Legislative Assembly

Thursday, 26 March, 1981

Petitions—Bills Returned—Questions without Notice—Government Record (Urgency)--Special Adjournment-Crimes (Sexual Assault) Bill and Cognate Bill (second reading—Coal Loaders (General Business)—Bills Returned—Printing Committee (Eleventh Report)—Question 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:

Pulp Mill for Brewongle

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

That the proposed export softwood pulp mill at Brewongle will worsen existing water supply problems, require the planting of more publicly subsidized softwood plantations, lower water quality in the Fish and Macquarie rivers, and cause the loss of 800 acres of productive farmland.

Therefore we humbly request that your assembly will:

(1) Instruct that the proposal for establishing the pulp mill at Brewongle be dropped in favour of a more environmentally suitable location e.g., on the coast.

(2) Instruct that the maximum size of any pulp mill be dictated by the size of the current softwood planting programme in the Bathurst Forestry District of 54 000 hectares maximum.

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

Petition, lodged by Mr Osborne, received.

Homosexual Discrimination

The petition of the undersigned residents of New South Wales sheweth:

(1) That homosexual people do not enjoy equality before the law in New South Wales;

(2) That enforcement and interpretation of the law discriminates against homosexual people in this State;

(3) That there is a need for positive government action to promote and ensure equality for homosexual people with the rest of society in this State;

(4) That in particular homosexual and lesbian teachers suffer widespread discrimination and continual fear in their employment.

Your Petitioners therefore request that your Honourable House:

(1) Repeal those sections of the law which discriminate against homosexual behaviour;

(2) End police harassment of homosexual men and women;

(3) Extend the protection of the Anti-Discrimination Act to homosexuality.

(4) Ban discrimination against homosexual women and men by including educational institutions in the jurisdiction of the Anti-Discrimination Act.

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

Petition, lodged by Mr Barraclough, received.

Manly Public School

The petition of Manly Public School parents and citizens association respectfully sheweth:

That the association objects to and demands the abolition of composite classes at Manly Public School.

The association demands an additional teacher at the school.

The association demands that Manly Public School be considered as a special case due to fluctuating numbers of pupils in a holiday area.

The association demands that class sizes be reduced to thirty as promised and that teachers be allocated on a graded basis (i.e. that slower learning classes be reduced in number).

Your Petitioners therefore humbly pray that additional staff be appointed and class sizes be reduced at Manly Public School.

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

Petition, lodged by Mr A. G. Stewart, received.

Marrickville Public School

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

(1) That because of the split site situation of the Marrickville Public School, the position of deputy principal needs urgently to be classified as a non-teaching position; and

(2) That the Minister for Education needs to be informed of this intolerable situation.

Your Petitioners therefore humbly pray that the position of deputy principal at Marrickville Public School be reclassified as a non-teaching position.

Your Petitioners, as in duty bound, will ever pray.

Petition, lodged by Mr Cahill, received.

BILLS RETURNED

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

Anti-Discrimination (Amendment) Bill

Defamation (Anti-Discrimination) Amendment Bill

Parole of Prisoners (Amendment) Bill

Periodic Detention of Prisoners Bill

Prisons (Amendment) Bill

Statutory and Other Offices Remuneration (Anti-Discrimination) Amendment Bill

QUESTIONS WITHOUT NOTICE

DRUG TRAFFICKING

Mr MASON: I address a question without notice to the Attorney-General and Minister of Justice. What action is the Minister taking to quell the serious discontent, especially round Griffith, at the failure of the criminal law to protect the community, and to bring to justice persons involved in the murder of Donald Mackay and those criminals who are masterminding the drug trade? Will the Minister state clearly whether the proposed federal–State inquiry into the death of the Wilsons in Victoria will investigate the Mackay murder and the Nugan Hand bank involvement in drug trafficking? Does the Attorney-General and Minister of Justice intend to endorse or restrict the activities of an independent crime commission that apparently is to be established tomorrow?

Mr WALKER: The Leader of the Opposition obviously has a rather glorified view of my roles and capacities in the New South Wales Government. As Attorney-General I am responsible for the criminal law of the State. As Minister of Justice I am responsible for the court system and for the trial of indictable offences in the higher courts of New South Wales. I am certainly not responsible for the investigation of crime in any respect, other than that I have responsibilities under the companies and security laws. I am not an investigator of crime, and it is not my responsiblity to enforce the law other than on indictable offences in the higher courts. Much of the question directed to me should have been directed to the Minister for Police, who is responsible for law enforcement authorities in New South Wales, a job that he does remarkably well. The investigation of crime, the charges to be laid against criminals, and the punishment of offenders, really lies within the administration of the Minister for Police.

Several other matters were raised by the Leader of the Opposition. The first dealt with the proposed inquiry into the Wilson murders in Victoria, announced last year by the Prime Minister, who sought the co-operation of the Premiers of New South Wales, Victoria and Queensland to conduct an inquiry into a particular drug ring and into the murders associated with it. The Attorneys-General of the Commonwealth and those three States and officers of their departments have met on a number of occasions to draw up terms of reference for the inquiry. The task was not easy as it involved the laws of three States, which are quite different in many respects, as well as the laws of the Commonwealth. It was not easy to formulate the terms of reference and give appropriate powers to the judge who will conduct the inquiry. That has now been done and, as I understand it, the announcement of that inquiry is imminent. Notwithstanding those facts, I cannot give any undertakings to the House about how particular judges appointed to look into the matters raised by the Leader of the Opposition will conduct their inquiries. It is not for me to tell judges how to conduct Royal commissions. Judges must conduct them in accordance with the principles of justice and their own view of what is proper.

Mr Mason: The terms of reference are set by the Government.

Mr WALKER: The appropriateness of the terms of reference is an issue that the Opposition may well wish to raise when the inquiry is announced. It would be quite proper for the Opposition to raise that matter at that time. At the moment the New South Wales Government is co-operating to the fullest possible extent with Commonwealth and State Attorneys-General in drawing up the best possible terms of reference. But—and I emphasize the qualification—the purpose of the proposed inquiry is not to look into the death of Donald Mackay or into the death of Frank Nugan; other inquiries are being conducted into those events. It may well be that if inquiries proceed and Royal commissions go on and on, and different paths are followed by investigations, those matters may be raised and the investigations may impinge upon such matters. But am I to say how such inquiries will be conducted? It is quite possible that those matters will be raised. However, at the moment the terms of reference are directed entirely and specifically at the Wilson murders, so I cannot give the sorts of undertakings that the Leader of the Opposition requests in that respect. I have been asked previously in the House about whether there should be a further Royal commission into the death of Donald Mackay. My answer to that question is that there has been a Royal commission already, and the police are currently investigating that matter. Unless new leads are turned up, I can see no reason to ask the Premier, who is responsible for Royal commissions, to order a further Royal commission.

Mr Mason: There has not been a Royal commission into the murder of Donald Mackay.

Mr WALKER: I know that the Leader of the Opposition has been in a dream for a long time, but even he must have heard of the Woodward Royal commission which specifically, and in great detail, dealt with the problem. It is a matter for the law enforcement agency in New South Wales, the police force, which is doing a fine job. It lies outside my administration. I have been asked what support I can give personally to a citizens' crime commission that is about to be established in Griffith. The citizens of Griffith are entitled to set up any institution, or body, that they wish to establish, provided that it is conducted in accordance with the law. I have no powers or responsibilities with regard to such a body.

The question whether a crime commission should be established in New South Wales has been considered by Cabinet. Reports have been sought and some reports have been provided. The matter is still under consideration. I see no point in a citizens'

committee conducting a commission of inquiry without the powers that a Royal commission would have. Such a commission certainly would not have the powers vested in a Royal commission to obtain evidence, to compel witnesses to appear and to get to the bottom of that sort of issue. Though I understand the genuine motivation of many people in Griffith in this respect, I see no real advantage in establishing such a body. It is a matter for the citizens to make their decision in that regard.

The best body to investigate murder is the New South Wales police force, which has the skill to look into issues such as murder. It has done so effectively for years. I do not see that there is any better law enforcement agency to conduct such an inquiry. The Leader of the Opposition thinks that I am some sort of superman. I certainly am not. I am touched by his faith in my powers and capacity but, unfortunately, the great bulk of the issues raised in his question fall outside my area of responsibility.

CONJUGAL VISITS FOR PRISONERS

Mr NEILLY: I address a question without notice to the Minister for Corrective Services. Will the Minister inform the House whether a building is being renovated at the Long Bay prison complex to permit conjugal visits to take place?

Mr HAIGH: I thank the honourable member for Cessnock for the question. Following a statement accredited to the honourable member for Pittwater, an article appeared in a Sunday newspaper on 22nd March, which created considerable concern in the minds of people in the community and in the minds of prison officers. There is no truth in the article. The newspaper referred to two matters. The first matter is use of some premises at the Malabar Training Centre for conjugal vists. The other matter was that a wing in the Metropolitan Reception Prison, one of the maximum security prisons, was nothing more than a brothel. The statement that the honourable member for Pittwater made, which is nothing more than fantasy and fiction, reflects on the credibility of the person who wrote the story for the newspaper. These are serious matters. That sort of reflection should not be cast on the writer of the article who acted in good faith following the misleading and lying statements made by the honourable member for Pittwater.

Mr Cameron: On a point of order. Mr Speaker, on many occasions you have said that on your own initiative you will intervene when a member alleges that another member has made a lying statement. The Minister has alleged that the honourable member for Pittwater has made lying statements. I ask you to adhere to your previous rulings and direct the Minister to withdraw his remark.

Mr SPEAKER: Order! It is difficult for the Chair always to uphold points of order on this matter. In the past when a definite statement has been made such as "You are a liar" or "It is a lie" the Chair has directed without equivocation that the remark be withdrawn. The Minister did say that the honourable member for Pittwater made lying statements. The honourable member for Pittwater, who is in the Chamber, did not take offence at the remark, though he would have been able to ask for its withdrawal. It did cross my mind that I could intervene, but as the honourable member for Pittwater did not request me to do so, I did not intervene. I do not uphold the point of order.

Mr HAIGH: When the Liberal Party-Country Party Government controlled the prison system of this State totally inadequate training facilities were available for prison officers to undertake in-service training courses. The Wran Government decided to upgrade a building at the Long Bay complex at a cost of $270,000 so that appropriate facilities would be available for in-service training courses to expand the capacity and

skills of officers employed in the Department of Corrective Services. During the period of the upgrading a small number of single prison officers were able to occupy part of that area for residential purposes. When the refurbishing and rebuilding programme is completed twenty-four accommodation units will be available where officers from other parts of the State will be able to reside while they undertake additional training. In the long term there will be a saving in funds for the Department of Corrective Services. At present these officers have to be accommodated in private accommodation, where the cost is much greater than would be incurred by providing accommodtion within the department's area.

The newspaper article referred to stated that No. 9 wing in the Metropolitan Reception Prison was a male brothel. Prison officers have expressed great concern at the reflection on them contained in that expression. Members of Parliament and the public would know that homosexuality in gaols has been a fact of life ever since there has been a prison system. It is not only in gaols but also in the community. In the past six months—I am referring not merely to one wing of the gaol but to the whole gaol where there are about 300 prisoners—only one case of homosexuality has been reported by prison officers and the executive officers of that gaol. The honourable member for Pittwater is implying that the officers in the gaol are not doing their job. His statement is without any foundation and completely untrue. The honourable member for Pittwater is involving himself in a dangerous activity. He ought to know better. His untruthful statements reflect on the credibility of a newspaper and on the good standing of the prison officers at the prison.

I condemn the honourable member for Pittwater for the misleading statements he has made in this Parliament. It is time he got back to the truth of the matter instead of making unfounded statements. He should be denigrated for the action he took during the recent strike which was contained to Long Bay prison. The strike issue was between two sections of a union—the executive officers section and the ordinary ranks section. To add fuel to the fire of that industrial unrest the honourable member for Pittwater said the Government should support the prison officers. Did he mean the executive officers or the ordinary ranking men? Expressions such as that, made by the honourable member for Pittwater and other members of the Opposition, have no basis in truth and do not overcome or improve troubles in the prison system which are part of the industrial morass left by the previous coalition Government. His actions led to confusion among the ranks of prison officers and in the minds of police performing duty at the prison during the strike.

HOMEBUSH ABATTOIR

Mr PUNCH: I direct my question without notice to the Minister for Industrial Development and Minister for Decentralisation representing the Minister for Agriculture. Is it a fact that two-thirds of the $6 million loss incurred by the Homebush Abattoir Corporation in 1979–80 was attributable to wages paid to surplus employees? Did the Minister for Agriculture say on Tuesday last that during the past two years there had been virtually no industrial problems, and the number of staff had been reduced by 229? Was this industrial peace won at a cost of $4 million a year for feather-bedding by employing a further 300 to 400 surplus employees who were kept on, despite a proposal by the Minister for Industrial Development and Minister for Decentralisation in his former portfolio as Minister for Agriculture, to retrench them?

Mr Walker: On a point of order. The question put by the Leader of the Country Party is one of the longest questions I have heard asked in this place. It is full of information, one of the reasons why it is so prolate. Also, it is full of colourful and argumentative expressions such as feather-bedding.

Mr SPEAKER: Order! I am sure the Leader of the Country Party is giving information to the Minister merely in an endeavour to clarify his question, but I ask him, in future, to keep his questions brief.

Mr PUNCH: Would not the killing now done at Homebush be done at less cost, provide more jobs in country killing works and save many abattoirs from closure if the Regan report recommendations were implemented?

Mr DAY: The work performed at Homebush abattoir accounts for only about 7 per cent of the kill in New South Wales. At Homebush there is not only an abattoir but also a complex which provides many services to abattoirs and primary producers throughout the State. Homebush abattoir maintains a country meat hall which is responsible for the selling of meat slaughtered in abattoirs throughout the State. There is also a selling complex. Prices paid at auction sales conducted at Homebush are reflected in prices paid throughout New South Wales, and are a guide to primary producers from the north to the south of this State, and interstate as well.

It would be a tragedy for primary producers generally if the Homebush Abattoir complex were to be closed down. Certainly it has had difficulties, but it is not unique in that respect. The Leader of the Country Party would know that abattoirs throughout the State—and indeed throughout Australia—have been in serious financial difficulties because of the reduction in the national stock herd and in the number of sheep being slaughtered for export. Homebush has had its share of difficulties; but for the past two years has been under efficient management and it is confidently predicted that in the foreseeable future the abattoir will return to profitable trading. Every indication has been that this objective will be accomplished. It will not be accomplished easily and there have been difficulties along the path.

The Government has adopted a policy, where retrenchments are necessary, that nobody will be dismissed but that the number of employees will be allowed to fall to the required level by natural attrition. This has occurred in a number of State instrumentalities as well as federal and private organizations. Reductions in staff are necessary, but there is still a little bit of humanity about. The unions at the abattoir have been co-operative with me and the Minister for Agriculture. I am confident that the Homebush abattoir complex will continue to provide a worthwhile service for producers throughout the State and will shortly return to profitability.

PRE-APPRENTICESHIP TRAINING SCHEME

Mr MAHER: My question without notice is directed to the Minister for Industrial Relations and Minister for Energy. Has the Government's pre-apprenticeship training scheme been able to accommodate many school leavers seeking to enter the trades? What further action can the Government take to increase the number of apprenticeships in the State of New South Wales?

Mr HILLS: Yes, the pre-apprenticeship scheme has been of tremendous assistance in providing trained personnel in New South Wales over the past five years. The number of pre-apprentices in training this year is about 2 700. Over the past five years

the average has been a little more than 2 000. In other words, opportunities have been given for more than 10 000 young people to take pre-apprenticeship training. The pre-apprenticeship training scheme was introduced in 1976 following the down turn in the number of young people being apprenticed by employers in this State when the intake of apprentices fell to about 11 300. I am pleased to say that last year the figure rose to about 16 500 and this year I expect it to be 18 000.

The pre-apprenticeship training scheme gave young people the opportunity to go into the technical colleges for periods of up to thirty-six weeks. Employers are delighted at the training that these young people are given. More than 95 per cent of them are being taken up by employers because of the training that they have already had. The result is that young people go into the work force with skills already available to their employers and are immediately put on to meaningful work. A second advantage of the scheme to employers is a reduction in the two-year period of technical training for these young people when they are taken over by their employer; in other words, for two years they are not away from the job for one day a week attending technical college.

An apprentice who has done pre-apprenticeship training gets an advantage also, first in acquiring additional skills and, second, because he is taken by the employer into the second year of apprenticeship and receives additional payment from the employer because of the extra skills he has acquired. I am disappointed that the Commonwealth Government does not recognize pre-apprenticeship training in New South Wales as part of the transition from school to work programme. The Commonwealth recognizes only 60 of the 2 700 participants in the scheme. The result is that during their period of training apprentices receive $20 a week from the Commonwealth whereas under the transition scheme from school to work they would receive $40 a week. Honourable members will appreciate that the extra money would be of great assistance to young persons.

The Government is receiving a good deal of co-operation from employers' organizations such as the Metal Trades Industry Association and the Master Builders' Association in what are described as group apprenticeship schemes. Those organizations take on apprentices and become the nominal employer. Under the scheme it is possible to transfer apprentices in training from one small employer to another. Honourable members will appreciate that it is difficult for operators of most small businesses to take on apprentices and give them a guarantee of a full four-year's employment. Under the group apprenticeship training scheme apprentices can be moved from one small employer to another, thus gaining a diversity of training and giving assistance to small employers who are able to take them on for short periods. This also widens the scope for employers to take part in the training of young persons.

During the present financial year the Government has allocated $10.5 million for pre-apprenticeship training. As well, substantial funds have been provided for the employment of supervisors for participants in group apprenticeship training schemes. One supervisor is allocated to approximately thirty apprentices. Further, the Government provides clerical assistance for the group apprenticeship schemes. The Government has been able to develop these schemes with the help and co-operation of small businesses and some major employers' organizations. I thank my colleagues the Premier and Treasurer and the Minister for Education for making funds available for pre-apprenticeship training. I thank also those employers who are co-operating with the Government.

