORE: I was proposing to address myself to the issue that I should have the right to raise the matters this afternoon that need to be dealt with then, and why it is necessary that Government business should not have precedence until after Tuesday next. This afternoon is the appropriate time to raise such matters. Indeed, it would be the only time in this part of the session that I would have the opportunity of raising those matters.

Mr SPEAKER: Order! The honourable member for Gordon knows full well that he can use other avenues and forms if he has a matter of pressing importance to raise in this House. The arguments he is putting are not valid. Honourable members should be debating whether Government business should take precedence from today or next Tuesday.

Mr MOORE: I was endeavouring to give my reasons for wanting to raise certain matters on grievance day.

Mr Face: On a point of order. The honourable member for Gordon is starting to become repetitious. If he wishes to make a proper contribution, let him do so. If not, and he continues to proceed as he has been, I submit that he is indulging in tedious repetition.

Mr SPEAKER: Order! I do not want to interrupt the honourable member for Gordon but I invite his attention to the fact that his remarks are repetitious and irrelevant. I shall have to apply the standings orders if he continues in that vein.

Mr MOORE: Mr Speaker, I conclude by saying that my only appropriate opportunity to raise a certain matter would be this afternoon.

Mr CAMERON (Northcott) [11.46]: The Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies has adverted to a matter that I believe is right at the heart of the motion that has been moved by the Deputy Leader of the Country Party. He pointed out that he served on the Standing Orders Committee and fought tenaciously—as he certainly did—to enlarge the opportunities for private members to bring forward to the House matters lying heavily on their hearts. Grievance day was a wonderful concept and it was brought in especially to achieve that goal The opportunities for private members to raise matters are extraordinarily limited. During this part of the session there has been only one grievance day. and it was in the latter part of this year. It is imperative that we double that number by having a grievance debate this afternoon. Grievance debates, the adjournment debate at the conclusion of each day's sitting and question time are the only real avenues open to a private member to raise matters on his own initiative. The Address-in-Reply debate is of great value but comes only once a year.

We have seen—by virtue of attitudes taken not by the Chair but within the ranks of the Government—question time contracting dramatically as an avenue for private members to raise matters. That is why it is imperative to have a grievance debate today. As members have been geared to expect it, they should have it today. The pattern has been established of Ministers and Government members abusing question time. Regularly they have resorted to the Dorothy Dix question prepared by a Minister's staff and handed to a Government member so that it might be asked.

Mr Keane: On a point of order. I submit that in the light of the ruling you gave a moment ago, Mr Speaker, the honourable member for Northcott is speaking neither to the motion nor the amendment.

Mr Cameron: On the point of order. I submit that I am speaking directly to the amendment moved by the Deputy Leader of the Country Party. The heart and core of the amendment is whether there should be a grievance debate this afternoon and whether the motion moved by the Attorney-General and Minister of Justice should come into effect from next Tuesday. One of the reasons for having a grievance debate this afternoon is that other avenues available to the private member for similar purposes have been contracted.

Mr SPEAKER: Order! The honourable member for Northcott was in order when he was putting his argument about the loss of grievance day. However, his reference to Dorothy Dix questions, the answers given to them and the erosion of question time, has nothing to do with the motion and the amendment before the Chair.

Mr CAMERON: I put it that there is intrinsic virtue in having a grievance debate this afternoon. It would give to a variety of members the opportunity to raise matters of particular concern to them. It is of equal value to Government members. It is particularly appropriate that backbenchers, wherever they sit in this House, should be alert to defend their rights and those of members of Parliament generally. Hence I strongly support the amendment moved by the Deputy Leader of the Country Party.

Mr BOYD (Byron) [11.49]: I support the amendment moved by the Deputy Leader of the Country Party. It is essential that honourable members have the opportunity to represent their constituents and to raise here the many problems occurring within their electorates. If honourable members do not get that opportunity on grievance day, their privilege in this place will be severely limited. When one represents about 44 000 people in this House one finds it necessary to have the opportunity to bring problems before this House through the medium of grievance day. It is essential to give the House an understanding of some of the problems that occur in one's electorate. At the moment in my electorate apparently all main road construction has ceased.

Mr SPEAKER: Order! The honourable member for Byron is transgressing a ruling that I have already given. It is not in order for the honourable member to canvass all the problems of his electorate. The honourable member has available to him the means by which matters of sufficient importance can be brought to the attention of the House.

Mr BOYD: I have been attempting to demonstrate to the House that it is essential to have an opportunity to speak in the grievance debate this afternoon. I could Jist perhaps a dozen urgent matters that I shall not have an opportunity to air in this House unless a grievance debate is permitted to proceed this afternoon. The motion of the Attorney-General and Minister of Justice seeks to deny me that opportunity. That is a serious matter, for the Minister well knows, as do all members from ?he number of questions I have put on the *Questions and Answers Paper,* that a lot of problems cannot be debated here because of the many restrictions on debate in this House. An honourable member who preceded me in debating this motion said that question time had been eroded. In the seven years that I have been a member of this House the students of only one school in my electorate have been able to gain admission here during a citting day of the House.

Mr SPEAKER: Order! The honourable member is misleading the House. He would have received the call when he had school children attending the House from his electorate this week if action had not been taken by some of his colleagues to gain priority at question time. I point that out to the House to make the position clear.

Mr BOYD: The point I make is that yesterday Opposition members were able lo ask only four questions; today they were able to ask only three.

Mr Wran: What is wrong with that?

Mr BOYD: In two days Opposition members have asked seven questions.

Mr SPEAKER: Order!

Mr Face: Mr Speaker, you have drawn the attention of the honourable member for Northcott to the fact that he could not refer to curtailment of question time. I ask that you draw the same matter to the attention of the honourable member for Byron, who does not seem to comprehend what you have said on three occasions.

Mr J. A. Clough: On the point of order

Mr Walker: This will be good.

Mr J. A. Clough: It will be as good as anything the Premier has ever said.

Mr SPEAKER: Order! The honourable member for Eastwood should address the Chair.

Mr J. A. Clough: My point of order is that an honourable member is entitled to canvass the motion and the amendment. It is longstanding practice in this House that provided a speaker has not spoken to a motion he may speak to that motion and to an amendment moved to it. I submit that the honourable member for Byron is speaking to the motion and the amendment and that he has not previously spoken in this debate.

Mr SPEAKER: Order! The point of order taken by the honourable member for Charlestown is that the honourable member for Byron was canvassing a ruling I had given that it is not in order to debate at this time what occurs at question time. I uphold the point of order taken by the honourable member for Charlestown. In regard to the point of order taken by the honourable member for Eastwood, my ruling is that no point of order is involved. At no time since the amendment was moved to the motion have I restricted any honourable member from speaking to the motion or to the amendment. For the benefit of all honourable members I shall read the motion:

> That until the adjournment of the House for Christmas, Government business shall have precedence at every sitting.

The honourable member for Tenterfield moved an amendment, that the question be amended by inserting after the word "that" the words "as from Tuesday, 13th November, 1979, and". That matter is now being debated.

Mr BOYD: I have been trying to establish why it is important for me to speak to the grievance debate this afternoon. I have been directed that I may not speak about problems in my electorate and that I may not even speak about other limitations on honourable members in this House. The debate has been narrowed to such a fine degree that it would seem that I do not have any right to speak on the matters that I wish to raise.

Mr Face: The honourable member should sit down.

Mr BOYD: I do not intend to sit down. There is no reason why I should not be granted the same privileges as the honourable member, the Premier, and every other honourable member to exercise my right to speak in this House in the limited time available to me, which has been further limited by points of order being taken and the rulings of Mr Speaker. I shall return to the people I represent and tell them

that in this debate honourable members were denied an opportunity to raise grievances because of a decision of the Government, which is obviously not interested in the grievances of my constituents. The Government is not willing to listen to them. The Attorney-General and Minister of Justice does not care that I am trying to save a man's life. That is the matter I wish to raise this afternoon.

Mr SPEAKER: Order! The honourable member for Byron is disregarding a direction of the Chair and is now indulging in tedious repetition.

Mr BOYD: It is imperative that any member representing a section of the community in this State should have an opportunity to deal in this House with the personal problems of his constituents. That is the purpose of the grievance debate. Even then honourable members do not have a great deal of time available to them; they are limited to ten minutes and they get the opportunity to speak on grievance day only once or so in each session of Parliament, as the available time must be spread among all honourable members. Now it appears that honourable members will be denied that opportunity. I appeal to Government supporters, if they wish to retain some dignity and purpose in this House, to consider this matter seriously. It is not good enough for this autocratic Government to say that it is not interested in people's problems. When a government becomes so autocratic that it is not interested in the problems of constituents, whether Government or Opposition supporters, and it denies its own baclcbenchers an opportunity to speak in this House, that is indeed bad. It would then be only a matter of time before such a government lost the confidence of the people and was put out of office. If the Attorney-General and Minister of Justice is sensible he will realize that he has made a mistake, as he has done on many occasions.

Mr PICKARD (Hornsby) [11.58]: Two matters in the motion must be considered. The first is the stated one, that Government business shall take precedence on all sitting days. It must be established that Government business should have precedence. Backbenchers on both sides of the House and members of the executive have the right and the responsibility of bringing before the House issues that are brought to their attention by their constituents. The motion seeks to deprive honourable members of that right. The privilege of backbenchers is being denied by an executive motion. The mere statement in a motion that Government business shall take precedence does not mean that the Government should not have to establish why Government business should take precedence. No effort has been made to establish the pressing need for Government business to have precedence and thus deny a backbench member of the privilege and responsibility of speaking in this House on behalf of his constituents.

The opportunities for private members to raise matters in this House are limited the e days. When they do get the opportunity to do so, it seems to be the great pleasure of the executive of this so-called open Government to stifle the debate, particularly on matters of great national, State and personal import to people who live in our electorates. We are here to represent them first and foremost. One of the few opportunities private members have to bring forward a special issue of personal complaint is the grievance debate. I shall go hack to my electorate and tell through the newspapers of the several grievances that I have been awaiting an opportunity to bring forward, and of the limited number of opportunities that are available to raise such issues Those limited opportunities of private members are now being further limite l. I shall be happy to tell my constituents what is happening under this so-called open government with its open-faced Premier and its smiling Attorney-General and Minister of Justice who has little cause to smile when he apologizes for his mistakes in this House. I shall say to my constituents that this is the form of government that——

Mr Face It is about time the honourable member did something for his constituents.

Mr PICKARD: Mr Two interjects.

Mr SPEAKER: Order!

Mr Face: The honourable member should address the Chair, not his colleagues in the Opposition.

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

Mr PICKARD: I shall be only too happy to tell my constituents that the Government is preventing their voice being heard in this House on many occasions, and in particular on this occasion. When will there be an opportunity for me to bring forward some personal problems or grievances on behalf of an individual or a school within the community? The Government has an obligation to establish why it is so imperative that the executive business take precedence over the business of other members of Parliament. When Cabinet Ministers walk into this Chamber they should remember that we, too, are members of Parliament and ought to have an opportunity of bringing forward issues that are important to the people we represent. Constantly the rights and privileges of members of this House are being broken down.

Mr R. J. Brown: Rubbish.

Mr PICKARD: Is it rubbish that a private member cannot bring to this House the point of view of the people he represents? That is rubbish, is it? Is that what the honourable member for Cessnock thinks of his constituents?

Mr R. J. Brown: The honourable member is wasting time.

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

Mr PICKARD: The honourable member for Cessnock says I am wasting time when I try to bring forward matters affecting my constituents. This newly elected member for Cessnock, who is running away from this place to Canberra, this great writer of textbooks, this would-be Treasurer, now says that I am wasting the time of this House. What is the House for if it is not the place where the voice of the people is heard, the voice of my constituents as well as his? If that is wasting time, the honourable member is arguing for the dissolution of Parliament, which serves no other purpose than protecting the rights of the people. It is the place where members express the opinions, the needs and the views of those they represent. When the procedures of this House are tampered with and stopped, that is the beginning of a disgraceful process whereby the voice of the people is silenced.

Question—That the words be inserted—put.

The House divided.

