Legislative Assembly

Monday, 11 *May,* 1981

Petitions—Questions without Notice-Constitution (Disclosures by Members) Amendment Bill (second reading, third reading)-Constitution (Legislative Assembly) Amendment Bill (second reading, third reading)—Poisons (Amendment) Bill (second reading, third reading)—Cumberland Oval Bill (second reading, third reading)—Northern Rivers County Council (Undertaking Acquisition) Bill (second reading, third reading)—Parliamentary Contributory Superannuation (Amendment) Bill (second reading, third reading)—Bills Returned—Adjournment (Personal Vilification of Honourable Members)—Questions upon Notice.

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

Mr Speaker offered the Prayer.

PETITIONS

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

Moral Standards

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

That we, the undersigned, having great concern because of the spread of moral pollution in our State call upon the Government to introduce immediate legislation:

(1) To give positive support to the Lord Mayor of Sydney and other local government authorities in their attempts to clean up moral pollution in our communities.

(2) To give local government authorities the power to reject applications from individuals or companies for moral pollution centres which are against the public interest such as so-called sex shops, live sex shows, blue movie cinemas, massage parlours (brothels), escort services (prostitution) et cetera.

(3) To tighten up the standards used by the New South Wales Indecent Publications Classification Board so as to include the total prohibition of any pornographic publication or film containing child pornography, bestiality, sodomy, or violent sex acts against women, such as rape and pack rape, sadism and torture, et cetera.

Your Petitioners therefore humbly pray that your honourable House will protect our society, especially women and children from moral pollution and its harmful effects.

Petitions, lodged by Mr Bannon, Mr Barraclough, Mr Mair, Mr Ryan and Mr Whelan, received.

Prevention of Cruelty to Animals Act

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

Section **20** of the Cruelty to Animals Act may prevent the conduct of properly organized and supervised bushmen's carnivals and rodeos.

Your Petitioners therefore humbly pray that your honourable House will take action to repeal section **20** of the Cruelty to Animals Act.

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

Petition, lodged by Mr Hatton, received.

School Funding

A Petition of the undersigned citizens, residents within the State electorates of Orange, Hurstville and Yaralla, respectfully sheweth:

That it is vital for the Government of this State to increase funds available for Government schools in order to improve educational programmes and allow for the development of education to meet the needs of changing technology and social requirements in the 1980's and beyond. In particular we call upon the Government to allocate sufficient funds to allow for—

(1) Adequate development of pre-school educational facilities to meet the needs of all children progressing to enrolment in Government schools.

(2) Increased employment of all categories of ancillary staff to assist teachers in implementing educational programmes and to undertake the non-professional duties required in all schools.

(3) Employment of increased numbers of remedial teachers throughout infants, primary and secondary schools.

(4) Allocation of sufficient teaching staff to ensure that no class exceeds **30** pupils in infants, primary and junior secondary schools; **25** in senior secondary schools and to ensure that no kindergarten class exceeds **22.**

(5) Increased staffing to allow for release of teachers to carry out duties such as lesson preparation, curriculum development and parent interviews.

(6) Greatly increased facilities in technical and further education to allow for lifelong education to meet the needs of our rapidly changing society.

We call upon the Government to substantially increase its allocation of resources to education in Government schools and colleges in order to achieve these ends.

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

Petitions, lodged by Mr McIlwaine, Mr Ryan and Mr West, received.

Aboriginal Land Rights

The Aborigines of New South Wales have been dispossessed of their lands for almost 200 years.

The present New South Wales Government established a select committee of the Legislative Assembly to enquire into land rights in New South Wales.

The select committee has completed its report on land rights and the report was tabled in Parliament on 13th August, 1980.

The report recommends the implementation of Aboriginal land rights legislation in New South Wales and the Premier has committed the Government to the principle of land rights.

Now we the undersigned urge the enactment of adequate land rights legislation in full consultation with the Aboriginal communities, without undue delay.

This your Petitioners humbly pray.

Petition, lodged by Mr Jackson, received.