GOVERNMENT RECORD

Urgency

Mr McDONALD (Kirribilli), Deputy Leader of the Opposition [11.31: I move:

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

That this Labor Government stands condemned for its neglect and failure to distribute funds to:

(1) Provide adequate social welfare services, assistance to alcohol and drug victims, women's and youth refuges, the destitute and homeless.

(2) Overcome youth unemployment with training initiatives.

(3) Properly programme expenditure of more than $50 million appropriated by this Parliament.

It is a matter of urgency that the incompetence, hypocrisy and double-talk of the Premier and Treasurer and his Government, and its neglect and failure to distribute funds for social welfare be fully debated in this Parliament. It is essential that the Government ceases to shirk its responsibilities to the community by concealing the serious lack of financial ability of the Premier and Treasurer to programme properly and spend more than $50 million in essential welfare, unemployment and training programmes already committed by Parliament. The problems created by the Government are coming home to roost. Those serious problems cannot be alleviated by a government led by a team of poseurs—a government bereft of action whose performance rests on image rather than resolution.

Mr Mallam: On a point of order. Although the Deputy Leader of the Opposition is supposed to be speaking to urgency, he is covering a wide range of subjects, all designed to assist him in his bid to gain leadership of his party. So far he has not given one reason why the matter he seeks to raise is urgent. He is simply grandstanding and wasting the time of the House.

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

Mr McDONALD: The matter is urgent because to January last only $11.6 million of the $50 million allocated under six separate accounts and schemes had been spent. It is a tragedy for the needy and disadvantaged, the destitute, the homeless, juvenile delinquents, child prostitutes, and drug and alcohol victims that 77 per cent—or $39 million—of total available funds under special programmes appropriated by this Parliament have not been spent. The Premier and Treasurer should be ashamed of this situation. as he controls the purse strings of this State; he writes the cheques and he takes the credit without accepting any of the blame.

[Interruption]

Mr SPEAKER: Order! If the Minister for Local Government and Minister for Roads and the honourable member for Monaro wish to engage in conversation they should leave the Chamber.

Mr McDONALD: The matter is urgent because now the Premier and Treasurer will be compelled to take the responsibility for his callous budgetary approach. It is urgent because, unless the Premier and Treasurer overhauls his welfare and employment expenditure programmes by the end of the third quarter, New South Wales will end up with millions more than $17 million that was unspent last financial year.

The sum of $20 million is lying idle in special deposit accounts. The bank holds $20 million in respect of which the Premier and Treasurer can write cheques at this moment, if he really cared. Worse, a further $19 million, already appropriated by this Parliament is buried in the Treasury coffers.

The matter is urgent because the Premier and Treasurer stands indicted for his failure to programme the expenditure of those funds through six special deposit accounts. Those accounts are: the community services fund account; the special apprenticeship training initiatives account; the special welfare assistance programmes account; the western Sydney area assistance scheme account; the financial assistance towards technical and further education programme for unemployed youth account; and the grants for transition education programmes account.

Last week the Premier and Treasurer had talks with the Minister for Youth and Community Services, the Minister for Police and Minister for Services, and the Reverend Ted Noffs, director of the Wayside Chapel. The talks were held supposedly to find ways to help young persons out of an environment created by the actions of this Government. The meeting discussed the urgent need for social welfare assistance and refuge accommodation. It is deplorable for the Premier and Treasurer to engage in yet another public relations exercise, jeopardizing the welfare of hundreds of young persons, derelicts and alcoholics who roam the city streets at night. Members of the Opposition are sick and tired of such continuing hypocrisy. The matter is urgent because an examination of the special welfare assistance programmes account, which was paraded with so much fanfare by the Premier and Treasurer in his speech to the Labor Party State conference on 12th June last, shows that for the first half of this financial year only 5 per cent of its funds were spent, leaving a credit balance of $3.6 million for the remainder of the year. Taking into account the total budgetary sum for special assistance, at the end of the first half of the financial year 90 per cent of that money remained unspent. This allocation was to be used specifically for welfare programmes directed towards alcohol and drug victims, destitute persons and homeless men and women. This money was part of the $30 million for which the Premier and Treasurer sought to take credit towards the end of the last financial year. What the Premier and Treasurer did was to announce the allocation again in this year's Budget.

The community services fund account provides money for refuges for women and youth, family and welfare agencies, neighbourhood centres, self-help groups, the International Year of The Disabled Person and the handicapped. Subsidies to community workers have been held back. At January last $1.7 million in that fund remained unspent; and from the 1979–80 allocation $600,000 was not spent. Of the total available funds for programmes for the needy, as at January last 83 per cent remained unspent—a disgraceful situation. Voluntary organizations in the Kings Cross area are crying out for more refuges and community workers. Urgent action must be taken to reverse immediately the social and financial mismanagement of this Government. The person principally responsible for this disgraceful situation is the Premier and Treasurer, whose wish for glamour outweighs his commitment to the disadvantaged and his concern for the helpless. The Premier and Treasurer uses his power and control over the unauthorized in-suspense accounts and the speeches he makes to the Labor Party conference each half year to grandstand on social welfare policies in order to grab an appropriate, but often uncritical, media byline. The Premier and Treasurer, who controls the purse strings, stands indicted and he should be made to account for his actions.

The Government has done not ng of substance to train our youth to fill the thousands of vacant skilled positions now going begging in this State. The matter is urgent because the Government must stand condemned for the low priority it has given

to technical training, particularly of apprentices. The Premier and Treasurer through his budgetary practices has not given the full opportunities to young people that funds allow. The enormity of the Government's financial mismanagement and disregard for the future jobs of young people is shown by the fact that up to January only 5 per cent of funds in the special apprenticeship training initiatives account had been spent.

Of the total funds available for apprenticeship training and employment schemes, of $21.5 million, 58 per cent remained unspent at the beginning of the year. This was another of the much vaunted initiatives for apprentices that the Premier and Treasurer made known to the ALP conference in June last year, when he stressed that there would be an immediate expansion of existing employment training schemes with the emphasis on apprenticeship training. The initiatives were clear enough and the intention laudable, but the lack of action is a disgrace.

It is urgent because even the western Sydney area assistance scheme account, which was trumpeted so loudly and boringiy by the Minister for Industrial Development and Minister for Decentralisation on 21st October of last year and supported by the Minister for Mineral Resources and Minister for Technology in November, has become a pathetic failure. This scheme is actually administered by the Minister for Planning and Environment. Together with the $800,000 unspent last financial year, 83.3 per cent of total available funds remained unspent as at January. Yet even the money from the Commonwealth lies idle. Commonwealth specific purpose funds by way of financial assistance towards technical and further education programmes for unemployed youth to the end of the first half of this financial year were not allocated. Not one cent in that account has been spent by this Government on training the young unemployed.

Another fund containing money from the Commonwealth to assist in overcoming unemployment is called the grants for transition education programmes, $5.6 million of which had not been allocated as at January. Further, as at January over 90 per cent of available funds from the Commonwealth, including money unspent from last financial year, had not been spent. This shows that the Government does not care about the young people of New South Wales. The Premier and Treasurer would rather import skilled tradesmen instead of training our own young people. Yet the Premier and Treasurer will have the gall and temerity to stand here today and defend his record and, into the bargain, will no doubt attack the federal Government. This record exposes the Premier and Treasurer to be a sham. He leads a government that is a charade. He relies on bluff and banter.

Other Ministers do not escape responsibility. The Attorney-General and Minister of Justice thinks he can sit smug in his seat. It was his changing of the law that caused the difficulties now faced by police in cleaning up undesirable social problems. The Minister for Health is more interested in cutbacks to health services than in being concerned about the serious medical problems associated with alcoholism, and persons dependent on drugs. This is a government of Ministers who callously disregard the problems they have created. They are incapable of handling the State's finances and they are led by a Premier and Treasurer who has sold out his socialist principles for expediency and self-aggrandizement.

Mr WRAN (Bass Hill), Premier and Treasurer [11.13]: It is easy to see why the Deputy Leader of the Opposition went broke as a developer: he cannot even read simple accounts that are put forward by the New South Wales Treasury. There is not one iota of substance in the assertion that last year money for welfare programmes was unspent, or that money for those programmes will be unspent this year. The sort of hysteria and falsification in which he indulged does not stand the most elementary examination. The Deputy Leader of the Opposition said that only 5 per cent of funds

made available in the Budget for the special apprenticeship training account had been spent. The reality is that 49 000 apprentices are being trained in New South Wales. That is the highest number of apprentices ever in training in New South Wales. The Government alone is employing and training 800 apprentices more than it will need within its work force. Those apprentices have been employed on the basis that at the end of their apprenticeships they will be released to the private sector.

The honourable member asks where the money comes from. In 1976 when the Labor Party was throwing this bunch of financial hillbillies out of office one of the statements I recall in my policy speech was that the question was not where the money would come from, but rather where did the money go. When one examines the financial record of the former Liberal Party–County Party Government one is constantly left in a dilemma over what it did with the money available to it. Fancy the putative Treasurer of the State coming along to the Parliament, giving bare figures, not knowing the difference between what is in an account and what is committed, and asserting that the allocation has been underspent.

I shall tell the honourable member what the Government is doing about youth unemployment. That is one area where the honourable member said that the Minister for Industrial Relations and Minister for Energy is sitting on his hands and husbanding the money away from young people. This year 2 000 young persons are employed in the special youth employment and training programme, bringing to more than 6 000 the total number aided. I have said already that the Government is employing 800 apprentices more than it needs for its purposes. There are 2 700 young persons in pre-apprenticeship places at technical colleges, and there are thousands of additional places at technical colleges for day secretarial and business courses. As well, technical and further education facilities and resources have been temporarily expanded to cater for extended intakes of building, metal, and electrical trades apprentices, and thirty extra apprenticeship supervisors have been employed. That is the greatest attack upon youth unemployment by any government in Australia, including the federal Government.

Where does the honourable member think the money is coming from? I can tell the House that it is not coming from Malcolm Fraser in Canberra. The federal Government deserted the young people of Australia. Fancy the Deputy Leader of the Opposition having the temerity to say that 83 per cent of total available funds for welfare services in New South Wales have not been spent. He did not choose a posible figure like 7 per cent or 8 per cent. No, he suggested that the Government has spent only 17 per cent of money allocated for welfare services. I remind the House and the public that when the Labor Party came to office in 1976 the vote for the New South Wales Department of Youth and Community Services was $44 million. In the 1980–81 financial year funding for that department has been increased by 240 per cent to $106 million. When the Government came to office no women's refuges in New South Wales were being funded by the former coalition Government and no neighboarhood centres had government funding. Why do not Opposition members speak to the people who are involved in welfare services? Why does not the Deputy Leader of the Opposition speak to the disadvantaged and the unemployed instead of taking a table of figures published by the Treasury and making assertions that welfare services are not being provided?

The reality is that the Government has a proud record in the provision of services to the disadvantaged of this State. The best places to go to see what is being done are not where developers gather in seedy bars to work out whom they will rip off next. The places to go are to neighbourhood centres, or women's refuges, or to youth refuges. One should speak to persons such as Mrs Averill Fink of the Council on the Ageing or to the Rev. Ted Noffs to find out what the Government is doing and will continue to do for the disadvantaged of New South Wales.

This year alone the Government picked up the tab for $19 million for community health services in this State—$19 million which has been cut back by the Fraser Government. School dental health services are costing $3.5 million more this year than last year. The assertions that this year $17 million allocated for those services has not been spent is absolute bunkum. I am staggered that anyone, let alone that failed developer the Deputy Leader of the Opposition, would suggest that some funds allocated for welfare services in New South Wales have not been spent. I remind the House that home help services, youth refuges, drug and alcohol centres and women's refuges were initiated, funded and supported by the Government. Those organizations were not in existence five years ago.

I shake my head in bewilderment when I ask myself who the Opposition is trying to impress by saying such things. Those in receipt of welfare services provided by the Government know the facts. How can it possibly be of political advantage to stand up in this House and tell lie after lie after lie about the welfare services of New South Wales? The fact is that every cent allocated by the Government for welfare is spent, and indeed the Minister for Youth and Community Services is constantly asking for more money.

Mr McDonald: On a point of order.

Mr Wran: It took the Deputy Leader of the Opposition a long time to take the point of order.

Mr McDonald: The Premier and Treasurer said that in quoting figures about welfare services I had told lie after lie after lie. That remark is a reflection on my character, and I ask that he be directed to withdraw it.

Mr SPEAKER: Order! The practice of seeking the withdrawal of any statement in which a member uses the word lies is becoming ridiculous. In future I intend to rule that if one member says that another is a lair, the member on whom the reflection is made may ask that the word be withdrawn. If one member says directly to another member, "That is a lie", the member at whom the remark is directed may ask that it be withdrawn. However, an assertion by one member that a statement by another member amounts to lying will not be regarded as offensive and I shall not require that it be withdrawn. In this instance the Premier and Treasurer said that the Deputy Leader of the Opposition had told lie after lie after lie about welfare services of the State, and I do not intend to require that that remark should be withdrawn.

Mr WRAN: One cannot damage the reputation of a person who does not have a reputation. I have never heard such a rubbishy motion in my life. The Government will not countenance it for one moment, and rejects urgency.

Mr McDonald: On a point of order. The comment by the Premier and Treasurer that he could not damage my reputation as I did not have a reputation is offensive to me, and I ask that it be withdrawn.

Mr SPEAKER: Order! In the thrust and parry of debate honourable members must expect to have derogatory remarks made about them. If a member is so protective of his dignity that he cannot accept rugged and forthright criticism, this place will be in sorry state. I do not intend to ask the Premier and Treasurer to withdraw the remark.

Question of urgency put.

The House divided.

Ayes, 34

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

Noes, 59

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

Question so resolved in the negative.

Motion of urgency negatived.

SPECIAL ADJOURNMENT

Mr WALKER (Georges River), Attorney-General and Minister of Justice [11.34]: I move:

That the House at its rising this day do adjourn until Tuesday, 7 April, 1981.

Notices of the adjournment were sent to honourable members. I remind honourable members of the arrangements for the following week commencing Monday, 13th April. The House will sit on Monday, 13th April, Tuesday, 14th April, Wednesday, 15th April and Thursday, 16th April. On each of those days the sittings will commence at 10.30 a.m. Some adjournments of the House will occur during that week

because His Royal Highness Prince Charles will be here and certain functions will be held. It will be necessary to adjourn the House on occasions for that purpose. I warn honourable members, despite the obvious reluctance of the Leader of the Opposition to work, that honourable members will be toiling hard in that week.

Mr CAMERON (Northcott) [11.35]: The information that the Attorney-General and Minister of Justice has conveyed to the House strikes a stance of rather glaring inconsistency with the answer that he, as the Leader of the House, gave yesterday. It is patently clear that the Government's legislative programme, for which the Attorney-General and Minister of Justice accepts full responsibility, is in a state of chaos. It is hopelessly behind schedule. As a measure of that, it will be necessary ultimately—with a week of recess in between—for the Government to convene the House on Monday, 13th April specially, and on Tuesday, 14th April and Wednesday, 15th April at an hour earlier than usual and to sit also on Thursday, 16th April, the day immediately preceding Good Friday. It has been suggested also that the House will resume after Easter, if necessary. Yet, next week the House will not sit at all. That is due to two factors. First, the Government's legislative programme is in the hands of a person who has demonstrated extraordinary incompetence in terms of efficient management of that programme. Second, industrial chaos has been taking place at the Government Printing Office, an instrumentality of the Government and under its direct control. The Government has shown itself to be completely incapable of restoring any kind of order to the chaos at the Government Printing Office.

Yesterday, the Attorney-General and Minister of Justice, in his capacity as Leader of the House, was asked whether he was responsible for the management of the Government's programme. He was asked a series of questions, to which he gave one of his non-answers. He said, "The answers to the honourable member's question are: Yes; no; not true". One must contrast those answers with the reality disclosed to the House today regarding the overwhelming extent to which the Government's legislative programme is behind and the fact that the Government clearly does not have available legislation with which to proceed.

The Attorney-General and Minister of Justice was asked also whether the programme was hopelessly behind schedule, due in part to the industrial chaos at the Government Printing Office, with the result that the Parliament did not have before it that day printed *Votes and Proceedings*, the *Questions and Answers* paper or copies of the printed business paper. To that question the Attorney-General and Minister of Justice gave a monosyllabic answer, no. The plain truth was that yesterday the House did not have before it printed *Votes and Proceedings*, a printed *Questions and Answers* or a printed business paper and there was industrial chaos—as there still is today—within the Government Printing Office, which I repeat, is under the direct administration of the Government.

The Attorney-General and Minister of Justice was asked further whether the printing of many bills was well behind schedule. His answer was "Not true". Is it seriously put to the House that that is not true—that the printing of the bills on the Government's programme is not behind schedule? Only yesterday the Attorney-General and Minister of Justice told the House that it will be faced with a tremendous amount of work when it resumes. The simple truth is that the printing of the bills is hopelessly behind schedule and the programme is completely out of gear. Yet now the Parliament is being asked to adjourn, go away, take a holiday, not work. The Government says, "We are not keen to be in business next week". Yet when members come back they will face the extraordinary position that on the Monday, on which the House does not normally sit, they will be required to be here for a

10.30 a.m. start; on the Tuesday, when the House would normally sit at 2.15 p.m., it will be convened at 10.30 a.m.; and on the Wednesday, again when the House would normally sit at 2.15 p.m., it will be convened at 10.30 a.m.