Ayes, **31**

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

Noes, *60*

Mr Akister	Mr Ferguson	Mr O'Neill
Mr Anderson	Mr Flaherty	Mr Paciullo
Mr Bannon	Mr Gabb	Mr Petersen
Mr Barnier	Mr Haigh	Mr Quinn
Mr Bedford	Mr Hills	Mr Ramsay
Mr Booth	Mr Hunter	Mr Renshaw
Mr Brereton	Mr Jackson	Mr Robb
Mr Britt	Mr Jensen	Mr Rogan
Mr R. 3. Brown	Mr Johnson	Mr A. G. Stewart
Mr Cahill	Mr Johnstone	Mr K. J. Stewart
Mr Cavalier	Mr Jones	Mr Wade
Mr Cleary	Mr Keane	Mr Walker
Mr R. J. Clough	Mr Kearns	Mr Webster
Mr Cox	Mr Knott	Mr Whelan
Mr Crabtree	Mr McCarthy	Mr Wilde
Mr Day	Mr McGowan	Mr Wran
Mr Degen	Mr McIlwaine	
Mr Durick	Mr Maher	
Mr Egan	Mr Mair	Tellers,
Mr Einfeld	Mr Mallam	Mr O'Connell
Mr Face	Mr Mulock	Mr Sheahan

Question so resolved in the negative.

Amendment negatived.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [12.10], in reply: I express my appreciation for the way in which the Deputy Leader of the Country Party has assisted me in the management of the business of this House. All honourable members owe him a debt of gratitude. I have carefully weighed the reasons that motivate members of the Opposition in opposing at this time of the year a motion that government business take precedence of general business. They have done so from time immemorial. I have a feeling of *déjà vu* as I hear my words echoing back from members of the Opposition. There is good reason why the motion should be agreed to. As honourable members know, I have announced that the House will he rising on 29th November. I did that some time ago to assist honourable members in organizing their busy lives. The Christmas period is a busy time of the year for parliamentarians. Most honourable members will be grateful that they have been given a firm date, so that they can make arrangements to attend functions to which they have been invited and fulfil their many commitments. I shall endeavour to honour that promise.

Only three weeks remain before the recess. There are about fifty bills in the pipeline. some of which are of great importance. Bills such as those in the planning and environment cognate series are of importance to New South Wales. They deserve a deal of consideration and debate. Many matters warrant urgent consideration, such as those arising from the report of the Royal commission into drug trafficking. Other business must be put aside to deal with them. I was one of the strongest advocates, together with the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies, for the introduction of grievance day. Its introduction was a victory for the Australian Labor Party, and particularly for the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies, who for many years fought to achieve that end. Opposition to its introduction came,

first, from the former member for Earlwood, Sir Eric Willis, and then from the honourable member for Northcott. The grievance procedure has proved to be an outstanding success.

I know that backbenchers appreciate the opportunities a grievance debate presents. I have a deal of sympathy for honourable members who have local grievances that they would have aired this afternoon, but many great issues are now before Parliament, and those backbenchers will be busy researching and preparing material for second reading debates. Criticisms of the Government cannot be justified. For proof of that one has to look only at the result of the latest public opinion poll. Last week the judgment of the people was that the Wran Government has 58 per cent of the vote in New South Wales, the Liberal Party 28 per cent and the Country Party 2.9 per cent. If the numbers of votes in each electorate were about the equal, I submit that not one member of the Country Party would have a seat in this Parliament.

Mr Fischer: On a point of order. Mr Speaker, earlier in this debate on this motion you gave a number of rulings to the effect that an honourable member's remarks should be confined to the question before the Chair. At the time the amendment was being debated. The amendment has now been disposed of. The Attorney-General and Minister of Justice is replying to debate on the motion but in doing so is introducing entirely new matter based on findings in a public opinion poll. I submit that he should be directed to limit his remarks to arguments raised in the debate.

Mr SPEAKER: Order! The Attorney-General and Minister of Justice is fully aware of his obligations, and I am sure he will meet them.

Mr WALKER: I certainly shall. If I had only 2.9 per cent of the vote in New South Wales—which represents less than 150 000 people out of a population of 5 million—I should be terrified. If I were a member of such a party I should be endeavouring to speak on important legislation; endeavouring to convince the people of New South Wales that their judgment was wrong and that I really had some constructive policies to put forward. I should not be seeking to delay and frustrate the proceedings of this House. This has been a grievance debate. Let us get on with government business.

Motion agreed to.

GAMING AND BETTING (RACE-MEETINGS) AMENDMENT BILL

Introduction

Mr BOOTH (Wallsend), Minister for Sport and Recreation and Minister for Tourism [12.16]: I move:

> That leave be given to bring in a bill for an Act to amend section 53 of the Gaming and Betting Act, 1912, to permit meetings for horse-racing at certain race-courses to be held on certain days approved by the Minister.

The amendments as provided in the proposed bill will have a twofold effect. First, they will allow proclamations to be made by the Governor from time to time in accordance with section 53E of the Act increasing the number of days each year on which race meetings may be conducted on the metropolitan racecourses. At present, because of the existing restrictions on days of the week on which the meetings can actually be held, there is a limit to the number of meetings that can be programmed. Second, the provisions of the bill will overcome the necessity in future of minor matters, such as an increase in the number of days on which race meetings may be

conducted on a specific course in the metropolitan area, having to come before the Parliament each time an increase in race days is considered warranted. Other minor or consequential amendments are also incorporated in this bill. I shall be pleased to give further information at the second reading stage. I commend the motion.

Mr ROZZOLI (Hawkesbury) [12.18]: The Opposition has no objection to leave being granted to introduce this bill. Prior to perusing the legislation, the only points I raise are that I do not necessarily agree with the Minister's assertion that the approving of additional race days is a matter of a minor nature. A concept has been embodied in the Gaming and Betting Act for many years — and this section has been the subject of a number of amendments — that the racing industry is given a formula within which it can plan race days for racecourses in New South Wales. This has been done because of the feeling that there is a need to limit in some way the number of race meetings held in the State on certain days and the total number held in any year. The proposed amending bill appears to depart from that concept, and that is a matter of some significance. The proposal now seems to be to give the Minister authority to approve meetings on certain days.

The bill seeks to introduce a new concept. The existing legislation contains a definite formula. There is a lot to be said for having such a formula. It is important for race clubs to be able to plan ahead. The racing industry generates an enormous amount of money. For instance, last year bookmakers' turnover alone amounted to $750 million, which gives some indication of the proportions of the industry. Racing dates are a fundamental part of the racing industry. As I have not yet had the opportunity to study the bill in detail, I shall not express any firm opinion about it. We all know that circumstances and demands are continually changing and for that reason the bill may be both acceptable and necessary. I look forward to examining the details of the bill and taking part in the debate at the second reading stage.

Motion agreed to.

Bill presented and read a first time.

PECUNIARY INTERESTS OF MEMBERS

Debate resumed (from 6th November, *vide* page 2553) on motion by Mr Wran:

That this House resolves as follows:

(1) That upon a resolution in the same terms having been passed in the Legislative Council, there be established a system for the registration of the pecuniary interests of members of both Houses of the Parliament of New South Wales, having the following features—

(2) A Register shall be established in each House in which shall be recorded all information required to be disclosed pursuant to this resolution.

(3) (i) *Persons Affected*

Members shall disclose in respect of themselves and, to the best of their knowledge, each member of their family.

"Members of the family" shall mean—

(a) the spouse of a Member;

(b) any infant child of a Member;

(c) any infant child of the spouse of a Member who has been accepted as one of his family by that Member.

(ii) *Matters to be Disclosed*

(a) *Companies*

Any interest.

"Interest" includes share-holdings, debentures or charges, in any body corporate, formed or incorporated whether in the State of New South Wales, or outside the State, whether carrying on business in the State, or outside the State and including any foreign company, and whether such interests are held as an individual, in partnership, as a trustee or as a member of another body corporate in which the Member or a member of his family, or a Member together with other members of his family, holds a beneficial interest in share-holdings of a nominal value exceeding one-hundredth of the issued share capital of that body corporate.

(b) *Sources of Income*

All sources of income and the capacity in which that income is derived.

"Sources of income" means the person or persons, body corporate, partnership, trust, profession, trade or business from which any income is derived; and "income" has the same meaning as that attributed to it in the (Commonwealth) Income Tax Assessment Act, 1936, excluding salaries and allowances received pursuant to the provisions of the Parliamentary Remuneration Tribunal Act, 1975.

(c) *Positions Held*

Details of positions held (whether remunerated or not) in or in relation to—

(i) bodies corporate, including the positions of director, officer or promoter as defined in the Companies Act, 1961;

(ii) partnerships;

(iii) trusts, whether as settlor, appointer, trustee, or beneficiary;

(iv) professions, trades, businesses, occupations or callings.

(d) *Real Property*

All interests in real property and the location of that property. Such interests shall be disclosed whether held as an individual, in partnership, as a trustee, as a member of a body corporate in which the Member or a member of his family is a director or officer or in which the Member or a member of his family, or the Member together with other members of his family holds a beneficial interest in share-holdings of a nominal value exceeding one-hundredth of the issued share capital of that body corporate.

"Interests" includes any estate and "real property" includes all lands, tenements and hereditaments.

(e) *Gifts*

All individual gifts exceeding $500 in value and all gifts which, in aggregate, exceed $500 in value in any one year and which emanate from the same source.

(f) ***Sponsored Travel***

All sponsored travel.

"Sponsored travel" shall mean any travel or holiday whether inside or outside the State of New South **Wales** undertaken at any time where all of the ordinary commercial costs of or incidental to that travel or holiday, including accommodation expenses, are not paid for by the Member or any member of his family or out of public funds, but does not include travel on gold passes, or in Government vehicles, or travel or accommodation expenses in respect of travel within Australia reasonably incidental to a position held.

(g) ***Overseas Transactions***

All payments and all other material benefits recieved directly or indirectly from or on behalf of any sovereign government, organization, company or person.

(4) That it shall be left to the individual discretion of Members as to whether or not they register the value of any interest.

(5) That disclosure shall be made by Statutory Declaration, and be in respect of the preceding twelve months. Initial disclosure is to be made within three months of the passage of this resolution or, in the case of new Members, within three months of taking their seat. Thereafter, a declaration shall be made by **31** October in each succeeding year.

(6) That any changes in respect of matters disclosed, or any additional matters required to be disclosed, shall be notified within one month.

(7) That there shall be separate registers for the Legislative Council and Legislative Assembly, with the Clerk of the Council and the Clerk of the Assembly acting as Registrars.

(8) That there shall be established a committee of each House to administer the operation of the registers and to draft codes of conduct. The Committee of the Legislative Assembly shall comprise four members supporting the Government and three members supporting the Opposition. The Committee of the Legislative Council shall comprise three members supporting the Government and two members supporting the Opposition. The Committees are to be at liberty to confer and exchange views. In exercising their functions each Committee shall be empowered to administer the operation of its register including the compilation of and maintenance of the register and the consideration of proposals made by Members or others as to the form and contents of the register, and of specific complaints made in relation to the registering and declaration of interests. The Committees shall be empowered to report on these and any other matters relating to Members' interests, and to recommend changes in the list of matters which have to be disclosed and the form in which disclosures should be made.

These arrangements are subject to the stipulation that no rules are to be regarded as binding on either House until each House has approved of like rules.

(9) That Mr Kearns, Mr McCarthy, Mr Paciullo and Mr Wade, being members supporting the Government, and Mr Dowd, Mr Freudenstein and Mr Maddison, being members supporting the Opposition, shall be, and are hereby appointed as the initial members of the Committee of this House.

(10) That the registers shall be freely available to Members and the information contained therein shall be printed annually as a Parliamentary Paper.

(11) That wilful breach by a Member of any of the requirements of this resolution shall be a contempt of the Parliament and may be dealt with accordingly.

Upon which Mr Dowd had moved:

That the question be amended by leaving out the word "callings." in paragraph 3 (ii) (c) (iv) with a view to inserting the following words instead thereof—

"callings;

(v) trade or craft unions or professional associations."

Mr MADDISON (Ku-ring-gai) [12.22]: The underlying basis for this motion is that members of Parliament, being decision makers, should act—and be seen to act—honestly and objectively and not be motivated by private self-interest. The motion implies that, as decision makers and parliamentarians, we should not allow our private interests to conflict with our public duty or influence our decisions. It is said that in order to satisfy public demand that we act honestly and objectively, we must disclose our pecuniary interests. That is the purport of the motion. If members of the public see individual members of Parliament as influencing day-to-day decisions in this House—and thereby influencing decisions by government—which can be to the individual and special advantage of those members, thus giving rise to a conflict of interest and duty, then they are gravely mistaken.

Members of this House know that rarely can it be claimed that a decision of this House—or indeed of this Parliament—could in any way be to the special advantage of any member. Standing Order 204 is in these terms:

No Member shall be entitled to vote in any Division upon a Question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed.