Casinos

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

(1) That the gambling facilities in New South Wales are more **than** adequate.

(2) That the principle of gambling in general and casinos in particular is harmful to the moral and social welfare of the people.

(3) The legalizing of casinos is not in the best interests of the economy of New South Wales.

Your Petitioners therefore humbly pray that the honourable House will not take any steps to legalize the introduction of casinos, without democratically ascertaining the will of the people by a referendum.

Your Petitioners as in duty bound will ever pray.

Petition, lodged by Mr Jackson, received.

Policing of Darlinghurst

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

That the residents of Darlinghurst are concerned by the activities of prostitutes and transvestites resulting in unseemly acts, **traffic hazards,** noise pollution, unseemly and offensive behaviour and indecent exposure in Forbes, Liverpool, Darley, Thompson Streets, Darlinghurst Road and Thompson Lane.

Your Petitioners therefore humbly pray that your honourable House will increase police supervision to enable the residential area of Darlinghurst to restore the safe environment previously enjoyed by residents prior to the introduction of the Offences in Public Places Act.

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

Petition, lodged by Mr **Barraclough,** received.

Rainforests

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

That rainforests maintain a greater diversity of vegetation and animal life than any other forest type. There is worldwide concern for their preservation. The logging policies of the New South Wales Forestry Commission do not protect the ecological integrity of our rainforests. At the present rate of logging the States remaining rainforests will be exhausted within fifteen years. Workers employed in the logging of rainforests will become unemployed from 1982 onwards.

Therefore we humbly request that there be an immediate cessation of logging in all the remaining rainforests in New South Wales and that steps be taken to ensure that employment schemes, such as reafforestation and use of alternative timber supplies, be implemented for displaced workers.

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

Petition, lodged by Mr Maher, received.

QUESTIONS WITHOUT NOTICE

MINING PROJECTS

Mr MASON: I ask a question without notice of the Minister for Mineral Resources and Minister for Technology. Is the Government causing delay in the development of a number of major mining projects, especially the Drayton mine, because of divisions in Cabinet over the question of coal royalties? In view of the importance to the State of the development of its resources, and the increased employment opportunities and export earnings that will result from such projects, will the Minister inform the House of the action he is taking to allow these projects, especially the Drayton mine, to proceed without delay?

Mr MULOCK: I am pleased that the Leader of the Opposition is able to read at least the front page of a journal published in this State. No doubt his question emanates from an article that appeared this morning on the front page of the Australian *Financial* Review. No division exists in Cabinet over royalties or gaining the maximum return to this State from the burgeoning coal industry as it moves through the 1980's into the 1990's. The Drayton project is before Cabinet but the matter under consideration is the premium that should be placed upon the coal industry in relation to the coal that might be won from that project. Cabinet is considering both front-end payments and super royalties. Those issues are closely related to the matter of private coal royalties.

Cabinet is not holding up new projects. I assure the Leader of the Opposition and the people of New South Wales that the Government intends to have the people share in the benefits that will flow from the expanding coal industry. Private individuals will not be the sole beneficiaries of that burgeoning industry. Projects are being examined in the light of the past and the future. In the past, steaming coal in particular has shown an extremely poor return. Present indications are that there will be a substantial increase in the contract prices for coal used in the steaming coal industry. The Government intends to ensure that not merely some private individuals but all the people of New South Wales benefit from the increases in contract prices.

PREMIERS CONFERENCE

Mr MOCHALSKI: I direct my question without notice to the Premier and Treasurer. Is he aware of reports that the Deputy Leader of the Opposition went to Canberra for the Premiers' Conference that was held last Monday and, according to reports, tried to influence the Prime Minister and the federal Treasurer? Is the Premier aware, also, that it is alleged that the Deputy Leader of the Opposition urged the Prime Minister and the federal Treasurer to take a stand contrary to the best interests of the people of this State? Did the actions of the Deputy Leader of the Opposition contribute to the withholding of money from this State by Prime Minister Fraser and Treasurer Howard? Is that money needed by this State for such urgent matters as health, education, housing and welfare services? In the interests of open government, will the Premier and Treasurer ask the Prime Minister and the federal Treasurer to come clean over the trip made by the Deputy Leader of the Opposition?