If all this is not sufficient to overcome the backlog, chaos and disorder, the House will be reconvened after Easter. This is the type of factual background against which the Attorney-General and Minister of Justice gives his monosyllabic answer—"'Yes; no; not true". His answers have no relationship whatever to truth. The House is faced with having to sit after this needless recess on Maundy Thursday. I suppose that brings into sharp focus the comment made by the Premier and Treasurer when, in 1975 as Leader of the Opposition, he made the kind of speech that I am making now and said forcefully to the House, "For me there is no miracle in Easter". For many of us there is some type of miracle in Easter. In 1975 the Premier and Treasurer made that remark. Of course, it is equally clear that Government supporters opposite consider these is no miracle in Easter. Honourable members would have a greater sense of propriety if the Leader of the House were capable of some elementary good management and handling of the legislative programme.

This motion is moved only six sitting days after a week's recess. The excuse given previously for the House not to sit when the affairs of the State cried out that it should sit was that it was a public relations exercise—it was Senior Citizens' Week and as a tribute to senior citizens the House would not sit. It is only on the Opposition side of the House that there is a sense of respect for the elderly and senior citizens in the community. On the Government side of the House there is a rigid inflexible approach to early retirement, designed to do nothing more than throw the elderly on to the scrapheap early.

Mr McIlwaine: On a point of order. I have deliberately refrained from interrupting the honourable member for Northcott earlier. However, on a number of occasions he has made remarks that are offensive to me and to members on this side of the House. He has said that Government supporters have no concern for the elderly. He said that the Government regarded Senior Citizens' Week—as recently celebrated in my electorate—as a public relations exercise. I find those remarks offensive and ask that they be withdrawn.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Raleigh to order. Remarks used by a member in addressing the House collectively against any group are not offensive.

Mr CAMERON: Virtually not a single member of what today is called the grey segment of the community—for whom I have a tremendous sense of respect and whose interest I am keen to preserve—would even be aware of the excuse offered that a few weeks ago the Parliament did not meet as it was Senior Citizens' Week. Now, the Government is again looking for some pretext not to sit rather than get on with the legislative task in front of it. This proposal comes from a government with a record of sitting approximately fifty days each year. I contrast that record with that of the Imperial Parliament of Westminster which, though an enormous Parliament that finds it hard to get its members together, manages to sit about 170 days a year. The New South Wales Government's performance is pathetic.

The Government's legislative programme is admittedly and demonstrably chaotic. The Government is again saying, "We are tired. We have had enough. We have not got our programme ready. We cannot go on. Let the Parliament go into recess. Stop work, put up the shutters, lock the doors. we will all go home". On and on it goes, time after time, when the community is crying out for real and important

issues to be tackled—not cosmetic and superficial issues. The Opposition puts it powerfully that the Government's charade has gone on far too long. The time is now right to get on with the work, to get away from recesses and vacations and get down to the business of running the State and dealing with matters that cry out so earnestly for attention.

Mr MASON (Dubbo), Leader of the Opposition [11.48]: The Opposition leader of the House has covered most of the points that should be advanced by the Opposition. Members on this side of the House take strong exception to the plan outlined by the Attorney-General and Minister of Justice for the coming weeks—in particular, that honourable members will be required to attend the House on Easter Thursday. Obviously no regard has been paid to many members who will be placed in an impossible position of having to try to arrange transport to their electorates. They will encounter difficulties arranging bookings for aeroplanes and trains. Obviously absolutely no thought has been given by the Attorney-General and Minister of Justice to the convenience of honourable members.

The Opposition is willing to sit after Easter for as long as the Government wishes. I cannot understand why the Attorney-General and Minister of Justice cannot take two days from Easter week and include them in a programme after Easter. Members have been warned about the possibility of the House having to sit after Easter. All honourable members should be prepared for that eventuality. The Opposition is quite willing to attend after Easter for as long as the Government wishes to deal with legislation. The House is debating a technical motion about sitting arrangements next week and the following weeks. I ask the Attorney-General and Minister of Justice to reconsider the arrangements proposed about the Easter week programme and give thought to the problems of members. This matter is serious and should not be taken lightly. Members are entitled to receive some consideration of their needs. Honourable members should cast their minds back to the first two sitting weeks of this year—

Mr Caterson: They were wasted.

Mr Walker: The Opposition did not have enough honourable members ready to speak to the legislation put forward, and was more concerned with moving urgency motions.

Mr MASON: The Opposition was compelled by the Government to linger on with legislation. One bill took a week to debate and the Government was urging the Opposition to get its members to debate the legislation simply to keep it going. We shall see an unsightly situation in the coming weeks. Important legislation affecting all the citizens of this community will be rushed through, gagged without debate, without proper scrutiny and without citizens having the opportunity to consider it. I appeal to the Attorney-General and Minister of Justice to reconsider the parliamentary programme he has announced. The House should sit for as long as is needed for proper and correct scrutiny of legislation placed before it. On behalf of all members of the Opposition I want it recorded that we are willing to sit for as long as is needed.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [11.51], in reply: Normally I do not reply to traditional speeches made by members of the Opposition on motions such as this. One hears the same arguments each time. However, last year I initiated a policy of giving many months advance notice of the proposed dates of the sittings of the House so that all members would be able to arrange

their affairs, vacations and matters pertaining to their constituents, more adequately than had been permitted previously. I did that as the result of criticism levelled at me by the honourable member for Northcott, the Leader of the Opposition and the honourable member for Tenterfield. They spoke of the lack of their being informed of what was happening. Their criticism was valid and I accepted it as such.

Never before in this Parliament has notice been given so long in advance of the details of dates of sittings. In doing so I tried to keep a balanced programme and have a couple of weeks sitting followed by a week or two weeks in which the House would not sit. That was done following representations made to me by honourable members who wanted to spend more time attending to the needs of their constituents. Though it is extremely important for members to be at Parliament, members have constituents to consider and problems to which they must attend. Honourable members must be present at official functions within their electorates. It is the duty of members to vote on legislation and to look to the needs and problems of constituents. For those reasons those sitting breaks were arranged.

Ministers also have duties to perform in country electorates. They go to rural centres and point out to country people how the: Wran Government is delivering to them a far better deal than has been ever delivered to them before. Labor Ministers do that with frequency. Never before have so many Ministers been seen in country electorates. That is why this Government gained more than 50 per cent of the rural vote at the last election and will attract 60 per cent at the next election. Few members of the Country Party will be in this House after the next election. Ministers, like members, wish to spend time in their electorates and speak to the people and get community feedback. That is one of the reasons why the Wran Government has been so successful. Ministers are in touch with the people and will keep in touch with them. Occasional adjournments of the Parliament enable them to talk to the people and get to the grass roots of what is happening. Opposition members stay in their apartments in Darling Point and rarely visit the country.

The Opposition has complained about the House sitting on Monday, 13th April. In the notice I gave many months ago that date was mentioned. I encounter some difficulty in understanding the problems some members have raised about sitting on Maundy Thursday. Perhaps that may make travel arrangements difficult. Nevertheless, members of Parliament should be willing to make themselves available to sit whenever it is necessary for this House to sit. As Leader of the House, and Leader of the Government in the House, I feel that that Thursday is an appropriate date upon which to sit, but I shall reconsider it. I gave notice many months ago so that members could raise proper objections. I shall look at the programme to see what can be done.

I should like to make one comment about the so-called backlog in legislation. Until yesterday no problems in the printing of our programme had been brought about by the printers' strike. Some quite large bills were already printed, so I did not see problems developing until perhaps today. We have all had difficulties with the printing of documents. The business paper has been produced in one way or another, and will continue to be produced. During industrial action problems are always encountered. It does not behove the honourable member for Northcott to gloat over the fact that the Government faces difficulties as a result of industrial action. That is not becoming of him. I am not the least impressed with his argument.

Motion agreed to.

CRIMES (SEXUAL ASSAULT) AMENDMENT BILL

CHILD WELFARE (AMENDMENT) BILL

Second Reading

Debate resumed (from 25th March, *vide* page 5235) on motion by Mr Wran:

That these bills be now read a second time.

Mr BREWER (Goulburn) [11.57]: This legislation effects enlightenment of the previous law regarding rape. Whether termed sexual assault, as this legislation proposes, or rape, as it has been hitherto known, the crime remains the same. Apart from murder, even when murder has been committed after acts of torture, rape or sexual assault by a male upon a female is the most vile crime that can be committed. It matters little whether it is termed rape or sexual assault other than that perhaps to describe the offence as rape might have a detrimental effect upon a victim and might result in a charge not being laid.

The penalties for assault accompanied by a sexual assault in this legislation are not severe enough. As a law-making body Parliament should not give directions to judges, other than those contained in legislation. The legislature should determine what is sexual assault. Any evidence that is admitted should be accepted purely on the basis that it is from either the accused or the assaulted person and relates to consent. That is the most important factor when considering whether rape or sexual assault has occurred. There is no need to direct a judge as to maximum or minimum penalties. Under the system of law in our society the Parliament would be breaking the first cardinal rule of justice if it were to legislate to determine a minimum penalty. I believe that sexual assault on a person under the age of sixteen years whether there is consent or not is a crime that should be dealt with severely. This measure does not do so. The honourable member for Illawarra has foreshadowed some amendments which I suspect may relate to this deficiency.

A sexual assault on a child, whether committed by a male or a female, is one of the most heinous crimes that can be committed. If we as a Christian and God-fearing race do not accept that principle, there is something wrong with us. I believe that homosexuality is an unnatural act that should never be legalized. I have never been in favour of legalizing it. At the same time, it is my view that those people who are unfortunate enough to be homosexuals should not be persecuted, for many of them are sick. It is important that honourable members of every political persuasion should do all they can to prevent homosexuality penetrating our schools or being inflicted on the community generally. It is necessary to protect our young people and the community generally from homosexuality and homosexual acts. A minority of trendy people, including gay liberationists—or whatever terminology is used to describe them—is continually espousing the cause of decriminalizing homosexual acts and a state of permissiveness that would encourage homosexuality. Neither I nor the majority of the people I represent—indeed, the great majority of ordinary Australians—see such a need. I shall stand firm on that view, irrespective of any decision of this Parliament.

I shall deal now with rape within marriage, which is a difficult and dangerous area in which to legislate. It concerns an issue that impinges upon the rights of the individual, whether male or female. I believe the rights of individuals must be preserved in and out of marriage. The old concept of a person demanding his conjugal rights was not in the best interests of either men or women. No person should be put upon by another and compelled to engage in some act that is resented, distasteful

or not wanted. That applies whether the person put upon is male or female. The legislation provides for three degrees or categories of rape and sexual assault. It is my view that once a person has formed an intention to commit a sexual assault and he commits such assault, he should be dealt with according to the degree of the assault. I agree with the provisions of the legislation which in some circumstances do not permit the admission of evidence of prior sexual experience. That principle should apply to both parties to the act, unless the subject of the trial is a second offence of rape. I believe that evidence of its being a second offence should be admitted and that if the offender is convicted, the sentence should be appropriately severe.

Judges and juries, when dealing with charges of rape inside marriage, will have great difficulty in coming to a just conclusion on whether or not the offence has been committed. The question of guilt will depend upon proof of consent. This may require the admission of evidence of past actions of a married couple, which are not always conclusive. I suggest that the proposed legislation—and the Opposition supports it—will place a heavy burden on judges and juries. Proof of intent in cases of sexual assault will depend a great deal on the circumstances at the time the offence was committed. There are in the community many vicious people who have no self-control. This lack of self-control manifests itself in physical assaults as well as in those of a sexual nature. I believe that if such a person commits a sexual assault and there is clear evidence of intent, the punishment should be appropriate and that due regard should be paid to the past record and character of the offender, especially when he is being dealt with for a second or third offence of the same type.

Another matter I wish to raise concerns parole for persons convicted of physical or sexual assault. No matter what penalties the legislation provides, while we have in this State a parole system that is willing to allow men like Baker and Crump out of prison before their sentences have run their full term we shall have offenders of the same type committing similar crimes. Honourable members will remember Leonard Lawson, who is at present incarcerated in Goulburn gaol. When Lawson has been paroled or granted a certain degree of liberty he has committed sexual assaults on women. I believe that if persons of that type are paroled they will again commit the same types of crime as they have committed in the past.

Although the Attorney-General and Minister of Justice is not responsible for the administration of this State's parole laws, perhaps he will pass on my remarks to the responsible Minister. It would complement this legislation if the authorities ensured that persons who commit heinous physical assaults were incarcerated for the full term of their sentence. The death penalty is archaic; it is degrading to those who have to impose it and abhorrent to those who have to carry it out. Nevertheless I believe it is not too severe a sentence for offenders such as Baker and Crump when one remembers the horrible nature of the crime they committed. Though the legislation contains some highly imaginative areas, it is not completely satisfactory to the persons who brought to the Government's notice the need for reform. I hope the Government will be watchful and will make any amendments that are necessary to make the legislation work. This is a new venture that attempts to deal with a crime that has been committed on women and children for countless years. The operation of the legislation and its administration by judges and juries must be reviewed continuously to ensure that when a person is imprisoned for sexual assault he does not have the opportunity to commit the same crime, at least during the term of the sentence imposed. If all of the factors I have mentioned are taken into consideration, the women and children of our society will be better protected.

Rape within marriage will be a difficult area of the law to administer. It is impossible to make hard and fast rules with regard to the past activities of either party to a marriage. There could be the danger of an alleged offender being found guilty

although he was innocent of the crime with which he was charged. That is an important feature of any legislation of this nature. Time and experience in the operation of the legislation will give this Parliament—the mother Parliament of Australia—the opportunity to make the measure the best in this nation for the protection of women and children. I support the bills. I am glad to have had the opportunity to state my views and the views of the persons I represent in this Parliament.

Mr PARK: Mr Speaker——

Motion (by Mr Flaherty) agreed to:

That the question be now put.

Question—That these bills be now read a second time—proposed.

Mr WALKER (Georges River), Attorney-General and Minister of Justice [12.15], in reply: The debate on these bills has been one of the best this Parliament has had for some time. I thank all honourable members who have taken part in this debate for they made well-researched and sincere contributions. Even those honourable members whose views I disagree with expressed their opinions with the utmost sincerity. I was impressed by the solid support given by honourable members to most of the provisions contained in the measures before the House. I am grateful to members of the Liberal Party and the Country Party for the enthusiasm with which they debated the many great reforms that appear in the bills. There has been some minor opposition to the measures and I shall deal with it briefly.

Some Opposition members feel that some difficulty will arise in three main areas of the legislation. The first concerns the penalties for the three categories of rape. I understand that the Opposition will move amendments in respect of those penalties. The second concerns a husband's immunity from being charged with raping his wife. Although the Opposition is not opposed to the concept behind the provision dealing with rape in marriage, it seeks to limit the application of the law to situations where there is an actual or a de *facto* separation. The Opposition believes that a husband should not be immune from prosecution on a charge of raping his wife. Some Opposition members expressed some slight disagreement—although it was not made particularly clear—about the use of the word rape. The Opposition seems to be in two minds over that point. Some Opposition members favour retention of the word rape; others are critical of the Government for retaining it even in the headnote to the bill. In other respects the Opposition seems to accept the Government's bona fides in its efforts to improve the operation of the law on sexual offences.

Many members of the Opposition congratulated the honourable member for Nepean on his contribution, which I thought was one of the outstanding speeches of this session. That honourable member's obvious sincerity and his accurate and detailed description of his experiences as a police prosecutor were quite moving. I noticed that even Fred Nile, who was present in the public gallery, was obviously moved by the sincerity of the honourable member for Nepean and the effectiveness of his contribution. Sincerity was evident in most of the other contributions, all of which were of an extremely high standard.

The Opposition has always suffered from the misapprehension that unless it is seen by the public to oppose every measure that comes before the House, it will not be doing its job effectively. I have never adopted that point of view. The Opposition has foreshadowed amendments that appear to oppose—rather than oppose in fact—the categories of sexual assault or the penalties for such assaults. The proposed amendments are both mischievous and cynical. It is false to suggest to the public that the penalties for sexual offences are to be reduced, and that the penalty of life imprisonment

is to be reduced to a period of seven years, as one honourable member suggested. The maximum penalty for category 1 is twenty years, as will be seen by reference to section 61B (1). It is obviously incorrect for the Opposition to make that type of statement. Most honourable members resisted that temptation and dealt with the penalty in each category on its merits.

The honourable member for Lane Cove suggested—though I suspect his heart was not in what he said—that the life penalty should be retained. Even that extremist organization the Festival of Light, which appears to be opposed to any social reform and in favour of keeping women in a state of semi-slavery, does not wish the life penalty to be retained. Although that organization is not willing to support that argument, the Opposition seems to have managed to commit itself to that cause. Yesterday, in a hand-out outside this Parliament, the Festival of Light advocated a maximum penalty of twenty years' imprisonment for the most serious offence of sexual assault.

No Opposition supporter has bothered to research whether persons convicted of offences that carry a maximum penalty of twenty years' imprisonment spend longer in gaol than persons convicted of offences that have a maximum penalty of life imprisonment. It would be an interesting exercise to make that comparison. The latest figures from the bureau of crime statistics reveal that persons sentenced to life imprisonment usually spend about thirteen and a half years in the prison system.

Many persons convicted of an offence that carries a penalty of twenty years' imprisonment spend longer than that in prison. A study of that aspect has not been made, and I do not know the average time that such persons spend in prison. The impression that I have gained from my studies is that there is little difference in the length of time a person is in prison whether he is sentenced to a term of twenty years' or to life imprisonment. No question of deterrence is involved. A person who is about to commit a rape or a murder does not first consider the penalty for that crime. Such a person would not toss a coin in the air to help him make up his mind about the penalty for a particular crime. That is typical of the type of proposition put forward by the honourable member for Lane Cove when he is desperate for an argument. Obviously he would not put that sort of argument in a private discussion outside this House.