There can be no doubt that Standing Order 204 is right and proper, for it governs the role of conduct of members of this House. If a member is seen to vote on a matter in which he has a pecuniary interest, or in which it can be said that he has a pecuniary interest, Standing Order 204 provides that his vote will be disallowed—and so it ought to be disallowed.

Mr Mallam: Standing Order 204 would not be strong enough to control your mob.

Mr MADDISON: Obviously the honourable member for Campbelltown has not looked closely at Standing Order 204. In my time in this House I cannot recall any point of order being taken—and upheld—under standing Order 204 so as to impugn the propriety of a person who voted in such a way that it could be said that he had a pecuniary interest in a particular matter. I doubt whether the honourable member for Campbelltown has ever heard of a point of order taken under Standing Order 204 being upheld. This Parliament is not the forum whereby decisions can advantage the dishonest decision maker or one who has a vested interest in a matter.

The real decision makers, where there may be a conflict of interest and duty, are outside this Parliament. When I am talking about this Parliament I am talking about the ordinary members of the Parliament, not the members of Cabinet who stand in a different position altogether. I am talking about the real decision makers, the Ministers in any government. Often executive power, decision-making power, and power to enter into contracts of one sort or another rests in Ministers. There is also a concentration of executive decision-making power away from this Parliament. That power is, more and more, being placed in the hands of departmental heads, senior public servants and heads and senior staff of government instrumentalities. Senior government employees are in far greater positions of influence than the ordinary members of this House. A member of this House can vote on motions which rarely can be said to be of such importance that he could be involved in a conflict of interest and duty. Indeed the party system in this State and throughout Australia brings about a consensus of decisions made by parties. For that reason it is unlikely that any member of this House—or indeed the Parliament—could be said to bring to a determination of a question by vote, a problem in which his interests and his duty conflict. It seems to me that, in many respects, we are only tinkering with the problem of a conflict of interest and duty.

I suppose that when I said that the consensus way in which political parties reaches decisions means, virtually, that an individual member of Parliament has little influence, I did not envisage the position where there is an even balance, where there are two parties, one in government and one in opposition and perhaps an independent or independents holding the balance of power. In that situation individual members can perhaps find themselves in a situation of a conflict of interest and duty. The real decision-making power is vested in Ministers and their staffs. That power is vested also in the senior staff of government departments and statutory authorities. I suppose that in the letting of government contracts there is a possibility of conflict of interest and duty. Cabinet Ministers are in a different situation from that of other members of Parliament. They are part of the executive machinery of government. One can understand why Cabinet Ministers should have a higher responsibility. A stronger responsibility rests upon Cabinet Ministers then to make a full and frank disclosure of their interests. Perhaps the same degree of responsibility should apply to the senior staff of government departments and instrumentalities.

I am reminded that section 15 of the Securities Industry Act contains a requirement that staff in the employment of the Corporate Affairs Commission must disclose to the commission if, in the course of their duties, they consider any matters relate to securities in which the individual employee has an interest, or any matter relating to securities of the same class as securities in which an employee has an interest, be they matters relating to a person or body by whom that person has been employed or associated or of whom he has been a client or was a client of the person or body with whom he was associated. This is an important safeguard in a sensitive area of government in which public servants are required to disclose interests to the Corporate Affairs Commission.

Failure to disclose in accordance with section 15 of the Securities Industry Act renders that employee liable to a penalty of $2,000 or imprisonment for up to twelve months, or both. It is seriously regarded within the areas of corporate law that heavy sanctions should apply where there is a possibility of conflict of interest and duty arising. If it is good enough for Corporate Affairs Commission employees, then other government employees who are responsible or close to the decision-makers within government or within the public service should be subject to the same obligations and sanctions that apply to Corporate Affairs Commission employees.

I do not wish to range at large on whether or not it should be a public disclosure or whether it should be a disclosure, as it is with the Corporate Affairs

Commission, to the commission itself. It may well be thought—and I think it has been thought up to fairly recent times—that, for example, so far as Cabinet Ministers are concerned, it should be sufficient for them to disclose their interests to the head of government. It may be said that in the same way public servants who are in a position to influence decisions should disclose their interests to the heads of departments or the heads of authorities or instrumentalities.

I gather from some remarks made by speakers from the Government side that they felt the passage of this resolution made them feel good and clean. It would be accepting the general views expressed by the public that there is a need to make politicians honest that therefore it is a good thing that we should agree to this resolution. It is obvious from some recent editorials that the media thinks it is a good move and if the media and the public feel it is a good move, perhaps this resolution will make honest politicians of all of us. If that be the attitude, perhaps one should say, so be it. But, as I said, important decisions are made elsewhere than in this Parliament and it seems to me that we ought not to think that the passage of this resolution and the setting up of this scheme is the be-all and end-all of solving the problems which arise where there are conflicts of interest, duty and responsibility.

One of the interesting things, of course, is that the motion we are debating falls far short of the motion carried at the Australian Labor Party federal conference in Adelaide in the middle of this year. The motion carried at that conference was in far wider terms, and I invite the attention of the House to that fact. The motion was that there be public declaration of financial interests by members of Parliament, members of territorial and local government, and their immediate families, the staff of Ministers and shadow Ministers, and journalists accredited to Parliaments. It was a fairly all-embracing motion, getting towards the decision-makers who, I believe, are the real power brokers in the structure of governments rather than members of Parliament as such.

A number of amendments were sought to be made to that motion, none of which, as far as I can ascertain, was successful. Some amendments moved by the New South Wales Premier were aimed at bringing the motion to the point where it was sufficient for the financial interests of members of Parliament to be disclosed and that there should not be an intrusion into the other areas of government, be it territorial or local government, or of the families of members of Parliament or the families or staff of Ministers and so forth. However, that proposal by the Premier of New South Wales was not accepted by the conference. The Premier had some fairly strong words to say about the possible extension to include wives of decision-makers and their immediate families in the processes of compulsory disclosure of interests. The Premier said he thought that it was an affront to women to have an obligation cast upon wives, particularly of the decision-makers, to disclose their interests. However, the conference in its wisdom decided not to go along with the views expressed by the Premier.

This motion does embrace the spouses of members, though the spouses are not required to disclose their interests; but members should, so far as they are able and have knowledge of interests of the spouses, disclose them. It seems that the motion we are debating falls between two stools; it falls between the code which the federal Labor Party conference sought to establish and the views of the New South Wales Premier. I am not quite clear as to how this motion arises.

I have no personal objection to the disclosure of any interests which are caught up by this motion. As far as I am concerned, the *Daily* Mirror disclosed my interests some years ago after searching public records and ascertaining where I lived, what I had paid for my house, what my mortgage was, and what my car registration number was. They did not know what I had paid for my old battle-axe car. They

knew where some of my children were educated. This matter arose, as far as the *Daily Mirror* is concerned, at a time when privacy was very much in the public mind and in the media. So, certainly, a great deal of information is available to the public through public registers. The exercise by the *Daily Mirror* was designed to emphasize the ease with which this information can be obtained from public records and registers.

I acknowledge that a member of Parliament is not entitled virtually to any private life; he is not entitled to the right to privacy that attaches to other citizens. Indeed, he has little private life. Privacy for a member of Parliament is a scarce commodity. I accept the motion, warts and all—and it has plenty. It is extraordinary in terms of its draftsmanship. I am surprised that the Premier, an eminent Queen's counsel, lends himself to the introduction of a motion of which the legal drafting is in disgraceful form. I do not know who drafted it. I am quite certain that the Parliamentary Counsel had nothing to do with it. I am reminded of the rules drafted under the Commonwealth Matrimonial Causes Act which, at the direction of the former Attorney-General, Senator Murphy as he then was, were drafted by outside counsel. They were found to be so defective that they had to be withdrawn and redrafted by the competent professionals known as parliamentary counsel or parliamentary draftsmen. Paragraph (3) (i) states:

> Members shall disclose in respect of themselves and, to the best of their knowledge, each member of their family.

I read that to mean that one shall tell the Parliament who are the members of one's family. I make absolute nonsense of the sentence, "Members shall disclose in respect of themselves and, to the best of their knowledge, each member of their family". The paragraph then proceeds to define members of the family. Subparagraph (ii) of paragraph (3) refers to matters to be disclosed. Reference is then made to interests in shareholding, debentures and so on, and catches up with the members of a member's family.

The next heading is "Sources of Income". There is no question of sources of income attributable to members of the family being disclosed. Certainly so far as interests in companies are concerned, one is obliged to disclose the interests, if there are any, of members of one's family, as defined. In my view, because of the absence of any reference to family, the source of income of a spouse or infant child is not provided for whatsoever. Under tbe heading "Positions Held" there is no specific reference to members of a family. In regard to real property, the motion specifically says that the member shall disclose his interests and the interests of a member of his family in real property. The part of the motion referring to gifts is silent as to whether gifts to members of a member's family, being his wife and infant children, are required to be disclosed.

So far as sponsored travel is concerned, clearly it is specific that a member who receives any sponsored travel is required to disclose his interest as well as, if he is aware of it, that of any member of his family who receives sponsored travel. I do not know what one could say about these various parts of the motion, some of which refer to a member only and others to a member and his family. Subparagraph (g), which refers to overseas transactions, states that all payments and all other material benefits received directly or indirectly from or on behalf of any sovereign government, organization, company or person, shall be disclosed. Clearly there is again no mention of members of the family. This most inelegant and inexact motion is put forward as a matter of some seriousness to form the basis of a disclosure of interests scheme.

[Mr Speaker left the chair at 12.45 p.m. The House resumed at 2.15 *p.m.*]

Mr MADDISON: Before the luncheon adjournment I was talking about inadequacies, as I see them, associated with the motion. I do not wish to be considered as nit-picking in that regard. The Government has a reasonable precedent

in the Victorian Act in terms of the way in which it is required that members shall disclose particular interests. In the Members of Parliament (Register of Interests) Act, 1978, of the State of Victoria, section *6* **(2) (h)** requires that a member shall provide **particulars** of **any gift of** or above the amount or value of $500 received by the member from a person other than a person related to him by blood or marriage. **When** the honourable member for Lane Cove spoke to the motion, leading for the Opposition, he suggested clearly that there should be an exemption in our resolution to apply to gifts of $500 or above made by spouse to spouse. Certainly, that would accord with the views of the Premier, in my opinion, as expressed at the Labor conference in South Australia when he said that some of these matters which affect the spouse of a member should not be exposed to the public gaze.

I criticize, also, the form of the motion which leads me to the belief that it is not at all clear whether an obligation rests on a member to disclose all his wife's interests within his knowledge. An examination should be made of section **6** (2) (i) of the Victorian Act which refers to an obligation to disclose interests in these terms:

> Any other substantial interest whether of a pecuniary nature or not of the member or of a member of his family of which the member is aware and which the member considers might appear to raise a material conflict between his private interest and public duty as a member.

I support an obligation being placed upon a member to provide information within his knowledge as to his spouse's financial affairs or to disclose a substantial interest within the terms of that paragraph of the Victorian Act.

The motion in its present form leaves much to be desired: first, as to its substance; second, as to its manner and form; and third, as to its clarity. As a scheme is to be set up which will be in the hands of a committee of this House in so far as members of this House are concerned, and of a committee of the other House in so far as members of that House are concerned, the respective committees of the two Houses should have much clearer definition and guidelines tban are to be found in this motion. By way of interjection yesterday the question of milk quotas was brought up. Milk quotas are not caught by this legislation. Contributions made to the campaign funds of a member are not caught by this legislation, though they may be caught by some provisions in legislation subsequent to a report of a committee of which the Government gave a notice of intention of establishing this morning. Nevertheless, these matters might be regarded as significant in terms of raising conflicts of interest and public duty.

I believe that if one enters the political arena one should be resigned to a complete exposure or declaration of any relevant interests which may give rise to conflicts of interest and public duty. I have made my position clear. So far as the resolution is concerned, I support it in terms of its good intention, but I think it is a fraud and deception in terms of giving to the public and the media a false idea of decisions made in this place which, in turn, could give rise to conflicts of interest and public duty. It is half-baked. Many people at various levels find themselves confronted with conflicts of interest. Sometimes members of Parliament are misunderstood in what they say and that could give rise to conflicts between interest and public duty. In recent times comment has been made that the Premier might well be looking to a wider register to catch these interests. Nevertheless, I support the motion, as I said before, despite its deficiencies. I hope and trust that the committee will not have too difficult a task in coming up with a charter and *modus operandi* that will make the scheme effective.

Mr HATTON (South Coast) [2.22]: This motion is a reflection of the times. It is also recognition of public awareness of the complexity of the parliamentary business and the role of the parliamentarian. The Parliament has a growing role in its involvement in matters affecting and controlling business and matters affecting people's

incomes. It is also a recognition of increased opportunities, because of the factors I have mentioned, for self-gain, inducement and even bribery and corruption of parliamentarians and others.

Many of the activities I have referred to can be hidden by the very complexity of the system, despite Standing Order 204 that was mentioned previously. The motion is also recognition of the fact that it is legitimate for parliamentarians to be involved in business activities and private practice, with all the conflicts of financial interests that are likely to occur. One of the most important aspects to be considered is the conflict of the use of time. As a parliamentarian, I could not find time to be involved in any other activity. The motion is recognition also that the Parliament is made up of a cross-section of the community. It comprises artisans, farmers, professional people and business people as well as the honest, the dishonest and the capable and the incapable. That is one of the advantages and disadvantages of having a cross-section of society. The motion is recognition also of the nature of business practice and its involvement with this Parliament. They are all factors of which the public is aware and it demands action. It is incumbent upon this Parliament to take effective action.

There has been much criticism of the motion before the House. Crime suppression is difficult. Nevertheless crime is a realistic thing and will never be stamped out. We have to get the most effective mechanism to monitor and investigate it so as to make it more difficult for those who might be inclined to abuse their positions of trust and those who cheat. The statutory declaration requirement is a deterrent, but mainly to the honest politician, the person who cares for his reputation. Of course, it rapidly loses its effectiveness for those people who tend towards dishonesty, as the rewards and inducements offered increase in value.

Despite all the criticisms of this motion, if there is a solution to the problem — and there may not be one — this might be it. I concede that this motion may not succeed. Nevertheless, we must try to make it effective, no matter how imperfect it is. I urge the Government to accept the amendments proposed by the Opposition. It is in the interests of Parliament that the whole scheme be controlled and monitored on a strictly bipartisan basis. It must be. It is in the interests of the parties themselves to see that it is done. One knows of the effectiveness of the party leadership, all the lobbies, the strengths and weaknesses and the power plays that go on within a party. The party leadership and the party member know that if the system is strictly bipartisan and action taken on that basis, initiated by the Clerk, there is no way that a member's party might cover up for him, no matter how important the member is in the Parliament or the parliamentary machine. This is important to the integrity of the party and the Parliament. Such a bipartisan group can genuinely and more effectively recommend improvements and be seen completely to administer the scheme impartially. Many loopholes have been exposed and are difficult to close. A bipartisan group will be able to do it more effectively. There must be equal representation on the committee.

Some matters warrant special investigation. Campaign funds that do not fall within the ambit of the motion need special attention. They are gifts and the realistic politician knows that this is where the real power play comes in. This is where serious interference with democracy is encountered. The amount of funds available to a party governs effectively how that party can campaign. The public should be told from where the money comes and what strings are attached to it. Parliament must look seachingly at that and there must be a way of ensuring that the sources are declared so that they may be monitored effectively. Honourable members would know that attempts have been made to buy media support through approaches to television channels, the press and the radio. Financial rewards are available to the party that is willing to give legislative rewards to those who offer support. The rewards may be given to the party or to an individual in the marginal seat — which is almost as good, or perhaps even better. In

a shaky seat quite often media coverage decides whether a sitting member keeps his position. As an independent candidate, I am interested in this. Obviously, it is proper for me to declare any gifts given to me for campaigning or other reasons. I should like to see the same thing apply unbiasedly to every parliamentarian. whether he receives a portion of a gift as part of a group or as an individual.

I know that the Premier and the Government have looked carefully at the question of public servants and their pecuniary interests. It is a ticklish position as no one wants to reflect upon the integrity of the public service. However, there is a growing opportunity for dishonesty in the public service—as there is in the Parliament —and particularly so with more and more executive government and decisions not exposed to the light of the Parliament or the criticism of debate. Many decisions of government rest heavily on advice from public servants. Consequently it puts the public servant in a powerful position should he, unfortunately, be dishonest and attempt to use it in that way.

Consequently one should look very carefully at the public service. I realize that public servants object strongly to it, but they have had ministerial responsibility transferred to them. We can look at whether they should report their pecuniary interests to their responsible Minister or the Public Service Board or, for those not covered by the Public Service Board, to the board of a statutory authority or to the parliamentary committee that is to look at the workings of this scheme, and to the Leader of the Opposition conjointly, perhaps without exposing those public servants to the public scrutiny that we as elected members consider we should be exposed to. But at least under that system there would be control and we would know what pecuniary interests they have. That very real thought needs to be taken up.

When I entered this Parliament in 1973 I attempted, by a private member's motion, to move that in local government in addition to the declaration of interest provisions contained in the Local Government Act, a candidate seeking election should be obliged to declare his business and real estate interests in the shire or municipality for which he is seeking election. I still believe that is important. This brings into the light the whole question of candidature for this Parliament. As a parliamentarian I am to be forced to declare my pecuniary interests to the public. Another person, a candidate for election, who is doing his utmost to unseat me, has a real advantage over me, if he cares to use it, if there is something in my pecuniary interests declaration that can be used against me. The same matter could be in his or her background, but it would not be exposed to daylight. If he puts himself up as a candidate, surely by stepping into the ring against his opponent he too should have to ride the punches. We must consider that point.

If that proposal were accepted, it would require legislative force, not simply a motion of this House. I shall return to the topic of legislation after I have put some other considerations. The public has a right to know as much as possible about a candidate and its representatives, whether they are in local government or any other level of government. I do not feel any embarrassment about disclosing my pecuniary interests, and there ought not be any embarrassment over it. Public life means being in the spotlight: one's character, one's family and one's whole history and business are in the spotlight. If one becomes involved in the cut and thrust of politics, one must accept the spotlight's glare or not stand for office. I realize that if we are to have a declaration of pecuniary interests, some good, proper and capable people might be deterred from standing for Parliament. We have to accept that unfortunate by-product.

If this motion is to be effective, the matters that were raised by the honourable member for Campbelltown in the Address-in-Reply debate should receive serious consideration. They would involve some radical changes to company law. For example, how would one track a member's interests while ever there are hidden directorships,

nominee shareholders, nominee companies and hidden financial interests of directors? It cannot be done effectively. Hand-in-hand with this scheme must go a changed approach to company law. It is difficult, if not impossible, to trace a multiplicity of directorships. A record of them is maintained for public companies but not for all companies. ***Jobson's Business Directory*** refers only to public companies. If a person has directorships in many companies, it is difficult to track his devious path. The shareholders of those companies are entitled to have that sort of public information, and it would also assist us in our consideration.

Pecuniary interests cannot be effectively policed unless that matter is resolved. If the Government is sincere it should legislate on this matter and give it the force of law; and it should also accept the Opposition's amendments. Also it should agree to a bipartisan approach. If the Opposition is sincere it should support any Government action that extends our right to knowledge of company interests. I commend the Government's action. It is a pioneering step but let it be only the first step in a process of continuing vigilance taken in the public interest by publicizing parliamentarians' pecuniary interests. I shall not be critical of the Government, for this is the sort of thing that I have wanted to see happen for the six years I have been in this House. It has now happened, with all its imperfections. The Government is to be congratulated for that. The public will not be fooled if loopholes are left, for good reasons, by a government, irrespective of its political colour. As I emphasized at the outset, there is a growing public awareness and a growing public demand for effective action. It should be by the legislative process, as has been done in respect of local government.

Mr BRUXNER: Mr Speaker ——

Mr FLAHERTY (Granville), Government Whip [2.36]: I move:

That the question be now put.

The House divided.

Ayes, 60

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

Noes, 28

Mr Barraclough	Mr Freudenstein	Mr Park
Mr Boyd	Mr Hatton	Mr Pickard
Mr Brewer	Mr Healey	Mr Punch
Mr Bruxner	Mr McDonald	Mr Singleton
Mr Cameron	Mr Maddison	Mr Smith
Mr Caterson	Mr Mason	Mr Taylor
Mr J. A. Clough	Mr Moore	
Mr Duncan	Mr Morris	*Tellers,*
Mr Fischer	Mr Murray	Mr Dowd
Mr Fisher	Mr Osborne	Mr West

Resolved in the affirmative.

Question—That the word stand—put.

The House divided.

Ayes, 60

Mr Akister	Mr Flaherty	Mr Paciullo
Mr Anderson	Mr Gabb	Mr Petersen
Mr Bannon	Mr Haigh	Mr Quinn
Mr Barnier	Mr Hills	Mr Ramsay
Mr Bedford	Mr Hunter	Mr Renshaw
Mr Booth	Mr Jackson	Mr Robb
Mr Brereton	Mr Jensen	Mr Rogan
Mr Britt	Mr Johnson	Mr Sheahan
Mr R. J. Brown	Mr Johnstone	Mr A. G. Stewart
Mr Cahill	Mr Jones	Mr K. J. Stewart
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Mr Duncan	Mr Morris	*Tellers,*
Mr Fischer	Mr Murray	Mr Dowd
Mr Fisher	Mr Osborne	Mr West

Question so resolved in the affirmative.

Amendment negatived.

Mr SPEAKER: Order! The question now is, That the motion be agreed to.

Mr J. A. CLOUGH (Eastwood) [2.45]: I move——

Mr FLAHERTY (Granville), Government Whip [2.45]: I move:

That the question be now put.

The House divided.

[in Division]

Mr Dowd: On a point of order. Mr Speaker, before the motion to apply the gag had been completed — indeed before it had really started — the honourable member for Eastwood had already sought to move an amendment in the terms set out in the list of circulated amendments. As that motion was before the Chair before the gag was moved, surely the question now before the House should be in the terms of the amendment moved by the honourable member for Eastwood.

Mr SPEAKER: Order! There is no point of order. The honourable member for Lane Cove is assuming that the honourable member for Eastwood moved with such alacrity after I gave him the call that he was able to move an amendment before the gag was moved. The position is that as soon as I called the honourable member for Eastwood I heard the Government Whip move, That the question be now put; and the House is now dealing with that motion.

Mr Dowd: On a further point of order. Mr Speaker, the ruling I seek from you is that the amendment was moved before the question, That the motion be now put, was moved.

Mr SPEAKER: Order! The honourable member for Lane Cove is canvassing my ruling. If he is not careful, I shall call off the division and have him removed from the Chamber for disorderly conduct.

Ayes, 60

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

Noes, 28

Mr Barraclough	Mr Freudenstein	Mr Park
Mr Boyd	Mr Hatton	Mr Pickard
Mr Brewer	Mr Healey	Mr Punch
Mr Bruxner	Mr McDonald	Mr Singleton
Mr Cameron	Mr Maddison	Mr Smith
Mr Caterson	Mr Mason	Mr Taylor
Mr J. A. Clough	Mr Moore	
Mr Duncan	Mr Morris	***Tellers,***
Mr Fischer	Mr Murray	Mr Dowd
Mr Fisher	Mr Osborne	Mr West

Resolved in the affirmative.

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

Mr WRAN (Bass Hill), Premier [2.52], in reply: After a shaky beginning by the Opposition and a certain degree of feline vituperation from the honourable member for Lane Cove, the debate concluded on a positive and useful note, mainly because of the contribution by the honourable member for South Coast. I shall come to that matter quickly, as I am sure it will be of interest to all honourable members. In supporting the motion, the honourable member for South Coast raised the question of the declaration of campaign funds to political parties and to members of Parliament as individuals. As I understood the argument of the honourable member, he urged that the resolution should provide, if it is carried in similar terms in the Legislative Council, for the declaration of campaign funds in the sense of declaration of amount and of who gave the money to the party or the individual.

I remind honourable members, and in particular the honourable member for South Coast, that the motion of which I gave notice this morning provides in paragraph 2 (c) that one of the terms of reference to be considered by the joint committee, which I expect will be appointed by the Parliament in the next week or so, is whether there should be compulsory disclosure of contributions and gifts to political parties and individuals. The question that attracted the attention of the honourable member for South Coast will be the subject of close inquiry by the joint committee which I expect to be set up and on which there will be representation from each side of the House.

The honourable member for South Coast quite properly referred to the motion and the resolution that will flow from it as a pioneering step. It is all very well for Opposition members to carp and criticize, but the fact is that the Liberal-Country party Opposition had eleven years in Government, during which those honourable members who spoke in a high moral and ethical vein, such as the honourable member for Lane Cove and the honourable member for Northcott, took not one step to bring into reality any procedures of this kind that would require members of Parliament to disclose their pecuniary interest. I think three Opposition members said it was because they were honest men.