I should explain in detail why the penalties proposed are reasonable. The honourable member for Northcott suggested that the penalties were too light. One member of the Country Party said that a reduction of penalty in the minor categories would increase the incidence of rape, but that is nonsense. The maximum penalty for rape, which is penal servitude for life, is the same under the present law, even in the case of aggravated assault like that mentioned by the honourable member for Goulburn. The persons involved in that case would have received the same penalty as anyone involved in rape by a trick—for instance, if a man convinced a woman that he was her husband after going through a sham marriage ceremony. In that case the maximum penalty would be life imprisonment. That provision had the effect of deterring almost all rapists from pleading guilty. Moreover, it placed their legal representatives in the situation of saying to them, "You should never plead guilty to rape". That has caused a serious problem.

Where an offender is obviously guilty of rape, a plea of guilty is good for the community. The complainant does not have to go into the witness box and relive the assault. The events that occurred in the Old Bar Beach case cannot arise here. In that case one of the victims was so traumatized, not by the rape but by the proceedings, that she ended up in a psychiatric institution. The arguments put forward by the honourable member for Nepean should have convinced all honourable members that, if possible, injustice in the system should be avoided.

The new maximum penalties of twenty years, twelve years, seven years and four years will probably lead to an increase in the number of pleas of guilty before the court. Although the statistics have been given already, they are worth repeating. In 1979, 81 per cent of persons charged in the State's higher courts with indictable offences pleaded guilty. In the case of rape the figure was only 38 per cent. I imagine that in nearly all those cases the offenders pleaded guilty contrary to the advice given to them by their legal advisers. The most conservative advice I have received of what might occur under the new law is that the number of persons pleading guilty will probably double. If that happens, I shall be extremely satisfied.

The question of penalties was the subject of much discussion. The Government had considerable discussion on penalties with the women's advisory council and other bodies supporting reform. The penalties set out in these bills are the result of those consultations. The proposals have received almost universal agreement. They seem to have been accepted by almost all women's organizations in the State, and by most persons involved in the law with whom I have had discussions. They have been accepted as appropriate sentences for the crimes described in the new categories. Imprisonment for twenty years is an adequate maximum penalty for the most serious offence of sexual assault. The figures supplied by the Australian Bureau of Statistics reveal that during the period 1972–79 only one sentence of twenty years' imprisonment was imposed for the crime of rape. Obviously one need have no fears about the imposition of a maximum penalty of twenty years' imprisonment.

Mr Dowd: A penalty of twenty-nine years' imprisonment was imposed in one case.

Mr WALKER: It is possible that there are more recent figures. I am advised by my officers that the penalty of twenty-nine years' imprisonment was reduced to eighteen years on appeal. The sort of case in which one would like to impose a greater penalty than twenty years' imprisonment would be similar to that described by the honourable member for Goulburn. In such cases, murder or other equally serious offences would be associated with the rape. Perhaps those offences should be dealt with in that way. Twelve years' imprisonment is adequate for a category 2 offence. The design of the categories is to encourage pleas of guilty. There must be a sliding scale. Seven years' imprisonment is an appropriate penalty for the third category offence, which I call rape ***simpliciter.*** Most persons think that is an unfortunate expression, and I probably agree with them. Seven years is an appropriate maximum penalty for the third category offence. The average penalty for rape throughout Australia is seven years. The penalties set out are heavy. Every honourable member who has contributed to the debate has expressed repugnance at the violent crimes envisaged by the proposed legislation. All honourable members support heavy penalties. I have doubts about the deterrent effect of penalties for these crimes. All honourable members would agree that the penalty should fit the crime and that these particular crimes deserve the most severe penalties.

While I am discussing the subject of deterrents and penalties, I inform the House that a study of the Queensland rape laws at a time when the death penalty applied was carried out by Barber and Wilson and reported in the ***Australian–New Zealand Journal of Criminology.*** The result of the Queensland law was much the same as the result in most States of the United States of America where the death penalty applied, namely, a conviction for rape was rare indeed. Once the death penalty was abolished there were many convictions for rape. The reason is obvious: juries are reluctant to send men to their death by finding them guilty of rape. As a result, the tendency was to acquit them. Chicago was notorious for the many thousands of rapes committed there each year. Although the death penalty applied there, the

number of convictions could be counted on the fingers of both hands. Juries simply would not convict as they thought that in most cases the death penalty was too great for the offence. That was a most unsatisfactory situation, and should be borne in mind when one is deciding what should be done in New South Wales. What the law is about is protecting the public as well as punishing those who commit crimes. Every care and consideration should be given to the victims of crime and to the way in which appropriate penalties are imposed so that the result is in their interests.

Penalties are a most complex matter, more so in the area of rape. One must endeavour to provide just retribution and to encourage guilty defendants to plead guilty. Further, one must not discourage juries from convicting. A judge must be provided with sufficient flexibility to sentence offenders according to the gravity of the offence that they commit. The Government has done that by way of the bills. Notwithstanding that the Opposition will move amendments at the Committee stage, I believe that there is almost universal agreement that the Government has made a reasonable attempt, though it may not be perfect, to obtain a consensus in the community on the appropriate penalties.

As I mentioned, two arguments emanated from the Opposition about the use of the word rape. The first argument came from the honourable member for Lane Cove and the honourable member for Vaucluse who were opposed to the word rape appearing in the legislation, even as a headnote. Those honourable members would have wiped the word rape right out of the bills. I understand their view; it is one that I have held on occasions. Other honourable members, particularly Country Party members and the honourable member for Northcott, advanced an argument similar to that put forward in support of not changing the name of the ladies gallery in the House to the northern gallery. They contended that there was some historical benefit to be gained by using the word rape; there was some intrinsic goodness in the word that had to be retained for our heritage if for no other reason.

Briefly I remind the House of the rationale behind the change from using the word rape and why it now resides only in a headnote and not in the definition of the crime itself. The low rate of reporting of the crime of rape is obviously and undeniably related to the stigma that many sexual assault victims feel afterwards. Time and again cases occur where the completely innocent victim of a sexual assault feels humiliation, shame and fault, where, objectively speaking, none is warranted. No doubt the reason lies primarily in the complex web of attitudes to sexuality predominant in contemporary Australia. It is felt that the stigma associated with being known as a rape victim is a deterrent to reporting. In view of the fact that the word rape is highly stigmatizing for the victim, the Government considered that not including the word in the definition part of sexual offences would assist in diminishing the effect of such stigma. This will assist in limiting the unwarranted feelings of shame and guilt that many victims have. The Government hopes that in genuine cases the reporting of assaults will be encouraged. This step must be taken even though rape is a term well-known and understood in the community, as stated by the honourable member for Northcott.

Some Opposition members suggest, I think irresponsibly, that the change will legalize sexually assaultive behaviour. I state emphatically that their suggestion is wrong. The honourable member for Northcott suggests that the same thing will happen to these measures as happened with the law relating to illegitimacy—one merely gets a new pejorative term. The honourable member for Northcott may be correct. I support the change in the same way as I supported the change of the word illegitimate to ex-nuptial. The stigma may well be removed and those persons who suffered because of it and failed to report rape will receive some relief. Even if the worst predictions of

the honourable member for Northcott come true, some good may be obtained from the change. When the Government's proposals come into operation all behaviour that is categorized as rape will continue to be a crime punishable by imprisonment.

I have been fascinated by the change in public opinion on the subject of rape in marriage. When I first raised the matter, which was about the same time as the Attorney-General in South Australia was bringing legislation on the matter before that Parliament, the opposition was considerable and widespread—all from males I might add. That opposition rapidly diminished as women in the community started to take up the issue and remind men of their prejudice and the injustices that flowed from their point of view. I was most pleased to observe the change in attitude among many of my friends who, on first hearing my statement about the matter, reacted badly. However, on their listening to argument, they changed their minds completely. I was most pleased to observe that change, as I had gone through precisely the same process. My reaction as a male was the same as the first reaction of my friends. On listening to rational argument I changed my mind and became a strong advocate of the concept of rape occurring in marriage, notwithstanding that the subject is controversial and may lose me votes at an election. I became convinced I had made a wise decision. I am pleased to observe that nearly all honourable members in this House appear to agree with the proposal.

The honourable member for Lane Cove repeatedly and sincerely emphasized that men can no longer regard women as property, and that the most horrendous cruelties and abuses occur within marriage. The honourable member's experience as a legal practitioner is the same as mine. One must endeavour to educate the community against the terrible things that happen in marriage. Given the views expressed by honourable members opposite, I can say only that they are hypocritical in seeking to amend the provisions relating to rape in marriage. In doing so the Opposition is isolating itself from virtually every community group except the Festival of Light. The Opposition must have drawn courage from the pamphlet of the Festival of Light that was distributed yesterday outside the House. The honourable member for Northcott thought the pamphlet was so good that he quoted part of it. I should like to quote a part of it too in support of the argument against that of the honourable member. The pamphlet included the following statement:

> A husband should not walk in the shadow of the law of rape in trying to regulate his sexual relationships with his wife. If a marriage runs into difficulty the criminal law should not give to either party to the marriage the power to visit more misery on the other than is unavoidable in the nature of things.

That statement emanated from a rather leftist university professor who appears to hold strong personal views about this particular matter. I am sure the honourable member for Northcott drew further courage and strength for the proposed iniquitous amendment from a most unchristian and, in my view, most offensive statement made on behalf of the Festival of Light at public hearings on this particular matter. The statement was made by Miss Janet Coombs, a barrister who appeared for the Festival of Light. Her comments should be publicly recorded as I am sure many people would be interested to know what the Festival of Light said, and then to judge that organization by its own statement. When speaking on the subject of rape in marriage, Miss Coombs said:

> Now you do have these instances, for example, suppose an instance where the wife doesn't wish to have children and the husband wishes to have children and he may wish to have intercourse on a fertile day and this is part of his marriage right.

The attitude of the Festival of Light is that any husband is entitled to rape his wife, but only on a fertile day so that he might impregnate her. That is unchristian and offensive. It is unacceptable to me personally, as I think it would be unacceptable to society. In response to that attitude and the views expressed by the honourable member for Northcott I shall cite testimonies by two women in a women's refuge.. Their remarks were published in 1976 in the Adelaide ***Advertiser.*** The first is:

> He came home drunk and wanted sex, and afterwards he drank some more and wanted it again. I did not want it, but he did. He used the beer bottle on me when he could not do it again.

The second incident cited was as follows:

> It is either you or her he drunkenly shouted to his wife. The her was his twelve-year-old daughter.

That sort of thing happens frequently in society. That is one reason I am totally committed to the amendment. I agree that problems may arise in enforcing the legislation, but its educational value far outweighs those problems. Though few convictions will be obtained, the legislative scheme will bring about a change in attitude to marriage so that husbands who now behave in that way knowing that they have a legal right and—if the Festival of Light is correct in its attitude—even a moral duty to carry on in that way, will be told that they do not have the right to viciously and violently assault their wives in a most abominable way.

At law a husband never had an immunity against prosecution for sexual assault upon his wife. A husband who rapes his wife can be prosecuted for sexual assault, It is not widely known that such a prosecution can be initiated, but it is the law. The fact that such prosecutions are not instituted stems from public ignorance. By specifying in legislation that a husband does not have immunity for a sexual assault, the Government hopes that people in the community will no longer be misled. The amendments foreshadowed by the Opposition to the provisions for the prosecution of rape in marriage would give a husband a new immunity that he has never had. I ask the honourable member for Vaucluse to consider seriously the amendment that she would be supporting.

The honourable member for Lane Cove would agree with my assessment of the law, that a husband can be prosecuted for sexual assault. The Opposition's amendment would deny that right of a wife. That would be outrageous and unacceptable. It would take away the rights that a wife has and reduce her to a condition of complete legal bondage. Perhaps in proposing the amendment the Opposition was not aware of its significance. I ask Opposition members to cogitate upon the proposal. At the Committee stage I shall speak about homosexual law reform. I shall support the amendment proposed by the honourable member for Illawarra, for my conscience dictates that I should. The Labor Party's platform provides that Labor Party members have a right to vote according to their conscience on abortion and homosexual law reform.

Motion (by Mr Durick) agreed to:

> That the honourable member for Georges River, Mr Walker, be allowed to continue his speech for a further period of fifteen minutes.

Mr WALKER: I thank honourable members for their consideration. An extension of time now may conserve time at the Committee stage. On abortion and homosexual law reform members of the Labor Party have a right to vote according to their conscience. The implications of that platform need explanation. The platform applies federally as well as in the State of New South Wales. It has implications for Cabinet Ministers. I have taken a view similar to the view of other Cabinet

Ministers in Labor governments that it would be wrong for a Cabinet Minister, who represents the Government, to make statements about law reform. He would be seen to be representing the Government, to be the proposer of such reform, and it would be seen that the party was making the proposal. It is a matter for individual members to put issues of conscience before the Parliament.

I do not agree with my party's policy on conscience voting and have always voted against it, but I am in a small minority in that respect. Though I do not agree with the policy, I understand sincerely the problems of members of the Labor Party—or of any party—who have strong and valid religious views and might find it totally impossible to be bound by a caucus decision that they must vote in a way that offends their conscience in the extreme. That would put them into a situation where they might feel obliged even to leave the party. I understand the motivation for my party's policy, and I honour the platform in the spirit in which it has been formulated. For that reason I have not sponsored amendments to the law on homosexual law reform, though I should have liked to do so as a Minister.

I shall support the amendment proposed by the honourable member for Illawarra which is designed to prevent a temble injustice that is occurring in the community to a fairly large minority of people who are being discriminated against in the most extreme and unacceptable way. For that reason I shall lend my support. as will many other members of the House. I think members will be given a fairly free vote on the amendments, for my discussions with Opposition members have revealed that some of them will support the amendments, though others will not.

Mr Cameron: Will the Minister assure Opposition members that they will not be gagged on that matter at the Committee stage?

Mr WALKER: I assure the honourable member for Northcott that I shall not be moving the gag on that matter in Committee. The honourable member for Illawarra has fairly and squarely put the issue before the House. I should like to speak to the honourable member for Illawarra's amendment as a private member and not as the Attorney-General and Minister of Justice. A number of honourable members have suggested that as the honourable member for Illawarra is a radical, somehow his amendment must be radical also, and that it is not consonant with opinion in the community. That is not right. New South Wales has rapidly become an island, a backwater of ultra-conservative thinking and opinion in the modern world on homosexual law reform.

The honourable member for Illawarra demonstrated devastatingly that New South Wales is in a small minority group and rubbing shoulders with States hardly noted for their libertarian views, such as the Union of Soviet Socialist Republics, Iran and Queensland. They are our friends on this issue. How can the advocates of justice be said to be radical when they count among their numbers the Rt Hon. J. M. Fraser? Is it suggested that Mr Fraser is radical? He supported law reform similar to that which is proposed by the honourable member for Illawarra. He supported the Hon. R. J. Ellicott when the federal Liberal Party and Country Party voted to change the law on homosexuality in the territories of Australia.

Even the Hon. J. E. McLeay, that Rhodesian–South African reactionary neo-fascist troglodyte from South Australia, supported similar reform. Mr McLeay is about the most ultra-rightwing man in Australia. Yet he was willing to vote for reform in this area of the law. The National Country Party is hardly the bastion of radical thinking. Its leader, the Rt Hon. D. J. Anthony, and even my mate, the Hon. I. M. Sinclair, voted for reform in this respect. Country Party members in this State seem to be unwilling to support their leader on the issue. They do not have the courage. However, the leaders of the Country Party have strongly and categorically stated their

stand on it as Christians. I join with Malcolm Fraser, Doug Anthony, Ian Sinclair and especially with the Hon. B. J. Unsworth, the secretary of the Labor Council of New South Wales, who wrote to me demanding reform of homosexual legislation. For the first time in my political career I stand four-square with Malclm Fraser, Doug Anthony, Ian Sinclair and Barrie Unsworth in demanding for a minority of persons in the community justice and decency and an amendment that is decades overdue.

I stand with the Hon. R. J. Hamer and other members of the Parliamentary Liberal Party in Victoria, of both the lower House and the upper House, who supported the reform. I stand with every member of the Liberal Party and Country Party in the Northern Territory. They supported similar reform. Similarly I stand with many hundreds of other Liberal Party parliamentarians, councillors and political figures throughout Australia who support it. Australians who support reform in this area hardly form an island in a sea of world opinion. On the contrary, nearly all countries espouse my point of view. It is supported in eastern and western Europe. Most of the nations of the American continent and the nations of the third world support it.

Only a small, narrow-minded reactionary minority seek to retain those laws and the perpetration of terrible injustice on the gay community. The honourable member for Illawarra has dealt with the studies undertaken in Australia so I shall not deal with them in detail. Suffice it to say that the 1977 Royal commission on human relationships report called for equality for homosexuals under the law. In 1974 the Western Australian Royal commission into homosexuality called for repeal. The New South Wales Anti-Discrimination Board, in its report on discrimination in legislation in May 1978 did the same. Not one single reputable body or voice in the community is opposed to the repeal of these laws.

The most strident opposition to homosexual law reform comes from small groups within the Christian church. I do not propose to go into detail in itemizing them, but minority figures in the Christian church hold this point of view. Increasingly, however, the church and its leaders in Australia have taken a public stance recognizing the separation of church and State on homosexuality and have supported the repeal of these laws. Among the earliest such statements in Australia was one issued by the Catholic Commission for Justice and Peace in 1969. Part of the statement it issued, which supports by view, read:

> The Catholic Commission for Justice and Peace does not oppose the repeal of criminal legislation punishing homosexual activity between consenting male adults in private. It believes that the distinction between moral and legal condemnation can be maintained in this instance, as in the case of female homosexuality or adultery which, whilst also censured as immoral by the Church, are not criminal offences.