[*Interruption*]

Mr WRAN: In due course I shall mention one aspect of the remarks of the representative in this House of the Festival of Light, the honourable member for Northcott, who made a most extraordinary contribution that I thought I would never hear from any member of Parliament. I shall refer to that specifically in a moment. I endeavoured to project the debate to the level of the suggestions made by the Riordan committee, to which I referred during my speech on the motion. That is

the whole *raison d'être* of the motion. I repeat the comment of the Riordan committee, that a measure of this kind "would help to turn the tide on the cynicism which is currently demeaning the holders of public office, and in the course of time re-establish parliamentarians as respected and financially disinterested leaders of the community".

All that the honourable member for Lane Cove could tell the House was how he has been poring over the motion for the past few weeks in an endeavour to find ways in which he can get round it. During the half hour and the extended time that he was granted to debate the motion he referred to all the loopholes that he could find in it. Unlike the federal Treasurer who is concerned with closing the loopholes, the honourable member for Lane Cove is concerned with opening loopholes. That was the main part of the contribution by the member for loopholes, the honourable member for Lane Cove.

The most extraordinary contribution to the debate came from this ethical moral and Christian man who puts himself forward as upright and righteous, the honourable member for Northcott. He said that a member could be approached by a person who may say, "You have spent all your life making self-sacrifices. You could have made a fortune had you not gone into Parliament, and 4 shall give you $1,000 as a benefit." The honourable member said it would be a terrible embarrassment to him if the donor, who had seen that the honourable member had misspent his existence in the Parliament—and a lot of honourable members would agree with that—were to have his name revealed in a declaration by the honourable member. The honourable member suggested that would be the last thing the person giving the gift would wish to happen. Moreover, it would be the ultimate discouragement to such a person demonstrating good will and—please wait for it—charity in that way. What hypocrisy.

The honourable member for Northcott has the hide to talk about gimcrackery and the like. What the honourable member said reflects his standards and indeed the standards of many Opposition members when they talk about honesty and dishonesty. By their standards it is ethical, moral and honest. Their standards are those that they set for themselves when they were in Government. Having been in the tartshop. they have never forgotten. The honourable member for Lane Cove puts himself forward as an upright man.

Mr Dowd: Does it worry the Premier ——

Mr WRAN: It worries me that the honourable member is a hypocrite because he devoted the whole of his speech to the loopholes that he would advise his friends in Opposition to go through so that they could not obey the spirit of the motion. I repeat what was said by the honourable member for South Coast: this is a pioneering State. So it is. What every member of the Opposition failed to mention was the provision of the resolution which empowers the proposed committee to report on any matter relevant to the disclosure of pecuniary interests. Government supporters agree with the honourable member for South Coast: this is a first step. I can assure members of the Opposition that many other steps will follow as to the declaration of pecuniary interests before this Government completes its term of office, and other terms to come. The Government is determined to ensure that the sort of muck raking that has gone on in this Parliament will not continue.

The honourable member for Lane Cove, this righteous man, this conscience of the Parliament who sits there day after day, says that that sort of thing does not happen. But, I can remember the Leader of the Opposition only a short time ago saying in relation to a proposed development for an aluminium smelter that there was a smell of corruption and talk of how the Premier had benefited because Pechiney had been given

the right to develop an aluminium smelter. Indeed, not only the Premier, but every member of the Opposition will be put to a test as to whether they are prepared to declare their pecuniary interests. The days when the Opposition may sit there and have free kicks at the Government and its supporters have gone. They are great moralists, but their morals, ethnics and honesty are those of their own standard. This resolution, conceived by members of the Opposition as showing who is honest and dishonest, is an endeavour to raise the image and reputation of Parliament in the eyes of the public. Again, the honourable member for Lane Cove, who has as much guts as an earthworm, harrumphs and chuckles away in the feline way he has, but not once did he make a positive contribution to this debate.

I wish to congratulate the honourable member for South Coast for a constructive contribution to the debate. As to whether there should be legislation following a resolution of this sort, what is so extraordinary about that? Such a provision exists already in the United Kingdom Parliament. By way of legislation there is such a provision in respect of the Congress of the United States of America, and there is legislative provision in the Parliament of Victoria, introduced by a Liberal Government. I cannot make head or tail. of whether the Opposition in this House supports the motion or is against it. Contributions to the debate by members of the Opposition have been most confused. Their confusion can be understood, perhaps, because of the way things are In the Liberal Party at the moment. There is no cohesion at all in the approach of the Opposition. As the honourable member for Fuller quite properly said during the course of the debate, the Opposition is trying to have it both ways—it is trying to make out to the public that it does not oppose the motion but at the same time it is attempting to destroy it from its inception.

All the arguments about morality, ethics and honesty and how lawyers' and accountants' services can be obtained to conceal assets and income may be right, but there is one final sanction. It does not matter if a member transfers an asset to his wife, children or friend. It does not matter if a member puts his assets in a trust. In all these cases he retains a proprietary interest in the asset; it is his property and he stands to be sanctioned and dealt *with* by this Parliament if he happens to argue with his wife, children, or trustees or fall out with his lawyer or accountant and is discovered. if the member is a member of the Liberal Party he might be in trouble because it is known that they rat on each other. There is no point in members of the Opposition saying that this resolution can be circumvented in practice. Any system which relies upon the integrity, honesty and morality of those who are part of it, is always capable of being subverted in one way or another. But, those who subvert it must withstand the ultimate sanction for their failure to disclose their assets and income, when finally discovered. Failure to make such disclosure will be a contempt of Parliament that will call for action by Parliament, dealing with the member on *the* merits, nature and extent of the breach.

Enough of the nonsense that this scheme is imperfect in some way or another. This scheme is substantially on all fours with what was recommended to the federal Parliament by the Riordan committee; it is on all fours with what was substantially recommended to this Parliament by the O'Connell committee, and it is on all fours with both of them to the extent that it applies to members and their children. The honourable member for Lane Cove, the honourable member for South Coast and other members said, in effect, that it should apply to public servants and various other people, but no one moved for that during the debate. The honourable member for Lane Cove informs me he did not say that so I shall not attach that statement to him. Members sitting on the same bench as the honourable member for Lane Cove did say that.

Mr Cameron: Nonsense.

Mr WRAN: The honourable member for Northcott does not want to declare anything other than his morality. He does not even have that.

Mr Dowd: Shame.

Mr WRAN: It is true. I do not know a greater hypocrite ever to sit in this Parliament.

Mr Cameron: I regard you as something, too, but I would not bother to say it.

Mr SPEAKER: Order!

Mr WRAN: Everything that has been said by the honourable member for Lane Cove is totally irrelevant to the burden of this resolution. Those who conceal information and are revealed will have to withstand the sanction of the vote of the Parliament. The most extraordinary thing that the honourable member for Lane Cove did was to attack the efficacy of the motion on the basis that it was endeavouring to direct the Legislative Council as to what it should do and what would be binding upon it. As he said of me at another time, I ask the honourable member for Lane Cove whether he, in his turn, read the wording of the motion. For his benefit I shall read it once more, direct from the orders of the day:

> That this House resolves as follows:
>
> (1) That upon a resolution in the same terms having been passed in the Legislative Council, there be established . . .

That is not a direction; it is not an order from this House to the Legislative Council. I am sure the honourable member for Lane Cove will be delighted to hear that the precedent for the form of that motion and its words was adopted by Parliament in 1972 from a motion moved by the well known libertarian, Sir John Fuller, at that time Minister for Decentralisation and Development and Vice-President of the Executive Council. Sir John Fuller moved that, upon a motion in the same terms having been passed by the Legislative Assembly of New South Wales, the Premier should be authorized to put forward to the Government certain documents in relation to delegates to the first Constitution convention. In other words, there has been total misconception of the motion by the honourable member for Lane Cove. If that member has any generosity he will withdraw and apologize for his assertion. He did not understand it; he did not do his research; he did not interpret the wording properly; he tried to assert that the validity of the motion lacked efficacy and there was no way in which this House could properly deal with it.

The honourable member for Fuller, who has been of great assistance this afternoon, suggests that the honourable member for Lane Cove has displayed little knowledge of the history of Parliament. I do not think that I should take up the time of the House for too long in relation to these matters. However, the honourable member for Lane Cove—and he was supported by other members of the Opposition and by the honourable member for South Coast—said that the committee should be bipartisan. In other words, it is suggested that it should be of equal numbers. After listening to the honourable member for Lane Cove, if it were bipartiian—which would mean that there could be a tied vote on any issue—there would never be a decision of the committee. The Opposition did not want this proposal from the beginning; its members were out to frustrate the scheme from the beginning: and from the beginning they sought to find loopholes.

I shall exclude the honourable member for South Coast from these remarks, but I have no confidence whatever in members of the Opposition. From the beginning its members wanted to destroy what the Government seeks to do. The Opposition has ignored the reality of obtaining a decision and how conservative governments operate when in power.

In Victoria the membership of the joint select committee that reported on the question of the conflict of interests of members of Parliament was made up of government supporters from the Liberal Party and the Country Party and Opposition Labor Party members. I shall tell the House how fair these Liberal members are when they have the whip hand. That was an 11-man committee. The Liberal–Country party had seven members and the Labor Party had four members. That is their idea of being bipartisan. They are all for that when they do not have the power, but are all for kicking one in the teeth when they have not. I shall now refer to the mother of Parliaments, the United Kingdom Parliament, where ——

Mr Dowd: It is obvious that the Premier is not aware of the real situation in Victoria.

Mr WRAN: Just because the honourable member for Lane Cove and his party colleagues put their foot in it, he cannot expect to have an opportunity to debate the matter again. In the United Kingdom the Select Committee on Members' Interests has seven Government members and six Opposition members. That is the tradition of parliaments in the Westminster system. I can understand the position of the honourable member for South Coast. He is an independent member and he thinks that that is the right system. However, the fact is that it reveals a total and abysmal ignorance of the traditions of the Westminster system. It shows also that the Opposition did not really want the proposed declaration of pecuniary interests system to work. The honourable member for Northcott said that the existence of this resolution will discourage successful businessmen from offering themselves for election to the House.

The United States of America has the most comprehensive legislation on this subject of any country in the world. It applies to the United States Congress and the United States Senate. When the first returns were made from the United States Congress—and I shall quote from the report relevant to that time—they revealed, among other things, that it was a rich man's club, with at least forty-five millionaire members and with nearly all of its members receiving outside income. So in the land of the free and the most competitive country in the world, in terms of material wealth, pecuniary interest revelations do not stop people who have money from getting into Parliament.

It was poor comment indeed from the honourable member for Northcott to suggest that the motion would dissuade successful businessmen from coming into this House. I have been a member of this House for six or seven years and have been waiting to see a successful businessman in the ranks of Liberal Party or the Country Party. Opposition members are mostly real estate agents, broken-down developers, failed barristers, and part-time farmers and graziers. Where are all the successful businessmen who have flocked to the Liberal Party and Country Party when there was no register and they did not have to disclose their pecuniary interests? One would have to be like Lord Nelson, turning a telescope to his blind eye, to find such a person. Yet this is the sort of argument that has been put forward in an attempt to denigrate one of the most successful and proper steps taken by any Government in relation to the standing and reputation of members of Parliament.

The Opposition did not raise a great deal more than I have replied to in the debate. In fact, it has taken a very ambivalent sort of an approach. It did not seem to have any principle and certainly put forward no alternative. I suppose that ultimately the Opposition's view was put for them by the honourable member for KU-ring-gai, who said in one breath that he accepted the motion warts and all but then said that it was in a disgraceful form. One or two things that the

honourable member for Lane Cove had to say about the form of the motion might have some substance. I shall come to them in a moment. I listened to what the honourable member for Ku-ring-gai said and it had no substance whatsoever. The honourable member for Lane Cove moved a number of amendments.

Mr Fischer: One very good one.

Mr WRAN: I ask the honourable member for Sturt to nominate the good one and I shall deal with it.

Mr Fischer: Three months instead of one month in regard to notification of change.

Mr WRAN: The honourable member has not read the motion. It already provides for three months. What the honourable member for Lane Cove was suggesting was four months instead of three. If the honourable member for Sturt is going to contribute to the debate he should read the motion and not display his ignorance. Also. the honourable member for Eastwood, who is attempting to interject. should read it again. We all know that he is an accountant. He is pretty good at filling in forms, but I should not like to have him filling in my declaration of pecuniary interests.

Mr SPEAKER: Order! I ask the honourable member for Eastwood to make himself familiar with Standing Order 156. He has been interjecting quite a lot during this debate.

Mr WRAN: It would be better if the honourable member read the motion and then he mould know what is in it. The first amendment moved by the honourable member for Lane Cove was for the insertion of the words, "trade or craft or professional unions" in the list of persons who have to make a disclosure. Subparagraph (iv) of paragraph (c) refers to professions, trades. businesses, occupations or callings. That clearly embraces people in trade unions. Again the honourable member sniggers in his feline way. Perhaps if he had done a little research instead of watching "Salome" when he was in New York he would have read a quote from Lord Jessel Master of the Rolls, in the case of *Portman* v *Home Hospitals Association* in 1879, 27 Chancery Division 81. Lord Jessel said:

> What is the meaning of "any occupation or calling whatsoever"? It is uggested on the part of the defendants that it means where you get a profit I cannot accede to that. I do not think profit is the test . . .

The honourable member should listen to this. He put forward the amendment but now all he wants to do is talk to his fellow loser. I shall quote further:

> . . . a man may have an occupation from which he does not get any pro it, and never intends to get any profit . . . it may be carried on, as it is in some cases . . .

and this is the relevant part:

> . by an officer of the society who is not paid, and who does it from charitable and benevolent motives. Can that make any difference?

The word calling has a very wide import indeed. It would include the person who holds a position in the trade union. In order that there might be no question at all that officers and persons holding jobs in trade unions are included in this, I shall consider between now and when the matter goes to the Legislative Council, adding a further category.

Mr Dowd: What about doing it in this House?

Mr WRAN: It will then come back to this House. The honourable member for Lane Cove should not show his ignorance about these things. If we think that the waters have been muddied by him, ex *abundanti cautela* we shall extend the categories. I do not think we should start off this proposal with there being any doubt about who is covered by it. I repeat: there is no doubt whatever that the word is of wide import and clearly covers people in the categories I have mentioned. I have no difficulty at all in extrapolating the words to include trade or craft unions or professional associations. I am sure all members of the Opposition who hold positions in professional associations will be forever indebted to their colleague the member for Lane Cove for having roped them in in this way. Paragraph **(3)** (ii) (e), relating to gifts, states:

> **All** individual gifts exceeding $500 in value and all gifts which, in aggregate, exceed $500 in value in any one year and which emanate from the same source.

The honourable member for Lane Cove suggests that this should not apply as between husband and wife. I am not at this moment challenging the integrity of the honourable gentleman's motives in that respect, but it does seem to me to open as many doors as it closes. However, between here and the Legislative Council I am quite content to have my party consider the matter as a party. If we think it is a practical and sensible way and it does not open up more doors—I have noticed that there is a similar provision in the United States of America legislation though there are many more obligations in that legislation than we have—I do not see any philosophical difficulty about including such a provision. I have already dealt with the other amendments.

The only other matter that was mentioned that is worthy of some comment by me at this stage was raised by the honourable member for Lane Cove who said that perhaps there should be some assurances that the Committee will have some assistance. Of course it will have some assistance. Having regard to the time frame between now and Christmas—and I have mentioned this to the Leader of the Government in the other place, the Vice-President of the Executive Council—the proper course may be to bring this resolution back to the House late in the month in order that there will be more working weeks between now and the point at which the members of Parliament will bc obliged to make their declarations so that the officers and assistants and the committee itself will not have to occupy their time over the Christmas and new year period. In the result I thank those members who made practical and positive contributions. They consisted of members on the Government side and the independent member as well as some members of the Opposition.

Mr Dowd: On a point of order. The Premier has now said that when this motion goes to another place it might then be amended. The motion is a motion of this Chamber. There is no procedure for directing that this motion go to the other place in any terms other than those in which it leaves here. I raise this matter for clarification. The motion refers to "on the passing of a similar motion". That means that if a similar motion or a varied motion is passed in the other place and not by us, it does not come back here. There is no way it will come back here for that is not provided for by any form of the House. It should be quite clear that this is a resolution of this House which must parallel the resolution of the Legislative Council before it might have any effect.

Mr Wran: On the point of order. There is ample room within the framework of the procedures of the House for this to be done. It has been done on many previous occasions in relation to the motions of this House and messages that have been sent to the Legislative Council. Obviously, if there are any complications, we are the

masters of our own destiny. We will not be standing here like pettifogging black-and-white print lawyers. The honourable gentleman may rest easily. I am quite confident that the resolution will go through both Houses in the form that the Government desires.

Mr SPEAKER: In order to save time I shall merely say that the honourable member for Lane Cove has had an explanation from the Premier. I do not uphold the point of order.

Motion agreed to.

Message

Motion (by Mr Wran) agreed to:

That the following Message be sent to the Legislative Council—

The Legislative Assembly has this day passed the Resolution hereunder relating to the pecuniary interests of members and invites the Legislative Council to pass a like Resolution—

(1) That upon a resolution in the same terms having been passed in the Legislative Council, there be established a system for the registration of the pecuniary interests of Members of both Houses of the Parliament of New South Wales, having the following features—

(2) A Register shall be established in each House in which shall be recorded all information required to be disclosed pursuant to this resolution.

(3) (i) *Persons Affected*

Members shall disclose in respect of themselves and, to the best of their knowledge, each member of their family.
"Members of the family" shall mean—

(a) the spouse of a Member;

(b) any infant child of a Member;

(c) any infant child of the spouse of a Member who has been accepted as one of his family by that Member.

(ii) *Matters to be Disclosed*

(a) *Companies*

Any interest.
"Interest" includes share-holdings, debentures or charges, in any body corporate, formed or incorporated whether in the State of New South Wales, or outside the State, whether carrying on business in the State, or outside the State and including any foreign company, and whether such interests are held as an individual, in partnership, as a trustee or as a member of another body corporate in which the Member or a member of his family, or a Member together with other members of his family, holds a beneficial interest in share-holdings of a nominal value exceeding one-hundredth of the issued share capital of that body corporate.

(b) *Sources of Income*

All sources of income and the capacity in which that income is derived.

"Sources of income" means the person or persons, body corporate, partnership, trust, profession, trade or business from which any income is derived; and "income" has the same meaning as that attributed to it in the (Commonwealth) Income Tax Assessment Act, 1936, excluding salaries and allowances received pursuant to the provisions of the Parliamentary Remuneration Tribunal Act, 1975.

(c) *Positions Held*

Details of positions held (whether remunerated or not) in or in relation to—

(i) bodies corporate, including the positions of director, officer or promoter as defined in the Companies Act, 1961;

(ii) partnerships;

(iii) trusts, whether as settlor, appointer, trustee, or beneficiary;

(iv) professions, trades, businesses, occupations or callings.

(d) *Real Property*

All interests in real property and the location of that property. Such interests shall be disclosed whether held as an individual, in partnership, as a trustee, as a member of a body corporate in which the Member or a member of his family is a director or officer or in which the Member or a member of his family or the Member together with other members of his family holds a beneficial interest in share-holdings of a nominal value exceeding one-hundredth of the issued share capital of that body corporate.

"Interests" includes any estate and "real property" includes all lands, tenements and hereditaments.

(e) *Gifts*

All individual gifts exceeding $500 in value and all gifts which, in aggregate, exceed $500 in value in any one year and which emanate from the same source.

(f) *Sponsored Travel*

All sponsored travel.

"Sponsored travel" shall mean any travel or holiday whether inside or outside the State of New South Wales undertaken at any time where all of the ordinary commercial costs of or incidental to that travel or holiday, including accommodation expenses, are not paid for by the Member or any member of his family or out of public funds, but does not include travel on gold passes, or in Government vehicles, or travel or accommodation expenses in respect of travel within Australia reasonably incidental to a position held.

(g) *Overseas Transactions*

All payments and all other material benefits received directly or indirectly from or on behalf of any sovereign government, organization, company or person.

(4) That it shall be left to the individual discretion of Members as to whether or not they register the value of any interest.

(5) That disclosure shall be made by Statutory Declaration, and be in respect of the preceding twelve months. Initial disclosure is to be made within three months of the passage of this resolution or, in the case of new Members, within three months of taking their seat. Thereafter, a declaration shall be made by 31 October in each succeeding year.

(6) That any changes in respect of matters disclosed, or any additional matters required to be disclosed, shall be notified within one month.

(7) That there shall be separate registers for the Legislative Council and Legislative Assembly, with the Clerk of the Council and the Clerk of the Assembly acting as Registrars.

(8) That there shall be established a committee of each House to administer the operation of the registers and to draft codes of conduct. The Committee of the Legislative Assembly shall comprise four members supporting the Government and three members supporting the Opposition. The Committee of the Legislative Council shall comprise three members supporting the Government and two members supporting the Opposition. The Committees are to be at liberty to confer and exchange views. In exercising their functions each Committee shall be empowered to administer the operation of its register including the compilation of and maintcnance of the register and the consideration of proposals made by Members or others as to the form and contents of the register, and of specific complaints made in relation to the registering and declaration of interests. The Committee shall be empowered to report on these and any other matters relating to Members' interests, and to recommend changes in the list of matters which have to be disclosed and the form in which disclosures should be made. These arrangements are subject to the stipulation that no rules are to be regarded as binding on either House until each House has approved of like rules.

(9) That Mr Kearns, Mr McCarthy, Mr Paciullo and Mr Wade, being members supporting the Government, and Mr Dowd, Mr Freudenstein and Mr Maddison, being members supporting the Opposition, shall be, and are hereby appointed as the initial members of the Committee of this House.

(10) That the registers shall be freely available to Members and the information contained therein shall be printed annually as a Parliamentary Paper.

(11) That wilful breach by a Member of any of the requirements of this resolution shall be a contempt of the Parliament and may be dealt with accordingly.

ASSENT TO BILL

Royal assent to the following bill reported:

Glennies Creek Dam Bill

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Noxious Insects (Amendment) Bill

Pure Food (Amendment) Bill

Wild Dog Destruction (Amendment) Bill

BUILDERS LICENSING (AMENDMENT) BILL

STATUTORY AND OTHER OFFICES REMUNERATION (BUILDERS LICENSING BOARD) AMENDMENT BILL

Second Reading

Mr EINFELD (Waverley), Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies [3.27]: I move:

That these bills be now read a second time.

The Builders Licensing (Amendment) Bill contains a number of measures designed to enable the Builders Licensing Board to act more effectively both as part of the consumer protection machinery of this State and as a licensing authority for the building industry. They are the result of intensive investigation by officers of the board and me over the past few months. For purposes of explanation, they can be grouped in three categories: the first seeking to rationalize the operations of the board, the second to tighten up its licensing procedures, and the third to improve the system of insurance and other financial matters. I expect at a later stage—and I hope it will be early in the New Year—to bring forward measures relating to the building and construction industry long service payments scheme.

The operational changes envisaged by the bill are designed to enable the principal Act more effectively to deal with developments in the industry over the past few years. They relate to the growth in the board's responsibilities and workload and the need to remedy certain weaknesses in the Act that hamper its proper administration. The most significant of the bill's proposals in this respect is that the board should be brought under ministerial control and direction. As I said in my remarks at the introductory stage, it is the Government's firm policy that all government instrumentalities—statutory bodies as well as departments—should be answerable directly to the people and Parliament of New South Wales. I emphasize that this provision in the bill in no way interferes with the board's independence in granting or refusing licences or its disciplinary activities.

The operational changes proposed in the biil should be seen in the light of the board's workload. Between February 1977 and 30th September, 1979, more than 5 000 pre-purchase property inspections have been carried out. At the end of the last financial year, nearly 18 000 full—or building—licences and more than 11 400 restricted—or trade—licences were on issue. Up to June last, the board had settled 775 insurance claims for about $2.1 million. At the end of last financial year, 430 insurance claims were outstanding for an estimated $2.5 million. Up to 30th June last, the board had conducted about 500 inquiries under its disciplinary powers—150 being

in 1978–79. In addition, since 1974 the board has been responsible for the Building and Construction Industry Long Service Payments Act. The chairman of the board, besides being responsible for the administration of these activities, is delegated to make certain orders to licensees and to issue notices to show cause for failure to comply with these orders, to preside at disciplinary hearings and to travel on the board's business.

It is evident, therefore, that a deputy chairman who can have and use the chairman's powers in the chairman's absence and relieve him of some of his duties, thereby allowing him to concentrate on the board's more important functions, needs to be appointed. The bill proposes that such an appointment be made. It also proposes that a nominee of the Building Industry Specialist Contractors Organization of New South Wales be appointed to the board. The reason for this appointment is the number of people now holding restricted licences in the industry. The organization was formed in 1962, among other things, to speak with one voice for the subcontracting industry. After careful consideration it was chosen as the most suitable body to represent subcontractors on the board.