That seems to be a sensible posture for a Christian organization to take. Since that time many churches and church leaders have adopted similar or more radical positions. I shall name just a few of them. They include the Anglican Archdiocese of Melbourne and Canberra–Goulburn, the Anglican Archbishops of Perth and Adelaide, as well as the Catholic Commission for Justice and Peace. Others are the Diocesan Pastoral Council of the Catholic Church of Tasmania and the Roman Catholic Archbishop of Pcrth, the Presbyterian Assemblies of New South Wales, Victoria and Western Australia, the Methodist Church of Australasia and the Methodist conferences of Western Australia and New South Wales, along with the Reverend Alan Walker when he was director of the Central Methodist Mission in Sydney and the Rev. Keith Seaman when he was director of the Adelaide Central Methodist Mission. The Congregational Churches of New South Wales, South Australia and Western Australia

and, more recently, the Uniting Churches of Western Australia and Victoria, are included and, last but not least, the Council of Churches in Tasmania and Western Australia. Obviously I speak not from a position of radicalism but of extreme conservatism. The people who support the measure, the overwhelming majority of people, are not radicals.

In 1979 a study on this issue was undertaken in my electorate and in other electorates. It was found that 70 per cent of the electors in my electorate agreed that homosexual acts should be treated equally under the law. Only 21 per cent of the electors disagreed. That is a significant factor so far as I am concerned and so far as other honourable members are concerned. Though the gay people in New South Wales are a minority, they are a large minority and are beginning to learn where to cast their votes. Doubtless they will be watching the way votes are cast by the honourable member for Northcott and other honourable members, so that they may exercise their democratic rights appropriately at the next general election.

For many years my conscience has suffered that, as a member of Parliament, I have not been able to change these laws and remove a terrible injustice. While I have been Attorney-General and Minister of Justice my conscience has suffered even more. I have been responsible for watching cases go through the higher courts of the State in which gay people were punished and gaoled for offences that I thought were unconscionable under the law. I hope and trust that sufficient honourable members will be willing to support the amendment of the honourable member for Illawarra so that my conscience will be salved in this area. I shall do all within my power to see that justice is done. I thank honourable members for their contribution to the debate and I look forward to the discussions in Committee.

Mr Dowd: I wish to proceed under Standing Order 139——

Mr SPEAKER: Order! The Minister has replied and the debate is concluded. What does the honourable member for Lane Cove wish to do?

Mr Dowd: I seek to make a personal explanation about a matter that arose in the debate.

Mr SPEAKER: Order! The honourable member for Lane Cove cannot do that now.

Motion agreed to.

Bills read a second time.

Progress reported from Committee and leave granted to sit again tomorrow.

[Mr Speaker left the chair at 12.58 *p.m. The House resumed at* 2.15 *p.m.*]

COAL LOADERS

Mr SMITH (Pittwater) [2.15]: I move:

(1) That this House direct the Government to take urgent action to permit the construction by private enterprise of two coal loaders, one at Newcastle and one at Botany Bay, to service ships of 150 000 tonnes or better to enable this State to meet the world demand for Australian coal and to provide a basis for economic growth for the people of the State.

(2) That urgent action be taken to improve inland transport of coal to all loaders to lower costs, lessen the environmental damage and enable contracts to be met in a workmanlike manner.

This motion is one of the most important to come before this House and not because I have moved it. Despite this Government's continual references to its so-called achievements, one finds it difficult to see any progress of substance in this State. Some of our living standards have been reduced and civil order and morals in our society have been declining. The Government has achieved little in the way of practical construction that has been of benefit to the economy of the State. The success of any organization, whether it be government, company, business or family, is not assured unless more has been earned than spent.

Members of this House are aware, from motions, speeches and answers to questions, that the Government has little concern for the control of expenditure, particularly if it concerns its many public relations exercises. The Government has little concept of how to make money available for capital works except by raising taxes and statutory charges, and by continually passing the buck to its popular whipping boy —the federal Government. Under our federal system this Government is responsible for the conduct of its own affairs. However, the Government does not like that; it prefers to blame someone else for its failures. The remedies to solve the problems of this State have been in the hands of this Government since it came to office. The Government was elected on a lie and has had to live with that lie ever since. For those reasons the motion is necessary.

The Government and the Premier and Treasurer would like to be able to forget that they were elected on a lie. Many Government supporters privately agree with that but they will not stand and be counted. They have a cheap political reason for adopting that attitude. The Government's pigheaded approach to its coal export policy, despite the best professional advice, has condemned many people in New South Wales to suffer unemployment; it has added millions of dollars in extra costs, and it has deprived wage-earners in this State of more than $500 million a year, which would have made a significant contribution to the well-being of many citizens and provided some persons with those services the Government claims it cannot provide.

This motion should have been before the House five years ago, and passed, so that the Government could have gone ahead economically as the Queensland Government has done. Coal is this State's biggest export earner and should be the basis for its unprecedented prosperity in this energy starved world. That prosperity can only come about if the Government makes it possible by encouragement of private enterprise and the intelligent provision of necessary infrastructure. It is necessary to look at the export record of the New South Wales coal industry to see what has been happening there. It is of particular significance to compare that record with what has been happening in Queensland, and the different approaches of the two governments. New South Wales started exporting coal about 1960. For the year 1959–60, 1 167 million tonnes of coal were exported.

A coal loader was constructed at Balmain, soon followed by two new loaders at Newcastle and Port Kembla. The provision of those facilities allowed exports to increase to 12.2 million tonnes per annum by 1969–79, that is, in a period of ten years. They stayed at that level for more than six years. Taking the previous ten years and the following six years into account, fifteen years passed without any activity to increase the capacity of the coal loading facilities in this State. On this matter I speak with some authority because during that period I was involved in the operations of a company that was fighting to have new loading facilities developed, particularly

at Botany Bay. Shortly after I started on the project concerning Botany Bay, coal producers in the Hunter Valley promoted the construction of a new coal loader at Newcastle, known as Kooragang ioader, which is now owned by a company called Port Waratah Coal Services.

The former Liberal Party–Country Party Government gave a direction for that work to go ahead. Doubtless if that project had not been started before the change of government we would be still exporting a maximum of only 14 million tonnes per annum, which is the combined production of those three coal loaders. The project with which I was involved was to be the Port Botany coal loader. That was—and still is—the most environmentally acceptable loader ever proposed. The construction of that coal loader was finally agreed to by the former Liberal Party–Country Party Government. After environmental inquiries were held this State had a change of government. That was after approval to construct the loader had been given. There was then a fundamental change. The new Premier had made two separate, different and conflicting promises, one to the people of Lithgow and the other to the people of Botany Bay.

This matter was well-documented in the ***Weekend Australian*** of 3rd February, 1979, in an article entitled "Wran's Biggest Blunder". The facts contained in that article have never been refuted by the Premier and Treasurer. In it the unions that played the tune that he conducted are exposed for their hypocritical approach to the economic wen-being of this State and its future development. The article states:

> In fact, Premier Wran is faced with another conflict between the unions as **a** result of his promise to unionists in the western coalfields prior to the last election.
>
> He has given an undertaking to the State's western coalfields that they will not be disadvantaged in either capacity or freight costs.
>
> In fact, in a private meeting with the executive of the Western District Miners Federation, Mr Wran is understood to have said if his Government was elected it would ensure the district had a coal loader at the same price and time as Botany Bay, the inference being that the only possible way of fulfilling the promise was by proceeding with the Botany Bay project itself.

The Premier told the unions: "Do not listen to what I say at Botany Bay. If you repeat my statement outside this room I shall deny it." One should compare the figures I have given as to development in New South Wales with the position in Queensland. Queensland did not start exporting coal in any great volume until five years after New South Wales. In 1964–65 Queensland was exporting coal at the rate of 1.186 million tonnes a year. That was when the Moura mine began exporting coal out of Gladstone. In eight years Queensland had surpassed New South Wales and it has remained in front ever since. One might ask why, but the reason is obvious.

I have been concerned in planning mines, railway facilities and ports and trying to get approvals to develop those facilities. In Queensland private enterprise has been encouraged to develop facilities as and when they are required. This has resulted in great benefits to that State and its people. Queensland has permitted the building of infrastructure ahead of demand, with the result that the berth occupancy figures in the coal ports of that State are kept below 60 per cent, which is a reasonable level. Up to fifty ships may be anchored off the coast of New South Wales waiting to take on coal. That does not occur in Queensland. To have ships standing idle is extremely costly; it may cost an average of $10,000 a day. If fifty ships are involved, the loss is $500,000 a day, and that money must come out of the coal

industry of this State. In addition, New South Wales has acquired a reputation overseas of being unreliable. I quote from an issue of the *Tex Report* for 1981. That publication is a well-recognized Japanese report on the coal trade. It would do the Premier and Treasurer and the Government a great deal of good to listen to its comments about this country. It states that rampant walkouts at coalmines and ports are increasingly deteriorating the contract performance ratio and adds:

> In contrast, however, the contract performance is prone to deteriorate year by year. From about 90–95 per cent held in the early 1970's, the rate reduced to about 85 per cent in fiscal 1979, and is estimated to fall even below 80 per cent in fiscal 1980 . . .

That is how Tex reported to its purchasers. Japanese steelmakers are beginning to buy more coal from Canada and less from Australia. That is a shame, especially when one remembers that Australia is in a favourable position to gain markets in Japan. Australia has coal of the quality that the Japanese want. Shorter hauls and good mining conditions should make our wsts lower. Unfortunately the situation is far from happy in this State. In an attempt to remedy the position the Premier and Treasurer set up a series of inquiries. That is his answer to every problem that arises. He began with one of the most dishonest inquiries I have ever sat through. At that inquiry, which came to be known as the Simblist inquiry, I witnessed a predetermined conclusion justified by dismissal of facts and acceptance of opinions that did no credit to the Government or to the setting-up of expensive inquiries. I shall quote what the inquiry said about bulk dry commodities and storage areas and compare it with what it said later about a coal loader:

> The provision made in the plans satisfies the requirements of dry bulk handling and shipping. Provided that the assumptions set out in paragraph 9.4 are reliable, the Inquiry concluded that the introduction of the dry bulk berth should proceed when required.

I remind honourable members that a coal loader handles coal with an average moisture content of 8 per cent, which is not necessarily too dry, particularly when it is kept covered and cannot dry out.

Mr Ryan: And the wind does not change.

Mr SMITH: The wind does not affect it from the time it arrives at the port until it leaves. I quote from paragraph 7.6 of the report:

> The Inquiry, at paragraph 7.3.6 of this report, concluded that the coal loader proposal would have widespread environmental disadvantages.

Let us examine some of the things that the inquiry proposed should be placed in the dry bulk storage area and the range of materials that can be handled through such a facility. They include sodium sulphate, salt, soda ash, mineral sand, ferrochrorne, gypsum, oil seeds, rye, concrete aggregate, bulk cement, cement clinker, and pelletized paper pulp. Those materials cause far worse dust problems than coal. This was an unloading berth, and as any engineer knows—if the Minister has not asked his engineers he should do so—dustproofing unloading facilities is twenty-five times harder than dustproofing a loading facility. Yet the inquiry was willing to accept an unloading facility and not a coal loader. The inquiry about the coal loader was political and a scandal.

The next inquiry was entitled a coal export strategy study. The persons in charge of that inquiry had their hands tied; they were allowed only to study the alternatives that the Government wanted. Though they wanted to broaden the inquiry to consider Botany Bay and Port Stephens, Mr Fitzgerald, who was appointed by the Government, stopped them and said that such consideration went beyond the brief that he had been

given. So much for the credibility of these inquiries. I shall refer now to the record of the Premier and Treasurer in these matters. What did the Premier and Treasurer promise the miners in Lithgow? What did he promise the people of Balmain? Has he kept those promises? I do not have to rely on the speech of the Premier and Treasurer in Lithgow. I agree with the Leader of the Opposition that the Premier and Treasurer has not kept those promises. I quote from the ***Hansard*** report of the debate of 2nd December, 1977. At pages 4118 of ***Hansard*** the Premier and Treasurer is reported as saying:

> I give an assurance to the miners of the western coalfields that, first, there will be no interference with the coal export industry, and second, there will be no increase in the cost of transportation of coal from these coalfields. That is what we said will happen. and it will happen.

That has not happened—far from it. One then looks at the cost of transporting coal out of the western coalfields area. That cost has escalated far beyond the inflation rate in this country. From that time all coal carried to Port Kembla or to Newcastle has involved the industry in a penalty. All western coal producers are now on a quota system with shipments as low as 60 per cent of contracted tonnages because we have insufficient facilities for shipping coal out of the State. The Prernier and Treasurer, in a press release on 14th June, 1977, stated that the Government was aiming at having the Port Kembla coal loader fully operational by the end of 1980. The estimated finishing date is now August 1982. No wonder oversea buyers have little faith in the ability of New South Wales to supply them with coal. The Government must take the blame for this result. Had the Botany Bay coal loader proceeded, it would have been operational by 1980.

If the Botany Bay coal loader had been built, the Balmain coal loader would have been closed by now. The Premier and Treasurer had promised an environmental study before upgrading that facility, but even while he was making that promise work had commenced. The Premier and Treasurer's promises cannot be relied on. In 1977 the honourable member for Blue Mountains said that the Balmain coal loader would export 5 million tonnes in February 1979—that is, after a 2-year construction period. That work will not be finished until July 1981. It is currently putting out coal at the rate of 3.5 million tonnes a year.

The Government probably wonders why I have moved that coal loaders be built by private enterprise. The points I have made demonstrate amply why they should be built by private enterprise. My reason for moving the motion is that New South Wales needs coal loaders—in fact, they were needed three years ago. The Government's record is abysmal. It should use its money for essential community services, such as houses, schools, hospitals and roads, instead of pleading that many much-needed programmes cannot be carried out. The federal Government has had to refuse export licences for new contracts to ensure that existing contracts are honoured.

If the Government is in doubt as to the need for the two coal loaders referred to in the motion, I refer honourable members to two reports. The first is the coal export strategy study, which in table 9 sets out conservative predictions of the amount of coal that New South Wales can sell. Those figures, which have been supplied by the Joint Coal Board and the industry, are valid. They point to the highs and the lows from 1985 through to 2000. The high figure is 113 million tonnes and the low figure is 69 million tonnes. In 1985 the low figure will be 34 million tonnes and the high figure 55 million tonnes. Admittedly, New South Wales has not met the 34 million tonnes figure, and could not do so without contracts. I was involved personally with contracts for 7 million tonnes that were conditional on getting the required export facilities.

Although there were letters of intent, the contracts could not be carried out because the facilities were not available. Probably the only unsuccessful coal salesman that New South Wales has had is the Premier and Treasurer, whose sales to China and the United States of America were announced with such flourish but have never materialized.

The other report to which I shall refer is the survey of world energy trends carried out by Professor Carroll Wilson. It shows that over the next twenty years there will be a 400 per cent growth in the world coal trade. To achieve this will require fifty new bulk carriers each year in sizes up to 250 000 tonnes. Bigger ships will be necessary: if the ships are small, there will be congestion on the harbours and in the sea lanes and that would be unacceptable.

The Minister for Industrial Relations and Minister for Energy was quoted as saying to the State's coal companies that the Japanese do not want large ships. That has been proved to be false, because the Japanese are planning trans-shipping facilities at Osaka, Matsushima and at Ube to service power stations on each of the three main islands. Those facilities will take ships up to 250 000 tonnes. With rising liquid fuel costs, bigger ships are essential to keep freight rates reasonable.

In Europe the following ports take large ships of 120 000 tonnes and larger: Rotterdam, Marseilles, Le Havre, Taranto, Rejeka and Hunterston and Middlesborough in the United Kingdom. Three more such ports are under construction at Stignaes in Denmark, Narvik in Norway and at Hadera in Israel. Moreover, twelve other European ports have a capacity for ships from 70 000 tonnes to 120 000 tonnes. Hence the need for New South Wales to have ports that will take large ships. Queensland has such facilities but all New South Wales has is the possibility of a port that will take a ship of 110 000 tonnes when Newcastle is finished. Essentially Botany Bay would not be used for throughput capacity, but it would handle ships up to 250 000 tonnes. It seems that New South Wales will be the cinderella of coal exporters for a long time. The Premier and Treasurer is not the State's fairy godmother; he is its ugly sister.

The second part of the motion calls for urgent action to improve inland transport. I quote from the February issue of a monthly report on coal. It is produced by Robertson research, a respected international organization, and it reveals some interesting figures. I shall quote the average distance to the port from the mine and the cost for each tonne mile. Newcastle is 66 miles from the port and it costs 87c a tonne mile to transport coal there. Hay Point is 140 miles from the port and the transport cost is 39c a tonne mile. Richards Bay is 330 miles from the port and the cost per tonne mile is 15c. Hampton Roads is 410 miles from the port and the cost is 30c a tonne mile. Roberts Bank is 710 miles from the port and the cost a tonne mile is 17c.

Mr Ferguson: Is the honourable member for Pittwater speaking about rail freights?

Mr SMITH: Yes.

Mr Ferguson: The honourable member should state the rate in Queensland.

Mr SMITH: It is 39c a tonne mile.

Mr Mason: That is half the New South Wales rate and five times that in Canada, yet the Deputy Premier, Minister for Public Works and Minister for Ports is laughing.

Mr SMITH: New South Wales is troubled by its poor transport system. In 1956 when I first went overseas I passed a coal train in Ohio that was pulling 170 waggons that carried 15 000 tonnes of coal. In Queensland, where the railway gauge measures 3 foot six inches, coal trains carry 10 000 tonnes of coal. In New South Wales coal trains between Lithgow and Sydney carry 1 600 tonnes.

Mr Mason: What has it been for the past month?

Mr SMITH: The limit has been 650. The State is playing with coal transport. The inefficient movement of coal leads to higher fuel usage and more environmental disturbance to people who live near railway lines. The political decision to dump the best environmental standard coal loader in the world has meant that western coal and southwestern coal has to be carried that extra mileage. As a consequence the State's inadequate rail system has been grossly overloaded, leading to subsequent failure. More trucks use the State's roads, increasing the incidence of accidents and deaths of innocent people, all for political expediency. Any government that allows the shunters to continue to limit loads on coal trains to the ridiculous level of 650 tonnes and orders the State Rail Authority not to take any action because of a forthcoming by-election at Maitland is without principles.

It was not by accident that the week after the Maitland by-election the State Rail Authority began to stand down shunters to bring the dispute to a head. In the short time remaining to me I should like to discuss Port Kembla. The Government is building a coal loader at Port Kembla, though it will not be possible to get the coal to the port without using road transport. Several proposals have been put forward. The people of Wollongong wanted an enclosed loader in that district, but when the Premier pulled the strings they said that they did not want to have an enclosed loader, because the gas would blow it up. That ignores the fact that the coal has been enclosed in coal waggons, collieries and washeries. That was the greatest sidestep and backing down by unionists that I can remember.

Mr Mason: It will be an environmental disaster.

Mr SMITH: I agree. The people in Wollongong have had a chance to consider the matter and are disturbed about the Government's proposal. A progress association in the district has made a sensible proposal, that the coal be taken down the escarpment. It would involve an open stockpile at Windy Gully behind Mount Kembla and four conveyors down the escarpment to the port. The stockpile at the port could be enclosed and would contain about 3 million tonnes of coal.

Any honourable member who is interested in the State's prosperity, its orderly development and the responsible position that New South Wales must take as a supplier of energy to an energy-scarce world should support the motion. I invite the honourable member for Blue Mountains especially to support it and live up to what he said when I was a colliery executive at Lithgow and he was the local member. I commend the motion.

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports [2.43]: I hope those persons living in the Sydney metropolitan region note that the honourable member for Pittwater when speaking on behalf of the Opposition and encouraged by the Leader of the Opposition again advocated that the people of Botany Bay should be subjected to the construction of a coal loader in the district. I hope that the Opposition candidates at the next election will invite the honourable member for Pittwater and the Leader of the Opposition—if he still holds that position—to visit the electorates that the Liberal and Country parties hope to win and explain to the electors that the Opposition proposes to defile the environment by building a coal loader at Botany Bay. I take this opportunity to

emphasize that I deprecate the remarks of the honourable member for Pittwater when he maligned the name of Judge Simblist, who is now deceased. That was outrageous. Judge Simblist was a judge of the New South Wales District Court. The honourable member for Pittwater said that the inquiry conducted by the judge was dishonest and scandalous.

Mr Mason: Mr Simblist was not a judge then.

Mr FERGUSON: The honourable member for Pittwater said that and he cannot deny it. That was a disgrace to the memory of a man who served the State in the courts of New South Wales as a lawyer and ultimately as a judge. The honourable member for Pittwater is still wet behind the ears, but he had the audacity and impertinence to malign Judge Simblist and to reflect upon his family.

Mr Mason: That is rubbish.

Mr FERGUSON: Though the honourable member for Pittwater is still wet behind the ears, I admit that he has some industrial experience.

Mr Smith: I have twenty-eight years' experience.

Mr FERGUSON: The experience of the honourable member has always been on the side of the employer. Once again he has embarked upon a campaign of union 'bashing. I have never heard him say a good word for the trade union movement or the workers who served faithfully while he was employed in the industry. The honourable member for Pittwater referred to the construction work for Botany Bay in which he was involved, the alleged enclosed coal loader. He said that I do not take advice from engineers. I have consulted engineers about the proposed construction mentioned in the booklet to which the honourable member referred when speaking to the motion. The proposed coal loader had inadequate provision for coal storage. The first stage was to provide storage for 520 000 tonnes of coal, or less than 4 per cent of expected annual throughput. It is generally accepted that port storage should be about 7 per cent of expected annual throughput. The suggested hourly capacity of Botany Bay was 9 000 tonnes. People in the industry have been critical of the Maritime Services Board of New South Wales for suggesting that the capacity should be 10000 tonnes an hour for the Kooragang Island coal loader only five years later. The subject of covered stockpiles raised a number of questions about potential problems from dust and possible explosion. The proposal may eventually have to be abandoned. Nowhere in the world are such large quantities of coal stored in an enclosed area. I have consulted engineers and sought advice from them. I deplore the way the honourable member for Pittwater with his professed knowledge as an engineer has tried to deceive the House.

Speaking to the motion the honourable member for Pittwater criticized the Government's handling of the coal industry in New South Wales. It is important to bear in mind what was done by the former coalition Government before the honourable member for Pittwater became a member of the Parliament. Coal must be transported by rail. During the former Government's term of office, between 1969 and 1975, not one coal hopper waggon was ordered. That demonstrates the remarkable performance and enthusiasm of the former Government on rail facilities for coal. When the Coal Cliff Colliery wanted to change over completely to rail transportation, the railway system could not cope. The honourable member criticized the Government's proposals for road transportation of coal to Port Kembla. When a coal company wanted to change to rail transport, the inefficiency of the former coalition Government prevented it from doing so.

Let us consider the performance of the former Liberal Party-Country Party Government on rail transport. Between 1971 and 1976 no orders were placed for new locomotives. When that Government placed orders for locomotives before 1971, contracts usually went to interstate companies. That was at a time when companies engaged in that type of industry in New South Wales were going to the wall. I referred to the proposed Botany Bay coal loader. I should say on behalf of the Government that it will not resile from its decision, which was backed by Judge Simblist, not to build the coal loader at Botany Bay. The Government contested two elections on its platform not to build the coal loader at Port Botany and would welcome the opportunity to contest the forthcoming election on that policy. I assume that the honourable member for Pittwater speaks on behalf of his party and that the Liberal Party still proposes to advocate the construction of a coal loader at Botany Bay. May the devil take the hindmost. The former coalition Government wanted to build the Botany Bay coal loader in spite of the devastating effect that it would have had on the environment. I noted that the honourable member's motion said that urgent action should be taken to improve inland transport of coal to all loaders to lower costs and lessen the environmental damage. The Liberal Party, which is always talking about protecting the environment, has done nothing but desecrate it. The building of a coal loader at Botany Bay would be one of the greatest desecrations that could ever be perpetrated.

The honourable member for Pittwater waxed eloquent about the construction of coal loaders. Let me deal with the former Government's efforts to have coal loaders constructed by private enterprise. The former Government first tried to get Clutha to build the second coal loader for Newcastle, but Clutha bailed out. Then it went to Gollins. That great business enterprise government with considerable expertise found Gollins, a private enterprise company. The Whitlam Labor Government in Canberra had offered the former Government an interest-free loan to construct the coal loader, which it rejected. To the former Government's eternal shame it preferred to do business with its friend, Gollins, no matter what the cost to the people of New South Wales. Two of those friends, directors of Gollins, have spent time in gaol. Yet the Opposition talks about private enterprise. Twice the former Government attempted to have the second coal loader built. God help the State if the Labor Party leaves office and the coalition parties attempt it again. One wonders how many directors of companies involved with them will end up in gaol.

In 1976 the Labor Government, when elected to office, had to do away with Gollins and get Port Waratah Coal Services Limited to operate the coal loader. The Labor Government organized that. I shall not dwell on the failures of former governments, as they are well known, but I remind Opposition members, including the honourable member for Pittwater, who has not been in the House long, and was not a member of the Liberal Party long before he became an honourable member, of the inadequacies of his party. The coalition parties in the House could not make two rugby league football teams. For the benefit of honourable members, particularly the honourable member for Pittwater, I shall state what the Government has been doing for the coal industry. Ships with a capacity of 120 000 tonnes will be able to load to their maximum capacity at the existing Newcastle coal loader, when the current. harbour deepening work is completed in 1982. The Government has committed $80 million to the harbour deepening project. It is an impertinence to say that the Government is taking no action.

Mr Fisher: Who is paying for it?

Mr FERGUSON: That is a fair question; I shall give a fair answer. The people who make the profits will pay for it. Coal exporters will pay for it because they make the profit. Why should the Government ask the people of the State to

forgo hospitals, schools and other necessary works in order to finance a coal loader, for private enterprise to make a profit? The Government believes in the principle that the user should pay. If the honourable member for Upper Hunter does not believe in that principle, he should not complain about the provision of infrastructure without recovering money from the use of it.

The largest coal cargo movement in the world was 151 271 tonnes from Hay Point, Queensland, in January 1978. The plans for Newcastle provide for the use of the largest existing vessels and future vessels, when developments in export trade warrant that use. The present capacity of Newcastle to export coal is 15 million tonnes a year. The current upgrading work at Port Waratah will take the port capacity there to 25 million tonnes a year, when the work is completed at the end of 1982. The Government has made an announcement about the construction of a new loader at Kooragang Island, the first stage of which will be completed by the end of 1984 and will enable 15 million tonnes of coal a year to be shifted. Provision will be made for progressive expansion to meet future export requirements at Newcastle.

The honourable member for Pittwater referred also to Balmain. The upgrading of Balmain coal loader will be completed in mid-1981 at a cost of $1 5 million. That will take capacity from 2.5 million tonnes to 4.5 million tonnes a year. Vessels of 55 000 tonnes deadweight are already using the loader. Previously the limit was vessels of 44 000 tonnes deadweight. The new coal loader at Port Kembla is on schedule and is listed for completion in September 1982. The cost will be $145 million. The Opposition says that the Government is not doing anything for the coal industry. That loader will be able to handle ships up to 110 000 tonnes.

The motion of the honourable member for Pittwater is about private enterprise. The Government invited private enterprise to fund the coal loader but that offer was declined. When the Government asked representatives of private enterprise to do that they said, "Not on your life". Mr Fred Miller of Clutha Development Pty Limited indicated to me that he could not afford to fund the Port Kembla coal loader. He would not fund the Botany Bay coal loader. As God is my judge, Mr Fred Miller said that to me and to a number of officers of my department when we talked about funding. He said he would not be funding the Botany Bay coal loader. The plan fell apart. Clutha Development Pty Limited was the key to the operation. The honourable member for Pittwater compared the export capacity of New South Wales with that of other States and nations. In 1976 exports from New South Wales totalled 14.9 million tonnes and climbed to 22.9 million tonnes in 1980. That was an increase of 54 per cent. Over the same period exports from Queensland increased by only 4 per cent.

[Interruption]

Mr SPEAKER: Order! The honourable member for Pittwater has the right to reply. I ask him to exercise that right only when the time comes.

Mr FERGUSON: Government supporters will remember that in 1976 the best New South Wales government for a generation assumed office. When the coalition parties left office, exports of 14.9 million tonnes were being made. The figure for 1980 was 22.9 million tonnes. That is an increase of 54 per cent. In 1976 exports from Queensland exceeded those from New South Wales by 4.2 million tonnes. During the time in office of the Government annual exports from New South Wales have caught up with Queensland. That happened in 1978 and the export figures have been about equal since then. New South Wales is now equal with Queensland. The Government supports rail freight concessions to move coal. Rail concessions on the transport of

coal are now **$7.7** million a year, including **$2.2** million for coal that is exported from the western fields. *That* shows that when the Premier and Treasurer makes a promise, whether at Lithgow, in this Parliament, or elsewhere, he honours it.

Mr McDonald: But not with welfare programmes.

Mr FERGUSON: The Deputy Leader of the Opposition, the financial genius who aspires to leadership of the Liberal Party, talks about welfare programmes. If ever a man had his credibility destroyed it was the Deputy Leader of the Opposition during the debate on the urgency motion today. His performance was absolutely pathetic. Frankly, I must admit that I left school in primary class, but after listening to what the Deputy Leader of the Opposition said today I should not wonder that he did not even attend primary school. His presentation was a mishmash of figures. The Premier and Treasurer completely destroyed his argument and totally discredited him.

For the benefit of the honourable member for Pittwater I shall speak about coal diversion. Since May **1978** more than **2** million tonnes of western and south-western coal has been diverted and exported through Newcastle. This has been done with Government assistance of $2.4 million, even though the need arose from the producers collectively committing to export orders in excess of known loader capacities. In August **1980** the southern shippers implemented a quota scheme aimed at rationalizing ship waiting time, therefore reducing demurrage charges. The scheme has been successful: currently, at 26th March, there are three ships waiting off Port Kembla. I want to outline to the House the previous Government's performance and record concerning rail infrastructure. I have said it did not buy locomotives for years. In **1977** this Government ordered **300** bogie coal hopper waggons. Provision is made in the current programme for another **150.**

Mr Face: How many did the previous government order?

Mr FERGUSON: Not one. I said that earlier. It did nothing at all. In the next five years **200** more will be acquired each year to add another **1 000** waggons to the State Rail Authority's capacity to transport coal. The honourable member for Pittwater has the audacity and the impertinence to talk about lack of improvements in coal transport. Any honourable member who travels will see what the Government has done to improve the permanent way and the railway system. We are purchasing rail trucks. Soon after this Government was elected to office, thirty new locomotives were acquired. Current arrangements provide for **100** new diesel electric locomotives and **70** electric locomotives.

Another subject on which I wish to speak concerns the Sandy Hollow railway. For eleven years I sat on the Opposition benches listening to the coalition Government talk about what it intended to do with the Sandy Hollow railway. It did absolutely nothing. The Sandy Hollow line is now to be constructed, and that is all to the credit of this Government. Clearly, this Government has done more for the export of coal than any previous government in New South Wales, including Labor governments. But we are not resting on our laurels. The Government sees a need to keep the industry continually under review. At present a top level officers committee is examining a whole range of short-term and long-term options for the transport of coal to Port Kembla. We are continually seeking the most economic and environmentally acceptable solutions. Other committees are looking at the issue of coal transport and infrastructure.

The honourable member for Pittwater and the Deputy Leader of the Opposition have advocated the defiling of one of the most beautiful waterways in Australia, Botany Bay, by the construction of a coal loader. That is the policy of the Opposition on which they were defeated in two elections. I wish to register my disgust that the

honourable member for Pittwater should malign the name of a dead man, Judge Simblist, who conducted the inquiry concerning Botany Bay. What the honourable member for Pittwater said about him was dishonest and scandalous. It is to the member's eternal shame that he sank so low. At one time I had regard for the honourable member because he came from the right side of the tracks and I had come from the wrong side, but that respect has been detroyed, for today he maligned the name of a dead man unfairly and unjustly.

Mr TOMS (Maitland) [3.5]: I am grateful for the opportunity to speak in this debate, and wish to take the opportunity to say that I am honoured to have been elected to this Parliament and to represent the people of the Maitland electorate. My thanks arc due to people too numerous to mention, but I come here with the encouragement and support of my predecessor, the Hon. Milton Morris, who had a distinguished parliamentary career of almost twenty-five years. The dynamic support of not only the Liberal Party, but also the Country Party must be mentioned. I shall never lose sight of the fact that the people of my electorate put me here and it is they who shall reign supreme in my thoughts and deeds.

Maitland city is an important and historic place at the centre of much that is happening in the Hunter Valley. Truly, Maitland is the hub of the Hunter. The Maitland electorate, in addition to being a rapidly growing industrial and urban complex, is a major primary producer and therefore promises to be an interesting area to represent. The electorate is a key part of the magnificent Hunter Valley region, a natural geographic region, richly endowed with resources and with a real identity in the minds of citizens. The Premier has been much in the habit of saying that the Hunter Valley was one of the most depressed areas in the State at the time he came to office in 1976 and that, as a result of actions by his Government, things are now much better. I believe that the economic recovery of the Hunter is in common with what is happening throughout Australia, partly in line with the world trend, but helped a great deal by the Australian Government's determined efforts to control inflation and restore business and investor confidence.

The Premier and his Government deserve credit for their attempts to foster development in the State and I intend, as the member for a key electorate in the Hunter Valley, to contribute as much as I can to the orderly and eo-ordinated development of the region. We citizens of the Hunter are proud of our valley. We did not see its economic and social condition in 1976 as worse than elsewhere: we never faltered in our confidence in the valley's future. One of the most apt expressions I have heard to describe the Hunter Valley came from, I understand, Professor Cyril Renwick of the Hunter Valley Research Foundation: the valley is the engine for the economic recovery of the State and, to some extent, of the nation.

This role and status is not a 7-day wonder, or a magician's trick performed since 1976, but something fought for, earned and established over several decades. This concept of the valley is contrary to its identification as a specially depressed area in 1976, a tag resented by the valley folk. As a friendly gesture I suggest the Premier and Treasurer should not persist with that particular line. It is unfortunate that some people are over-simplifying the debate on industrial development in the Hunter Valley by categorizing people for or against such development. It is a more complex issue, requiring intelligent debate and more sensitive treatment than that. Almost all people in the valley want to see the continuation of industrial and other development, because of its job-creating potential and economic benefit. A significant number of people are, however, apprehensive about possible adverse effects of large-scale rapid development on the valley environment and the quality of living of its residents. These genuine expressions of concern deserve better than counter attack

and neutralizing tactics, particularly from the Premier and Treasurer. They should be noted without acrimony by the Government, examined objectively, and responded to appropriately.

The amorphous group of people called environmentalists should not be lumped together and written-off as ratbags. Their contribution to the great industrial debate of the Hunter Valley will be better evaluated if we recognize that, totally, they cover a wide range of opinion and approach which can, perhaps, be placed into three categories. There are those in large number, and I am one, who want to apply reasonable pressure to see that things are done better, as economic and market considerations allow. I part company with the genuine though misguided environmentalists who want to call a halt to development until there is a detailed grand plan covering all contingencies and guaranteeing virtually no adverse effects. That is not a realistic approach. There will be adverse effects from most developments and for the early 1980's, we shall have to be satisfied, at times with less than perfection. A small element of extremists wearing the guise of environmentalists pretend concern for the environment as an excuse to oppose any and all development that would prosper and strengthen the economy. These are the merchants of chaos who, if they could get away with it, would upend and destroy our present society and system of government and, out of the smouldering ruins, force on us their totalitarian alternatives.

We are still in the era of the production society, and continued development is necessary to maintain our living standards, but I believe we are entering a transition era of several decades, at the end of which the structure of society and life styles of ordinary people will be stunningly different from today. But this should be a steady and well managed process of change, to avoid the community's becoming excessively polarized, fragmented, confused and aimless. I emphasize again my concern that we not lump together all environmentalists, but we recognize the range of their opinions and the contribution they can make, and give due weight to their views. This is essential if we are to raise the standard of the debate on the development of the Hunter Valley.