The principal Act provides for owner-builder permits for those who prefer to extend or alter their own homes themselves rather than use a licensed builder. To guard against any abuse of this system by unlicensed speculative builders, applicants can get only one such permit every two years except in special circumstances. The bill proposes that this time limit be extended to allow owner-builders' work to be carried out on different parcels of land from two to five years, except in special circumstances. One effect of this provision will be that an owner-builder can get as many successive permits as he likes—with no time limit—to extend or alter his home or to add to it, for instance, a swimming pool, or a garage.

Another proposal stems from the fact that at present the pre-purchase property inspection scheme can expose the board to the risk of civil litigation. Conditions are imposed on applications for inspection. They include conditions that an applicant must intend to buy the dwelling being inspected, that he can prove that the vendor or the vendor's agent will permit the inspection and that the inspector will assess the dwelling to the best of his ability but will not be responsible for specialized matters—such as electrical wiring—that are beyond his competence.

The bill proposes to exempt the board from liability for anything in or omitted from an inspector's report in respect to any person other than the applicant. It proposes, also, that the board should be exempt from any liability to the applicant if inspections and reports are made in good faith, with reasonable care and in accordance with conditions on the application forms. Those are some of the main items in what can be called the operational category of proposed changes to the Act. Various provisions are suggested in the licensing category of change. Their purpose generally is to remedy problems or anomalies that have hampered the board in its attempts to make sure that building work is adequately controlled and properly supervised.

At present the Act allows the board to authorize restricted licencees to carry out trade work as specified on the licence. It also allows the board to impose conditions on the restricted licence when issued and to make it an offence when the holder does not comply with these conditions. But the Act does not allow the board to issue a full licence limiting the kind of work the holder can carry out. Nor does it allow the board to impose conditions, such as restricting the volume or value of work the licensee can undertake, on full licence.

These omissions have caused a number of problems. The number of individuals and enterprises specializing in one form of building only, such as in-ground swimming pools or ducted air conditioning has increased. Such specialties can lawfully be carried

out only by a full licensee. Though the board has endorsed the licences of such specialists limiting the work authorized to that which the licensee is competent to do, these endorsements have no force of law.

When hearing appeals from the board's refusal to grant a full licence, on a number of occasions the courts regretted their inability to grant a licence authorizing limited work or on which conditions could be imposed and enforced. Once an applicant has been granted a full licence, there is no legal barrier to his entering into contracts to do work for which he has no knowledge or experience or financial resources—for example building a 10 storey block of units. Again, the Act provides that a corporation can be granted a full or restricted licence only if it is also granted a subsidiary licence on behalf of one of its directors or employees who is qualified.

A member of a partnership, none of whose members is qualified, can be granted a full or restricted licence only if he or another partner is granted a subsidiary licence on behalf of an employee of the partnership who is qualified. An unqualified person, not a member of a partnership, can be granted a full or restricted licence only if he is granted a subsidiary licence on behalf of an employee who is qualified.

A major cause of defective building work is the lack of adequate supervision by a licensee or person on whose behalf he holds the licence. There are cases in which the builder's operation is so big that it is impossible for one man to be responsible for control of all the work done by the licensee. In some cases, three different licensees have held subsidiary licences for the one supervisor. The supervisor, being a part-time employee of each of the licensees, has been unable to supervise all the work of any of them.

The bill is designed to remedy all these problems. It provides for the grant of full licences authorizing particular kinds of work to be carried out; it makes it an offence for a licensee to fail to comply with conditions imposed on the licence; it requires that a sufficient number of subsidiary full licences be issued to enable proper supervision of all a licensee's work; and it requires that employees on whose behalf subsidiary full licences are held must be full-time employees. The bill contains other measures designed to tighten up the licensing system, the details of which I shall explain later.

The third category of change envisaged by the bill concerns the system of insurance and other financial matters. At present all insurance premiums received by the board are paid into its insurance fund which is part of the board's account held in the Treasury's special deposits account. No interest is earned on this money. Premiums are $30 where the cost of building work is more than $1,000 but not more than $5,000---or since 1st September this year $80—where the cost is more than $5,000. Of the $30 premium, the board keeps $15 and of the $80 premium $30 to cover its share of the risk and administrative expenses. the balance goes to the board's underwriters. The board assumed 10 per cent of the insurance risk from 1st July, 1978, and 25 per cent from 1st July this year.

It is intended that the percentage of risk taken by the board will increase as funding allows. Because of the present 25 per cent of risk and in order to enable the board to increase the percentage and still keep premiums at reasonable levels, it is imperative that the board be able to accumulate insurance funds. The bill therefore provides that the accumulated insurance fund be transferred from the Treasury to a bank account and empowers the board to invest it and premiums received in the same way that the funds of the State Superannuation Fund may be invested under the Superannuation Act.

When the board began licensing trade contractors it became evident that some scheme was needed to compensate people who were victims of faulty trade work, which is not covered by the house purchasers agreement. The board's experience of complaints against trade contractors is still limited. It will be some time therefore before a proper analysis of complaints will enable the board to draw up a detailed scheme. When that is done it will be necessary to introduce more amendments to the Act to embody the principles of the new compensation fund. In the meantime, the board has obtained ministerial approval to appropriate to a special reserve fund—known as the special insurance fund—50 per cent of the $100 restricted licence fee. When the new compensation fund is created, this fund will allow the board to extend its protection to a much wider range of consumers. It is proposed that the funds for the special insurance fund bc taken from the Treasury's special deposits account and deposited in a bank account.

There are cases in which an owner withholds a progress payment until defective work ha.; been rectified. but the builder, not trusting the owner to pay the full payment if be does rectify the work. refuses to carry it out until the outstanding payment is made. The bill therefore proposes to empower the board to require the owner. as a condition of the rectification order. to pay the disputed nrogress payment into a trust account until the work is rectified to the board's satisfaction. The homeowner will thus be assured of proper rectification. the builder assured of payment once he has rectified the work and the board will have fewer claims on its insurance scheme.

I turn now to a detailed examination of some clauses of the bill Clause 5 amends the Act by the provisions set out in schedule.; 1 to 4. Clauses 6 and 7 give effect to the provisions of schedules 5 and 6, which contain saving and transitional provisions and validate certain matters that I shall explain later. Schedule 1 reconstructs the board by providing for the apnointment of the deputy chairman and a person nominated by the building industry specialist contractors organization Schedule 2 amends the Act in respect of the licensing scheme. Items (2) to (9) have the effect of tightening up the system in the ways that I have already described. In addition, item (9) (e) of schedule 2 concerns the person on whose behalf a subsidiary full licence is held who cannot himself hold a full licence. The clause provides that he cannot hold a restricted licence either. If he is carrying on his own business, his employer's business must bring about a conflict of interest with his own so that supervision and control of his employer's work may suffer.

Item (4) of schedule 2 amends section 9 (1) and section 9 (2) of the Act to allow reference to different kinds of building work and to restate and clarify the nature of offences created by this section. Item (4) (b) of schedule 2 narrows the statutory exclusion from the offences provisions of sections 9 (1) and 9 (2) to persons who are employees of the holders of a licence or permit. Paragraphs (f), (i) and (j) of item (7) of schedule 2 contain a further clarification of existing provisions. Items (10) to (17) redraft provisions relating to restricted licences to obtain a parallel drafting with division 1 of part III of the Act. Item (18) is an important provision that empowers the board to impose conditions on licences by specifying them thereon and to prescribe conditions in respect to a class of licence which are deemed to be imposed on each licence of that class.

Item (19) allows the board, by notice in writing, to revoke or vary conditions or to impose new conditions. This power is considered necessary to take account of change in the circumstances of a builder or trade contractor. Item (23) of schedule 2 amends the appeal provisions of the Act to enable a licence holder aggrieved by the imposition, variation or revocation of conditions imposed on his licence to appeal to the District Court. At present, if the board disqualifies somebody from holding a licence, it is precluded from granting him any licence under the Act. The Act, of course, is

meant to protect the consumer and not to punish the licence holder. It may well be that the holder of a full licence may show himself incompetent to build high rise flats but competent to do more limited work. Item (22) (a) and (b) of schedule 2 allows the board to mould its disqualification decisions to suit the facts of the case. Items (7) (e), (8) (c), (8) (h), (14) (b) and (15) (b) of schedule 2 allow the board to grant to a person who has been disqualified from holding one class of licence a licence of another class or kind.

Item (2) (d) of schedule 2 allows the board to refuse *to* grant to a person whose licence has been suspended. cancelled or disqualified any other licence pending its determination being displaced by appeal to the District Court. Item (24) restates and clarifies existing provisions. Schedule 3 relates to the board's financial arrangements. Sections 40B and 41B inserted into the Act by items (5) and (7) of schedule 3 deal with the proposals to withdraw the insurance fund from the Treasury's Special Deposits Account and to deposit it in a bank account. Item (7) inserts provisions for the constitution and investment of the special insurance fund and, for the time being, its application. Item (9) provides for the establishment and application of moneys in the form of progress payments into a board's trust account. Item (8) of schedule 4 empowers the board to include in a rectification order a direction that progress or other payments be made to the board for the purposes stated and provides that interest earned by these payments will be paid *to* the homeowner.

Schedule 4 makes a number of miscellaneous amendments to the Act. Item (2) changes the definition of building work to align it with the scope of activities affecting dwellings to be found in the definition of trade work. Item (3) brings the board's administration of the Act under ministerial control and direction. Item (5) deals with the changes to the system of owner-builder permits. Item (6) extends the board's power to refund part of a licence fee in certain contingencies. Items (9) and (10) dispense with the need for a licenced builder carrying out building work under a contract to give notice of commencement of the work as well as a notice of contract. Item (LO) allows the board to determine the date of the building contract or date of commencement of the building work as soon as practicable. Item (12) of schedule 4 and clause 2 (4) of the bill deal with the proposals relating to liability arising out of pre-purchase property inspections. Item (13) of schedule 4 extends the board's powers of delegation.

Item 13 (d) of schedule 4 corrects an anomaly in the amendments of 1976. The original Act provided that a delegate who is empowered to approve the grant of a licence was not under that delegation empowered to refuse an application for a licence. In the original Act, this related to the grant of a full or builder's licence only. When the 1976 amendments introduced the power to grant restricted or trade licences. the limitation on delegation was not extended to encompass the refusal to grant a restricted licence. Item (15) empowers the board to require that a licensee about whom complaints are made must produce business records so that his financial situation may be examined. The purpose of this proposal is to allow the board greater capacity to ensure that builders have sufficient financial resources to carry on business. Items (17) and (18) provide that the board may make an order for substituted service of notices and orders and where all other attempts have failed. Item (19) allows regulations to be made requiring owner-builder permit holders to display a sign on the property where the work is being carried out. **At** present only licensed builders have to display signs. The board's inspectors investigate sites where work is being done in case the work is illegal. It often happens that the work is in fact being done under an owner-builder's permit. Signs in these circumstances would relieve inspectors from having to investigate and so waste their time.

Schedule 5 has the objective of saving licences issued before this bill becomes an Act, of giving statutory effect to limitations previously endorsed on full or subsidiary full licences and of allowing the board to grant licences in circumstances where, before the Act is amended, it is precluded from doing so because of disqualifications it had already determined. Schedule *6* validates the special insurance fund, provides for its transfer from the Treasury's Special Deposits Account, validates certain refunds made in respect of the labour-only restricted licence fees which were $100 and later $20 and to validate certain reinsurance agreements with the board's underwriters. The cognate bill, as I stated when I introduced it, provides for the determination of the remuneration of the deputy chairman of the board.

The Builders Licensing (Amendment) Bill is necessarily complicated for two reasons. First, it deals with the administration of a large and complicated industry. Second, and consequently, it seeks to remedy many difficulties that have arisen as the industry has changed. The primary purpose of the Act and its amendments has been the more effective protection of consumers—an objective that the Government treats with the greatest seriousness. I am confident that after careful study of the bill honourable members will find that it has this objective as its principle aim. I commend both bills to the House.

Debate adjourned on motion by Mr McDonald.

PRINTING COMMITTEE

Eighth Report

Mi Britt, on behalf of the Chairman, Mr Jones, brought up the Eighth Report from the Printing Committee.

ADJOURNMENT

Aged Persons' Housing

Mr EINFELD (Waverley), Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies [3.51]: I move:

That this House do now adjourn.

Mr GABB (Earlwood) [3.51]: I wish to raise an issue that I believe is of great importance to society as a whole, and of particular importance to a large number of constituents of the Earlwood electorate. I refer to the problems of the aged in finding suitable accommodation for themselves. Aged people need special accommodation. Declining health and mobility places special demands upon housing provided for the aged. During the earlier stages of frailty, accessibility to facilities, home maintenance and the absence of steps and stairs are important considerations. In many cases traditional private accommodation will continue to be provided but in other cases special aged units are desirable. This is particularly so where difficulty is encountered in tending large homes and grounds. Many of my constituents have difficulty with the homes they occupy because of their large size and the area of the ground that surrounds them. As a person becomes older it is much more difficult to maintain gardens and, indeed, the rooms within those houses.

As age advances, many people, including a great number of my constituents, need special units or facilities in order to cope. As frailty becomes more advanced older people require greater consideration and assistance, particularly in the preparation of meals and in maintaining their homes. In these circumstances, hostel-type accommodation may be more suitable. Ultimately, their own personal care may become too

difficult and nursing care may be necessary, with nursing homes the only suitable accommodation for them. The availability of the whole range of accommodation for the aged is crucial for their well-being. Housing that demands too high a standard of health may become impossible to remain in, without extensive domiciliary support services. But, if people find themselves in housing requiring less of them than they are capable of contributing by way of physical effort or self-determination, their condition may also decline rapidly. One needs always to maintain a balance in accommodation for housing between what the aged are able to contribute, and their needs. It is this availability, or rather the lack of it in Earlwood, that causes me concern.

Regularly. many of my aged constituents come to me requesting me to make representations to various government bodies, asking that greater consideration be given to the aged and their needs. Requirements of the aged must be noted; facilities necessary for their well-being should be provided. These needs are particularly great within the Earlwood electorate because, for a number of years, that electorate has had a high concentration of aged people. More than 13 per cent of the population of the Earlwood electorate is older than 65 years. That percentage will continue to rise as our society, in general, becomes older. As a consequence of improved medical techniques people are living longer. Their needs are placing greater demands on our society but the accommodation available for these people is pitifully inadequate.

Within the suburb of Earlwood, which has the largest number of senior citizens in my electorate, there is not one nursing home, not one hostel bed, and only a sprinkling of aged units. The result of this lamentable situation has been that aged residents of Earlwood are forced to leave the suburb to find more suitable accommodation elsewhere. Many of those residents have lived all their married lives in Earlwood and have developed an association with it spanning 50 years or more. They are familiar with its services, shops and public transport. They know, and are known by, many other residents. Earlwood is their home. But, at a time when, because of their age, pressures of life are greatest upon them, they are faced with what must be the heartbreaking necessity of leaving their friends and familiar surroundings and their memories in order to journey to what must be, to them, the foreign and forbidding environment of nursing homes or hostels in other areas.

To use the argument that the inner metropolitan region of Sydney is adequately supplied with accommodation for the aged, as has been said by the joint Commonwealth–State committee that oversees the siting of nursing homes, is to avoid the real issue. Earlier this year, in company with the president of the Earlwood Care and Information Service, Mrs Joy Golds, I conferred with officers of the Health Commission of New South Wales about this problem. Though they were extremely helpful in their attitude, and obviously sympathetic to the plight of aged people within the Earlwood electorate, nothing resulted. No substantial improvement has occurred in their situation. To the aged, the inner metropolitan region of Sydney is a vast and largely unfamiliar landscape. If we are to fulfil our duty to these people who have given so much to our society, we must provide accommodation where it is needed most. That means locally, in areas such as Earlwood. To require the aged to journey to locations beyond their knowledge of local facilities and, indeed, beyond the limits of their friends to visit them, is to cut them off from life itself—to condemn them to a lonely existence divorced from meaning.

All of us are familiar with the great tragedy of elderly people being forced into areas where they know no one, where they cannot live a full life, where they are separated from friends and families and are unable to relate to their surroundings. They are unable to contribute to society as, indeed, many senior citizens can. One of the great endeavours undertaken by the Earlwood Care and Information Service, to which I pay tribute, has been the development of a programme to bring out the full

potential of aged citizens. Yet, by forcing aged citizens to locate themselves in areas other than in their local suburbs, we are cutting them off from this potential for further contribution to our society.

If we are to ensure that our senior citizens receive the consideration to which they are entitled, the Government must act on their behalf. Local government needs to be more flexible in its approach to development applications for aged accommodation. Zoning restrictions, where applicable, ought to be relaxed in appropriate circumstances to permit the construction of hostels, nursing homes and the like. State and federal governments need to look closely at the problems and needs of individual suburbs. They must not be satisfied to hide behind regional statistics, which are meaningless to the aged. Also, the local community needs to be more aware of the seriousness and extent of the problem, and it must display a greater understanding of the needs of the aged.

We live in an increasingly aging society. The present difficulties in suburbs such as Earlwood will be commonplace throughout Sydney in years to come unless action is taken now to plan for the future. I appreciate the difficulties involved and I am appreciative of what progress has been made. However, I am made impatient and my constituents are disheartened by the slowness of that progress. Elderly people should be able to progress through the various stages of accommodation within their local community. I urge all those with responsibilities in that regard—be they in federal, State or local government or in one of the various agencies and community groups that provide services to the aged—to come together, if necessary by way of a special committee or task force, to correct the present anomalies and to plan to ensure that they are not repeated.

I urge the Minister for Consumer Affairs, Minister for Housing and Minister for Co-operative Societies and the Minister for Health and the Minister for Youth and Community Services to give sympathetic consideration to the plea that I make on behalf of the elderly and those approaching old age. I ask them to put pressure on their federal and local government counterparts so as to come up with solutions. The problem will not go away. It must be faced up to and met.

Mr SPEAKER: Order! The honourable member has exhausted his time.

Mr K. J. STEWART (Canterbury), Minister for Health [4.2]: I commend the honourable member for Earlwood for raising this matter today and also for the concern that I know he has had for quite some time for the care of the aged. It was during the Earlwood by-election in July 1978 that he expressed this concern to me. At that time I met the members of the Earlwood Caring and Information Association and they too expressed their concern about the aged in the community of Earlwood, which is part of the Canterbury municipality. My electorate is mainly in the Canterbury municipality and it borders with the electorate of the honourable member for Earlwood. The problem he has mentioned this afternoon is a mutual one. During the by-election campaign it was announced that the Canterbury hospital, which is in my electorate, would undergo a redevelopment programme because of its age. Last month the hospital celebrated its 50th birthday. It still has the old Nightingale-type wards and a hotch-potch of buildings has been added to it. About a month ago it was my pleasure to see the first planning of the redevelopment that is taking place. The Canterbury hospital board decided that because of the age of the local community the hospital should change its role and accept the challenge of looking after elderly people in the community, especially those in the municipality of Canterbury. Though the hospital will have a reduced number of beds arising out of the Government's rationalization programme, about thirty of the remaining beds will be utilized as an

assessment and rehabilitation ward. People of the like that the honourable member for Earlwood mentioned this afternoon will be looked after in the Canterbury hospital and not turned away, which might be the position at present.

I commend the Canterbury hospital board on its initiative. I commend also the board of the Marrickville district hospital, which is seeking to establish an assessment and rehabilitation ward so that disabled and elderly people in its area might be cared for. It is hoped that some elderly persons might be rehabilitated to the point where they can go home and live as dignified members of the community and not be tucked away in a bed in a nursing home for the rest of their lives.

The Government's policy is one of concern. Where it has been within my ability and administration I have followed that policy. At Kyogle a nurses' home has been turned into a geriatric ward. At Grenfell a former nurses' home has become a nursing home. At Wellington nearly half a million dollars has been expended on improving the old hospital. It will be taken over by **a** religious organization under the deficit funding arrangement and run as a nursing home. The Government has asked the board of St Vincent's Hospital at Bathurst to concentrate more on care of the aged. At Holbrook and Coonamble former nurses' homes have been made available to district committees for use as hostels. At the moment under the rationalization programme for the Eastern Suburbs hospital a suggestion has been put forward that patients might be shifted into the Prince of Wales hospital or the Prince Henry hospital, leaving the Eastern Suburbs hospital vacant.

The Government is looking seriously at the possibility of turning the Eastern Suburbs hospital and its campus into a facility for care of the aged with hostel type accommodation such as that mentioned by the honourable member for Earlwood. Again I commend him. I assure him that I shall look closely at the point he has raised this afternoon. If it is within my ability to assist him in the suburb that he has mentioned, I most certainly will. The reality has to be faced that it is not always possible to provide facilities suburb by suburb, especially in the metropolitan area. I know that my personal policy—to do more in the area of caring for the aged—is shared by the Government. The honourable member for Earlwood may rest assured that he will have my complete co-operation.

Motion agreed to.

House adjourned at 4.6 p.m.

QUESTIONS UPON NOTICE

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

TECHNICAL COLLEGE FOR EASTERN SUBURBS

Mr CLEARY asked the Minister for Education—

Does the Department of Education plan to build a new technical college in my electorate?

If so, (a) where and (b) when?

Answer—

For some years my Department of Technical and Further Education has been seeking to acquire a suitable site in the Eastern Suburbs of Sydney to develop a much needed college of technical and further education to serve the local needs of the area. Surveys of student participation undertaken by the Department have revealed that the learning needs of the communities in the area are not fully met by the existing facilities at Randwick (Randwick Technical College) and Darlinghurst (East Sydney Technical College) and that many residents are obliged to travel considerable distances to TAFE college facilities elsewhere in the metropolitan area.

Following the purchase by the Commonwealth during 1975 of the former Leyland motor manufacturing site at Zetland a community study was undertaken by Commonwealth authorities of the future utilization of a large area of land, presently occupied by a Naval Stores Depot, in Bundock Street, Coogee. This site is located in the electorate of Maroubra which is represented in the Mouse by the Honourable W. H. Haigh, M.P., Minister for Corrective Services, and borders on the Electorate of Coogee.

The Commonwealth is relocating the Naval Stores facilities progressively at Zetland. The community study recommended that two parcels of land be made available to the State at some time in the future—one for community, sporting and open space; the other for the development of a modern college of technical and further education. These matters are presently being negotiated by relevant Commonwealth Ministers and the State Minister for Lands.

The Government Architect was commissioned to produce a draft site development plan and schematic drawings of the proposed college of technical and further education. This plan called for the construction of a number of low horizontal profile brick buildings with substantial planted areas to provide well shaded, protected environment. Adequate facilities would be provided for off-street parking for both students and staff. Sach a development would greatly contrast with the rather harsh and ugly former wool stores which presently occupy the site. The College, if developed at the Bundock Street site, could offer access to a wide range of cultural, interest, trade and business studies programmes with an open access library and other facilities for community use and participation. I might add that through the Outreach project of Randwick Technical College a number of TAFE programmes have been offered at the Bundock Street site in facilities already made available for community use.

I am unable to provide any information as to the likely timing of this development as it will depend on the result of negotiations.

COUNTRY INDUSTRIES ASSISTANCE FUND

Mr SCHIPP asked the Minister for Agriculture—

What projects were assisted (and what amounts did each receive) through the Country Industries Assistance Fund for the years 1976–77, 1977–78 and 1978–79?

Answer—

During the 3-year period specified, the Department of Decentralisation provided assistance totalling some $54 million (almost as much as in the previous 11 years of the Liberal-Country party Government) to eligible decentralized industries from the Country Industries Assistance Fund, as follows:

	No. of industries assisted	*Expenditure ($'000)*
1976–77	158	9,755
1977–78	601	18,840
1978–79	628	25,415

The annual reports issued by the Department of Decentralisation for the 1976–77 and 1977–78 financial years list the industries assisted from the Country Industries Assistance Fund in those years. The 1978–79 annual report of the Department, which will shortly be released, will provide similar details in respect of the 1978–79 financial year.

NEPEAN ELECTORATE TRAFFIC

Mr ANDERSON asked the Minister for Local Government and Minister for Roads—

(1) What effect has the shielded lane at the intersection of Bringelly Road and the F4 off-loading ramp had upon the incidence of collisions at that location?

(2) Are any further safety measures proposed? If so, what is envisaged?

Answer—

(1) Since the implementation of the shielded lane at this intersection a significant reduction, in both accidents and vehicle delays, has been evident. The Department of Main Roads has now provided a concrete median at this location to form a physical barrier for motorists.

(2) Yes, this is a recognized site for the installation of traffic signals. Consideration will be given to its inclusion in a future Traffic Facilities Programme.