But let us face the fact that little can occur in the way of development that does not have one or more adverse effects on the environment, and let us apply ourselves to the objective and public weighing up of the good and the bad points of development, giving the public adequate opportunity to be heard and to influence the decision. Such participation must be accompanied by openness and honesty with the public. A particular case where the public has so far been denied essential information concerns the electricity supply agreement for the proposed smelters. The other parties to the agreements have no objection to their terms being made public. and I call on the Government to make them so.

Referring further to smelters, let me say that I hope the genuinely held fears concerning the Lochinvar smelter are proved, by public inquiry, to be unfounded. The vignerons of the lower Hunter, with whom I have conferred, really believe that the Lochinvar smelter at its proposed site is a serious danger to the continuation of the vineyards. One of the vignerons, renowned for the quality of his product, believes he would be compelled to close down within five years of the smelter's coming into operation. These vineyards are already established as major employers of labour and as producers and exporters. The vineyards are also an outstanding feature of the Hunter Valley in the now rapidly developing regional tourist industry.

It would be quite wrong to destroy that industry to establish another, and if that would be the result, the preferable course would be to find another smelter site further removed from the vineyards. As I said earlier, I hope the fears about Lochinvar smelter prove unfounded and that this will be the clear and unambiguous conclusion of a

thorough and objective review of the proposal by the Government. There is, however;, an unfortunate impression abroad that the Government is so committed to this development that its expert advisers are inhibited in their capacity to examine and report on the development. For greater public acceptance of the verdict, I ask the Premier and Treasurer to take special steps to ensure not only that the public inquiry is thorough and objective, but also that it is seen to be so.

During the recent Maitland by-election, the Premier and Treasurer, his Ministers and an army of henchmen descended on Maitland in a determined effort to win the seat. I must admit that I, too, had some outside help. The by-election was seen by the Labor Party as its best chance in many years to wrest the seat from the Liberals. In the result, there was a clear Liberal victory, with the best starting margin for a new member recorded in almost 50 years, and I think I may be in this place for a long time to come. One of my important tasks is to press the Government for fulfilment of the many promises it made during the Maitland by-election, these promises having been assessed at $16 million, give or take: a few million. Cash offers to various organizations are a small part of the total and I have no doubt that these offers will be promptly paid.

In the main, the Government's promises were in respect of major and essential public works to which the Liberal Party also is firmly committed. The question here is one of timing and I intend to press the Government continuously to clarify target dates and to accelerate progress on a number of important projects, such as the Maitland inner-city bypass, new high schools and primary schools at Rutherford and a new technical college. Delay and some indecision are evident, and the planning and design bottle-neck must be reduced.

Earlier, I spoke of possible adverse effects of the Hunter Valley industrial boom. These have been canvassed through the press and I do not intend to restate them all, but I give one example of the Government's failure to foresee a problem and to act in sufficient time to meet it. Muswellbrook, Singleton and Maitland communities are in serious difficulty because of shortage of land and houses and rapid increases in the cost of both of these commodities. In Maitland, market rents are rising astronomically. The Housing Commission has a large number of people on its waiting list, many of whom could not afford market rents, even if they could find a vacant house. Of all the matters on which I am asked to assist and make representations, by far the largest category is housing needs. People facing eviction through no fault of their own, and who have been on the Housing Commission list for years, are unable to obtain an early allocation of a house. There are many other deserving cases.

Regrettably, the Housing Commission's dwelling construction programme is at a low level, there having been only 39 dwellings and 12 aged person units completed in the last 3 years, with 20 aged persons units under construction and due for completion in the 1981–82 financial year. This is an example of the Government's failure to co-ordinate developments and provide necessary infrastructure. The action it must now take is to adopt a crash programme of housing construction in the boom towns of the Hunter Valley. I plan an urgent approach to the Minister for Housing with this in view. This week, in response to the Opposition Leader's request for the appointment of 1000 more police, the Premier and Treasurer pointed out that the funds available to the Government are limited. That is as it should be, but surely it is vital that the available resources of government be allocated to best effect among competing claims.

Why, then, does the Government force its way into the unnecessary commitment of $60 million to $100 million for the third Newcastle coal loader when private enterprise is willing and better able to do the job? The Government's intervention

has already caused delay and there is apprehension in the coal industry that lack of loader capacity, before the new loader comes into operation, will result in loss of export opportunities and also damage our reputation for reliable delivery. That is, if we have any reputation left, for at this time forty ships are waiting outside Newcastle Harbour for coal loads, meeting high demurrage costs and prevented from delivering by contract dates. The construction of the third coal loader at Newcastle is urgent, to avoid higher costs and loss of coal export income. Port Waratah Coal Services Limited has put it to the Government that the company's shareholders, the northern coal shippers and oversea consumers will finance the entire cost of the facility, including the additional rail loops and dredging required. The company wants to build the facility quickly, but the Government's intrusion will inevitably cause long delays and, just as bad, is a serious misdirection of Government funds.

In the industrial boom climate of the Hunter Valley, there are great and growing needs for unavoidable Government works. Surely, the Government knows that the people would rightly prefer it to abandon its completely unnecessary intrusion into the financing of the third coal loader and redirect the funds to such works as: a crash housing construction programme by the Housing Commission in the Hunter Valley; new water storage dams on the Hunter and Allyn rivers; a highway bypass to divert the New England Highway round Maitland; and an increased State Government allocation for roads generally throughout the State. These are only some of the needed works that will be neglected and deferred unless the Government gets its priorities right. Could any responsible person doubt that the people of the State, if they could make the decision, would adopt such works as these, in place of government finance for coal loaders? I urge the Government to withdraw immediately from its unnecessary financial involvement in the provision of new coal loaders and I commend to the House the motion advanced by the honourable member for Pittwater.

Mr BANNON (Rockdale) [3.19]: I offer my congratulations to the honourable member for Maitland on making his maiden speech in this debate. Honourable members on this side of the House have waited anxiously to hear him make a contribution from the floor. I am glad he has taken this opportunity. Though his stay in the House may not be long, may it be happy.

On the subject of Botany Bay environment, I had greath faith in Mr Simblist's ability to conduct an inquiry into the matter fairly and to give an unbiased report to the Government. The Government accepted his advice. That advice did not suit the former Government. Time and again the former Government took the attitude that it did not matter what the rights or wrongs of an issue were, if a course of action suited the coalition parties and their big baron business friends, it was followed. The last thought in the mind of the former Government was for the rights of the electors.

When listening to the speech of the honourable member for Pittwater, I tried to visualize it as a speech by a Liberal member for Cronulla, a Liberal member for Miranda, a Liberal member for Hurstville, or a Liberal member for Earlwood. Since I have been a member of Parliament those electorates have on occasion been represented by members of the Liberal Party. Today none of those electorates is represented by a Liberal member. That is not coincidental. It is bound up with this issue of the environment of Botany Bay. Those former members took a stand on the Botany Bay coal loader and its development. I shall be delighted to welcome members of the Opposition to the St George area while they maintain their stand on the Botany Bay coal loader. One way to get some former members of the Liberal Party out of the woodwork was to suggest putting an airport at Duffys Forest. At a mention of the matter they would come through the doors of the Chamber like a bolt out of the blue. Opposition members

want to throw everything that is rotten into the Botany area and keep the privileges of the North Shore for themselves. The only thought in the minds of Opposition members is what can be thrown south of the harbour. The Opposition has done a disservice to the people.

For weeks the dogs in the St George area have been barking about the attitude of the Opposition. Some time ago the honourable member for Mosman, representing the Leader of the Opposition, attended a meeting of the Rockdale council. After the mayor of Rockdale, who is an independent, gave a dissertation—on the proposal to build a coal loader at Botany Bay—the honourable member for Mosman reiterated his party's policy on the matter. Any time the honourable member for Mosman wishes to come to the St George area and repeat that argument, I shall welcome him. I am proud that the Government took a stand against the construction of a coal loader at Botany Bay.

The Labor Party's opposition to a coal loader for Botany Bay began at a meeting of the Rockdale state electoral council, at which it was decided to advise all sitting Labor members or candidates for election of the council's view. Arising out of that meeting another meeting was held in the offices occupied by the Leader of the Opposition at the time, who is now Premier and Treasurer. As a matter of policy it was decided that if the Labor Party were elected to Government, it would not construct a coal loader at Botany Bay. A motorcade of protest was organized to start at Cronulla and finish at Botany. It picked up vehicles at Miranda, Hurstville, Georges River, Kogarah and Rockdale before moving into the Botany area. It was held on a Sunday morning and the weather was inclement. There was supposed to have been an outdoor meeting, but because of the weather it was held in Botany Town Hall. The hall could not accommodate all those who attended. From that day the Labor Party has stood firm in its attitude that the people in electorates around Botany Bay will not suffer the consequences of the construction of a coal loader.

The Labor Government first set out to develop Botany Bay when the Hon. J. B. Renshaw was the Minister responsible for such matters. A decision was taken to develop Botany Bay as a container terminal. It was urgent that something be done. Immediately after the coalition parties got into office they wrecked every decision that the Government had taken. It was a disgrace. I refer to the liquefied petroleum industry and coal loading. Everything that was dirty and rotten the Opposition wanted to put into Botany. The people of this State should be thankful that they elected a Labor Government with sensitivity. Anybody would believe that this sort of decision was taken without thought for the consequences. Mr Simblist reported to the Government and the Labor Party acted upon that report. In his conclusion Mr Simblist stated that economic justification for the Botany coal loader was not established before the inquiry. It could not even be justified that Botany Bay was the best economic place for a coal loader. Mr Simblist said:

> There will be widespread environmental disadvantages from building a coal loader in Botany Bay. This alone, however, did not call for the coal loader project to be abandoned. It had to be weighed together with the economic arguments.

It was not Mr Simblist only who reached such a conclusion. Professor Butlin wrote a booklet on the subject entitled *The Zmpact* of *Port Botany.* Opposition members could not dispute the qualifications of Professor Butlin to make a statement on this matter. He wrote:

> The loading of coal at Port Botany appears to be undesirable for both economic and environmental reasons. The main case for expanded coal facilities is at Newcastle. The main case for improving the environmental impact

> of coal loading to be in Port Kembla where there is also a case for some expansion of capacity.
>
> The proposal for export of coal from Port Botany should, we believe, be abandoned in its entirety and the port area currently reserved for this use reallocated.

That is exactly what the Wran Government has done. The Government will never resile from its stand. The Botany Bay Planning and Protection Council, a body with intimate knowledge of the bay and its uses, made a statement of which the Government took notice. Opposition members should take some notice of it. The council described the proposed Botany Bay coal loader as a threat to the environment. All the experts advised the Government to take a stand. The Government has stood by that advice.

Rockdale council employed a private firm to carry out an environmental impact study on the effects of building a coal loader at Botany Bay. That firm produced the same results as did the other expert authorities to which I have referred. The firm advised the council of the horrific dangers involved in developing a coal loader at Botany Bay. Today I spoke with the Deputy Premier, Minister for Public Works and Minister for Ports about fishing at Botany Bay. An article in the *Sydney Morning Herald* on 11th November, 1975, spoke of fears for marine life and productivity if a coal loader were constructed at Port Botany. Only a dwindling number of members of the Opposition believe that to be the right place to construct a coal loader. They should begin to try to convince someone else, for they are not convincing Government supporters or the public.

I should add that the development at Botany Bay is not finished. A lot remains to be done for the development of Port Botany. On behalf of my constituents I urge the Government to reach a decision quickly about the recommendations made in the Kirby report for the provision of road transport for Port Botany. The Government should consider the means of transport of coal to Port Kembla also. It should give urgent attention to the construction of a railway line from Maldon to Port Kembla to move the coal from the western fields more efficiently and relieve the pressures on people who live in the St George district. I was surprised that the honourable member for Pittwater moved the motion. On 11th November last year he asked a question upon notice about the export of coal. The answer to the question was given on 26th February. I shall tell the honourable member the answer, for he may not have seen it. In part of his answer to the question the Minister said:

> Work is currently proceeding with both the upgrading of the Balmain and Steelworks Channel Coal Loaders and the construction of the new Port Kembla Coal Loader. The Balmain upgrading will achieve an increase in annual capacity from 2.8 million to 4.5 million tonnes by mid-1981 and indications from Port Waratah Coal Services are that the upgrading of the Steelworks Channel Coal Loader will achieve an increase in annual capacity from the Port of Newcastle from 15 million to 25 million tonnes by the end of 1982. The new Port Kembla Coal Loader, presently under construction, when completed towards the end of 1982 will have a capacity of 14 million tonnes and the recently announced Kooragang Island Coal Loader, which has been designed to have a capacity of 15 million tonnes per annum when the initial stage is completed in 1984, will be capable of being expanded to 50 million tonnes in subsequent stages as required. Recent information indicates that the planned annual coal loader capacities for New South Wales Ports in the mid-1980's will be approximately 64.5 million tonnes (25 million

tonnes in 1980), which compares favourably with the planned annual capacity for Queensland Ports, in the mid-1980's of 75 million tonnes (43 million tonnes in 1980).

The Government is well aware of developments in the export of coal. Action has been taken to ensure that the State is able to export coal in the quantities that will be required by importing countries. That is a further demonstration of the Government's intention to keep a watchful eye on the export of coal. Does the Opposition dispute the value of the work done by the coal export strategy task force set up by the Government and the coal resources development committee whose job is to extend the work of the task force and to co-ordinate the implementation of the committee's recommendations? The committee has wide representation from government agencies, the steel, power and export industries and unions. To give the House an idea of the variety of expertise of members of the committee which is advising the Government on development of the coal industry in New South Wales I should inform honourable members that the membership of the coal resources development committee includes representatives from the Department of Mineral Resources, the State Rail Authority, the Ministry of Transport, the Department of Environment and Planning, the Treasury, the Department of Main Roads, the Premier's office, the Energy Authority of New South Wales, the Joint Coal Board, BHP, the Electricity Commission, the Combined Colliery Association, the Deputy Premier's office and the Labor Council of New South Wales. The committee has such power and strength that it should be able to advise the Government and to keep it well informed about the requirements of the coalmining industry and the export of the State's coal.

When a decision was taken to construct a major coal loading facility at Port Kembla stage I proceeded. The design of that stage makes allowance for the future development of stage II if a decision is made by the Government to proceed with that option. At a meeting on 26th September last the coal resources committee was considering the projected export levels for Port Kembla to determine the need for additional capacity of the coal loader installation. I reiterate the need for improved transport facilities for the movement of coal in New South Wales. I refer to the link line from Maldon to Port Kembla and the rail link between Douglas Park and Helensburgh, the conveyor system from Wilton to Port Kembla and a decline conveyor in a drift to a rail siding at Scarborough. Those decisions must be taken. The honourable member for Pittwater is out of touch with the thinking and feeling of the community. The Government is compassionate and understands and sympathizes with the needs of the people. It will stand by its decision. Every Government supporter from the environs of Port Kembla and Botany Bay wholeheartedly supports and applauds the Government for its stand on deciding that a coal loader will not be built at Botany Bay.

Mr FISHER (Upper Hunter) [3.38]: I congratulate the honourable member for Maitland on his maiden speech to the House. I am sure all honourable members will agree that he is a worthy successor to the Hon. M. A. Morris. I should point out also for the record that Maitland has been a Liberal-held seat for the past fifty years. There have been only two members in the past twenty-five years. The present member far Maitland can look forward to a long term as the member for that electorate. In the recent by-election the Premier and Treasurer promised the expenditure of about $15 million in a grandiose manner on everything from air-conditioning, to church halls, to new technical colleges and schools. The honourable member for Maitland will ensure that those promises are fulfilled. It must have been a cutting blow to the Premier and Treasurer to have spent so much time, effort and money to try to win the seat of Maitland for the Labor Party and then to have failed. It is worth noting that the member for Maitland is my electoral neighbour and that the other

electorates further up the Hunter Vailey are also held by Country Party members. They will continue to have Country Party members for many years to come. Before commenting on the matters raised by the honourable member for Pittwater I should refer to several comments made by the Deputy Premier, Minister for Public Works and Minister for Ports in his contribution.

The Deputy Premier, Minister for Public Works and Minister for Ports said that the Government is committed to spend $18 million on the deepening of Newcastle Harbour. It is natural for the Government to take credit for that development, and I am pleased to see that the development is taking place. But it is dishonest for the Deputy Premier to say that it is expenditure by the Government. He knows that the work will be paid for by the industry and that no contribution to it will be made by the State Government. The Deputy Premier mentioned also the Sandy Hollow railway line. That project is taking place because of the coal resources in the Ulan area. The entire cost of the project will be met by the companies concerned with the development of the coal reserves. It is wrong to claim that project will involve government expenditure. The honourable member for Rockdale spent some time defending the Government for not proceeding with the coal loader at Botany Bay. It intrigues me that the Premier and Treasurer seems to make statements when he is in the Botany Bay area which conflict with those he makes when he is at Lithgow. Western coal is transported to within 4 miles of Botany Bay and is then transported through thirty-one suburbs, mostly during the night, to Port Kembla. That coal is carried through the southwestern suburbs of Sydney. The decision to do that appears to have been made purely for political reasons rather than upon environmental grounds.

I shall address my remarks now primarily to the Newcastle coal loader which is so important for the development of mines in the Upper Hunter and Hunter regions. By far the greatest quantity of coal exported from New South Wales comes from the Hunter Valley region. The development of a third coal loader is vital to the continuation of coal exports from New South Wales and to the economic development of the State. Over the past two or three years the State has witnessed an extraordinary lack of decision by the Government about who should build the third coal loader and who should operate it. The Minister has procrastinated about whether the loader should be operated by members of the maritime unions or the transport unions. That has been the main cause for the delay.

Unfortunately the decision that maritime unions should operate the third coal loader has caused enormous divisiveness between all the unions concerned, and it will not be resolved by the decision made by the Deputy Premier. Members of the Waterside Workers Federation of Australia operate the basin loader, and 450 employees load 9.9 million tonnes of coal annually. The privately owned and operated Port Waratah Coal Service loader loads 13 million tonnes a year and employs only 118 employees, members of the Transport Workers' Union of Australia. Obviously a good deal of Feather-bedding or excess use of labour occurs in the old basin loader at Newcastle.

It is a matter of real concern that the cost of the Port Waratah Coal Services plan for a third coal loader has been estimated at $190 million. To build the loader to the design of the Maritime Services Board of New South Wales—and the Government is committed to that plan—will cost $500 million. Ultimately the industry will have to pay for that extra cost through port and loading charges; it will be a charge on the industry. The Government must say that it is financing part of the cost of the coal loader but the ultimate cost must be met from port and loading charges. It is reasonable to assume that industry, which is concerned at any escalation of costs through delay or overengineering, will have to bear those costs. In the meantime, despite the fact that the Government has an offer from Port Waratah Coal Services to build and operate the third coal loader, it has opted for a particular design and it will contribute at least

20 per cent of the cost. The Government will have to find about $100 million. That money will not be spent on schools, hospitals, roads or other essential services throughout the State; nor will it be spent in the Hunter region, where so much of the development is taking place.

I shall touch also on the enormous loss of income to the State by reason of delay in the construction of the third coal loader. It is obvious that by 1983 the port of Newcastle will not be able to handle the coal which will be coming from the newly developed and existing mines in the Hunter region. This afternoon the Deputy Premier intimated that it will be at least 1984 before the third coal loader is built. That is on the basis that it goes ahead now. The Deputy Premier has not yet resolved who should build and operate the coal loader. By 1983, exports of coal from Newcastle worth $1,050 million should be made. By 1984 the figure should be $1,400 million.

I shall mention a number of coalmines which will be coming on stream in the Hunter region in the next two or three years. Those mines will bring with them a demand that additional port loading facilities be available in Newcastle. The Government has given approval for sixteen mines to come into production. At present eighteen mines operate in the Upper Hunter region. Approval has been given for feasibility studies to be carried out into the sixteen mines that are planned to come into production. Those for which approval has been given include the Ulan mine which, by 1983, will handle at least 4 million tonnes a year. Mount Arthur North and Mount Arthur South together will contribute 5 million tonnes a year to the port of Newcastle for export. There is also Bellambi mine. The United Collieries mine, which is operated by the Miners' Federation, will be producing 2 million tonnes a year. Saxonvale, which is operated by the Broken Hill Pty Company Limited, will also be producing 5 million tonnes a year and Warkworth will contribute 4 million tonnes a year. The R. W. Miller mine will contribute 3 million tonnes a year. Hunter Valley No. 1 and No. 2 mines will contribute 4.5 million tonnes of coal a year and the Drayton mine, operated by C.S.R. Limited, will contribute 3.2 million tonnes of coal a year. An additional 31 million tonnes of coal will be available for export from Newcastle by the end of 1982. Money is being spent in order to upgrade the second coal loader operated by Port Waratah Coal Service and that will bring capacity to 25 million tonnes. At that stage the capacity shortage will be at least 5 million tonnes.

For all the lip-service the Government has paid to worker participation, it amazes me that it has made no attempt to invite the unions to play a part in the construction and financing of the third coal loader. I find it hard to understand that a government, which pretends to support the trade union movement and has in fact given a lease to United Colliery which is owned by the Miners Federation, first to mine in the Tenterfield area and now at Wambo, has not invited union participation in the coal loader project. Unions like the Waterside Workers' Federation and the Transport Workers' Union are directiy involved in the transportation and loading of coal in Newcastle. Why should they not have some participation in the financing or construction of the coal loader? If the Government means what it says about worker participation, surely this is an opportunity to invite unions to take an active part in the financing and construction of the coal loader. The Government has already invited the unions to participate in the mining of coal In the Hunter Valley region.

It is opportune to speak briefly on environmental aspects of the third coal loader, which has been designed by the Maritime Services Board. Although the design is not on public display, it is understood that the stockpiles at the third coal loader are expected to be from north *to* south. The prevailing west and northwest winds will create enormous problems at the stockpile. The Port Waratah Coal Service design

allowed for stockpiles in the opposite direction. That was done to minimize dust problems that might occur. In what I believe has been a face-saving exercise, the former design has been accepted, but it will be environmentally hazardous and perhaps damaging to the Newcastle area. I ask the Government to take great care in the selection of the design and to pay particular regard to the environment of the Newcastle district.

The Government has failed to do anything about the transport of coal to loading facilities, and it appears to have no future plans to do anything about it. In speaking to the second part of the motion moved by the honourable member for Pittwater, the Deputy Premier, Minister for Public Works and Minister for Ports dealt at some length with contracts let for additional rail facilities. I acknowledge there are adequate plans for this development, but we need a good deal more than plans. I shall quote briefly from a recent paper by the chief planning officer of the State Rail Authority, which is in these terms:

> The rail transport capacity is severely affected by the operating standard of coal loading terminals. The need to load coal at a rate in excess of *2 500* tonnes per hour and the ability to load long trains is fundamental to maximizing system capacity.

However, the Government is only talking about doing this sort of thing. It has plans for spending about *$600* million on the Hunter region. The money is to be spent on rail facilities, locomotives, rolling-stock, additional track capacity and track loops. The Government has failed to understand the problem; it has failed to commence the much-needed developments. The plans might sound impressive but we need more action. Thousands of tonnes of coal are transported by road each day in the Hunter Valley. That coal should be transported by rail.

To ensure flexibility of coal transport I acknowledge there will always be a need for some road transport. For that reason it is urgent that the Government should spend a great deal more on road facilities in the whole of the Hunter region. The honourable member for Maitland mentioned the need for a bypass around Maitland. Many honourable members, who were in that area when the recent by-election was held, must have seen the enormous number of coal trucks rolling down the Hunter Valley every day—and unnecessarily so. They were using roads that are inadequate for that type of traffic. If we are to transport coal by both rail and road, we must spend more on bypasses around Maitland, Singleton and Cessnock. That work must be done if we are to cope reasonably with that traffic and not cause severe environmental damage.

The Government has failed to build essential bridges. Those who have seen the 50-year-old bridge over the Hunter River at Singleton and have heard it rattling each day as thousands of coal trucks roll over it unnecessarily, must realize the need for new bridges. The Electricity Commission was asked to build loops at its central coast power stations to handle the coal coming from Liddell and Ravensworth. Without those works great environmental damage will be done to the area. The Government has failed to come to grips with these problems; it has not acted in a responsible way to provide adequate facilities. It is inevitable that this State will suffer a huge loss of income which will benefit Queensland. The Government can blame itself for that situation.

Mr ANDERSON: Mr Speaker——

Mr CATERSON (The Hills), Opposition Whip [3.58]: I move:

That the question be now put.

The House divided.

Ayes, 31

Mr Arblaster	Mrs Foot	Mr Rozzoli
Mr Boyd	Mr Freudenstein	Mr Schipp
Mr Brewer	Mr Greiner	Mr Singleton
Mr J. H. Brown	Mr King	Mr Smith
Mr Bruxner	Mr McDonald	Mr Sullivan
Mr Cameron	Mr Mason	Mr Toms
Mr J. A. Clough	Mr Murray	Mr Wotton
Mr Dowd	Mr Osborne	
Mr Duncan	Mr Park	*Tellers,*
Mr Fischer	Mr Pickard	Mr Caterson
Mr Fisher	Mr Punch	Mr Taylor

Noes, 57

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

Resolved in the negative.

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

Mr ANDERSON (Nepean) [4.7]: I compliment the honourable member for Maitland on making his maiden speech. I hope that his stay in the House will be a short but happy one.

[Interruption]

Mr DEPUTY-SPEAKER: Order! There is far too much audible conversation in the Chamber. If honourable members wish to leave the Chamber, they should do so quietly.

Mr ANDERSON: I make two comments on the remarks of the honourable member for Upper Hunter. I do not believe he deliberately conveyed incorrect information to the House; I have a high regard for him. With regard to the Kooragang coal loader, the Maritime Services Board stockpiles are to be east-west, not north-south as the honourable member claimed. Further, dust control is to be achieved by chemical agglomeration and water sprays, not by orientation of stockpiles. The second matter

I wish to comment on is that the funding of the Sandy Hollow–Ulan railway will not be undertaken by Ulan Coal Mines Limited. The initial capital is being provided by that company but it is being recouped by the Government under a formal agreement, so in effect the Government is meeting the cost of the project. The Sandy Hollow–Ulan railway has been sought by many persons for more than half a century. It is regrettable that many developments required by this State for half a century have had to wait until the Wran Government introduced them.

This Government recognizes the contribution that the coal industry makes to Australia's export earnings and the commercial development of New South Wales. It has earmarked many thousands of millions of dollars for the modernization of the State's railways to ensure that coal is moved by rail economically and efficiently. Already coal forms more than 50 per cent of the freight moved by the New South Wales railways. Record tonnages of more than 20 million tonnes were hauled last year. The Government's multimillion dollar programmes, coupled with improved efficiency, will ensure that the railways can handle the enormous freight that will need to be carried to meet world demand for New South Wales coal.

The State's railways have been linked with the development of the coal industry since the 1880's, and they play a significant role in the provision of transport infrastructure. That has assisted the coal industry to become the State's largest single export earner. In accord with the Government's policy of ensuring that the industry will be able to meet export demands, the State Rail Authority is working closely with the coalmining companies, exporters, the Maritime Services Board and the Joint Coal Board. In the past two years considerable improvements in operating efficiency have been introduced, and more are on the way. The investment of huge sums of money will provide more large capacity waggons, more powerful locomotives, new facilities at coal loading points and export ports, electrification of tracks and upgrading and amplification of existing lines.

These matters, coupled with unit train operations with capacity in excess of 3 000 tonnes a movement, all have a dramatic effect on the movement of coal. The honourable member for Pittwater, the shadow minister for corrective services, is attempting to interject. If he is such a great expert on mining matters, why will his party not give him that portfolio? That is indicative of the attitude of the Liberal Party to what the honourable member for Pittwater says. Listening to the honourable member today, it is clear that he does not have much to say. He knew that I wanted to use my twenty minutes to speak about the problems he raised concerning the Burragorang Valley, yet he moved the gag because he does not wish to know what is happening in the Burragorang Valley.

I wish to speak about the massive expenditure — it is not large but massive — by the Wran Government on coal transportation in this State. The former Government could not move people, let alone coal. The Wran Government is moving people and moving the coal, and will continue to move the coal, which was beyond the capacity of the former Government. I refer to the new rolling stock commitment, which is $120 million. There are to be 1 800 new coal waggons; 800 have been received, 150 are on order, and another 850 are to be purchased. Another 130 new diesel-electric locomotives and spare parts costing $200 million will be made available; 30 have been received and 100 are on order. There will be up to 80 new all electric locomotives costing $140 million; 10 have been received and up to 70 are to be purchased.

I refer now to additional track work. The Whittingham to Mount Thorley line is complete. Opposition members spoke about the Ulan to Sandy Hollow railway that is under construction. The Gulgong line is under examination. Twenty-six additional crossing loops, costing $25 million, are being constructed to support increased coal

traffic. Track upgrading, quadruplication of lines, signal work, and connections to new coalmines are being carried out at a cost of $110 million. I refer next to new terminal facilities at coal ports. New facilities at Balmain and Port Kembla will cost $16 million. New track work, signalling and coal unloading facilities will handle over 4.2 million tonnes from Balmain and 14 million tonnes from Port Kembla. All rail work is due for completion in 1981. At Port Waratah work completed is capable of handling over 12 million tonnes a year and expansion of facilities will double output to 24 million tonnes a year by 1983. This work is estimated to cost $23 million. Kooragang Island has been spoken about. The plan for that island will cost $30 million.

I refer now to electrification projects. Waterfall to Port Kembla upgrading and electrification will assist in handling the extra tonnages expected and will minimize the effect of these movements. This work is scheduled for completion in 1984 at a cost of $80 million. The upgrading and electrification of the line between Gosford and Newcastle will assist by allowing large capacity trains to haul export coal to the port of Newcastle more efficiently. That work is to be completed by 1983 at a cost of $90 million. The total commitment is over $900 million.

Is it any wonder that members of the Government in this House and in the other place, as well as the people of New South Wales, praise the Minister for Transport for what he has done in rejuvenating a ramshackle railway system for passengers, freight and coal left in that way by the former Liberal Party–Country Party coalition Government after eleven years in office. The honourable member for Pittwater has the audacity to move this motion and speak about the failure of the Government to do something about coal transportation. He should hang his head in shame. If he continues to visit the electorates of Camden and Blue Mountains, it will assist Bob Debus and Ralph Brading to be elected to this House—they will be here anyway because of the Government's record.

Mr Schipp: There are forty-two ships outside Newcastle.

Mr ANDERSON: There is one too many Schipps in this House, and that will be rectified at the next election. The argument is put up time and again about Botany Bay. The remarks of the revered Deputy Premier, Minister for Public Works and Minister for Ports about the Simblist inquiry are worth repeating, but time will not permit me to do it. It is clear that the decision had to be supported on the evidence and on any rational consideration of the matter.

In 1976, when the Labor Party was elected to Government, New South Wales was 4.2 million tonnes a year behind Queensland in coal exports. New South Wales caught up with Queensland. The increase that has occurred in the time that the Labor Party has been in government in New South Wales is 54 per cent. Yet the Opposition has the hide to criticize the Government. I wish to make some comments about Camden, which is in my electorate. Persons like the honourable member for Pittwater and the federal member for Macarthur issue press releases, talk to people and create great fear——

Mr SPEAKER: Order! It being fifteen minutes after four o'clock, p.m., the debate is interrupted. Pursuant to Standing Order 123A, the motion lapses.

BILLS RETURNED

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

Jury (Amendment) Bill

Sydney Cricket and Sports Ground (Amendment) Bill

PRINTING COMMITTEE

Eleventh Report

Mr Britt, as Acting Chairman, brought up the Eleventh Report from the Printing Committee.

House adjourned, on motion by Mr Ferguson, at 4.16 p.m., until Tuesday, 7th April, 1981.

QUESTION UPON NOTICE

The following question upon notice and answer was circulated in ***Questions and Answers*** this day.

RAILWAY WORKSHOPS

Mr ARBLASTER asked the Minister for Transport—

(1) How many people were employed annually as at 1 July, 1976–1980, inclusive, at—

(i) Chullora electric car workshops;

(ii) Chullora locomotive workshops;

(iii) Eveleigh carriage workshops;

(iv) Eveleigh locomotive workshops; and

(v) Clyde waggon maintenance workshops?

(2) What was the total amount of wages and salaries paid for the financial years ending 30 June, 1976–1980, inclusive, to employees at each of the above workshops?

(3) What was the value of machine equipment installed at each of the above workshops during each of the 12-month periods ending 30 June, 1976–1980, inclusive?

Answer—

(1) Number of people employed as at dates shown at—

Chullora Electric Car Workshops

1976	1977	1978	1979	1980
1022	1067	1072	1071	1053

Chullora Locomotive Workshops

1124	1175	1176	1164	1151

Eveleigh Carriage Workshops

1025	1019	1013	1003	1019

Eveleigh Locomotive Workshops

1103	1183	1193	1148	1152

Clyde Wagon Maintenance Workshops

1163 1135 1170 1133 1043

(2) Total amount of wages and salaries paid for financial years mentioned (shown in $ millions):

Chullora Electric Car Workshops

30–6–76	30–6–77	30–6–78	30–6–79	30–6–80
7.538	8.748	10.697	10.482	12.815

Chullora Locomotive Workshops

8.466 9.682 11.686 11.878 13.710

Eveleigh Carriage Workshops

7.644 8.716 9.946 9.831 11.685

Eveleigh Locomotive Workshops

8.275 9.124 11.407 11.039 13.079

Clyde Wagon Maintenance Workshops

10.408 10.328 12.056 12.304 12.827

In equivalent 1980 dollar terms, the relevant figures are:

	Chullora Electric	Chullora Locomotive	Eveleigh Carriage	Eveleigh Locomotive	Clyde Wagon
30–6–76	11.073	12.437	11.229	12.156	15.289
30–6–77	11.443	12.665	11.401	11.935	13.510
30–6–78	12.859	14.048	11.956	13.713	14.493
30–6–79	11.586	13.129	10.867	12.202	13.600
30–6–80	12.815	13.710	11.685	13.079	12.827

Overall figures:

1975–76	1976–77	1977–78	1978–79	1979–80
62.184	60.954	67.069	61.384	64.116

(3) What was the value of machine equipment installed at each of the above workshops during each of the following periods ending:

(a) 30 June, 1976.

(b) 30 June, 1977.

(c) 30 June, 1978.

(d) 30 June, 1979.

(e) 30 June, 1980.

(f) 13 December, 1980.

Chullora Electric Car Workshops

(a) $91,630.

(b) $34,520.

(c) $131,958.

(d) $135,341.

(e) $130,733.
(f) $150,945.

Chullora Locomotive Workshops

(a) $94,142.
(b) $69,483.
(c) **$187,466.**
(d) $211,550.
(e) $141,366.
(f) $184,016.

Eveleigh Carriage Workshops

(a) $10,630.
(b) $13,091.
(c) **$29,418.**
(d) $30,711.
(e) **$31,968.**
(f) $171,881.

Eveleigh Locomotive Workshops

(a) $822,179.
(b) $73,953.
(c) $719,342.
(d) $224,956.
(e) $112,220.
(f) $305,075.

Clyde** Wagon Maintenance **Centre

(a) $11,206.
(b) $413,303.
(c) $335,995.
(d) $1,671,380.
(e) $2,044,357.
(f) $1,731,808.