Mr Mason: Let us hope that the Premier and Treasurer remembers the name of the honourable member for Bankstown today.

Mr WRAN: Ordinarily I would not bother to reply, but today I shall do so, to the interjection by the Leader of the Opposition concerning the name of the honourable member for Bankstown, for it was the Leader of the Opposition who supplied some misinformation that appeared in yesterday's issue of the ***Sunday Telegraph***. The honourable member for Bankstown and I, together with a number of other persons, attended a splendid evening held by the Polish community at the Polish Club. I have known my colleague for many years and I have pronounced his name "Mokalsky".

Mr Mason: The Premier is squaring off.

Mr WRAN: The Leader of the Opposition has never been able to get his tongue round the word at all. Many people have pronounced the surname of the honourable member for Bankstown "Moshalsky". Some of my Polish friends pronounce the name in quite a different way that is new to me.

Mr Mason: The Premier will have to do better than that.

Mr WRAN: It was a little mischievous, though possibly all in a spirit of good fun, that the Leader of the Opposition told a reporter, through his staff, that I had forgotten my colleague's name. There was no substance in that allegation. However, I hesitated, in the presence of so many distinguished Polish Australians, to pronounce my colleague's name other than correctly.

Mr Mason: The Premier will have to do better than that.

Mr WRAN: Having amused the Leader of the Opposition, I shall amuse him even more by answering the question put to me by my colleague in relation to the presence of the Deputy Leader of the Opposition in Canberra last week and his contribution to the decisions and actions of the Prime Minister and the federal Treasurer. The honourable member for Bankstown wishes to know whether I would ask the Prime Minister and the Treasurer to supply me with information over the visit of the Deputy Leader of the Opposition. The answer to the first part of the question is, yes. It is well known that the Deputy Leader of the Opposition was in Canberra on the day of the Premiers' Conference.

I was informed by people who had been going to these conferences for many more years than I had that it was unheard of in the history of Premiers' Conferences that a member of a political party of any political persuasion should go to the conference

with a brief to dynamite his own State. The action of the Deputy Leader of the Opposition raised the eyebrows of supporters of the Liberal Party and the Country Party, as well as the members of the Labor Party who were present at the conference. In other words, the Deputy Leader of the Opposition performed a Quisling role at the Premiers' Conference for New South Wales and it is something of which he should not be proud.

The Deputy Leader of the Opposition spent a good part of the day in briefings —one with the Hon. J. W. Howard, and another with the Prime Minister's press secretary—feeding information about the New South Wales Government and its deficiencies, as he saw them. Also, according to the ***Sydney Morning Herald,*** he mingled generally. On 4th May the ***Sun*** reported that the Deputy Leader of the Opposition claimed that the New South Wales Government had squandered $1,000 million on projects that the private sector wanted to carry out. A further report in the ***Sun*** of that date stated that the Deputy Leader of the Opposition claimed that those projects included the Newcastle coal loader, the Total oil refinery, the Sydney Entertainment Centre and coal mining by the Electricity Commission of New South Wales. The Deputy Leader of the Opposition claimed that this spending had reduced funds for hospitals, schools and welfare housing.

In a statement designed to further the interests of the taxpayers of New South Wales at the hands of those gentlemen who have now been fairly shown to be confidence men, the Deputy Leader of the Opposition said, "I think New South Wales can expect fairly harsh treatment, and deservedly so." He said, also, "I have formally advised the federal Government of what New South Wales has been doing."

I should think that the Leader of the Opposition would be delighted by this question asked by my colleague the honourable member for Bankstown. The Deputy Leader of the Opposition said that he telephoned his leader on Sunday to say that he wanted to go to Canberra at his own expense, to watch what went on there. I am sure the Leader of the Opposition was delighted. It was an extraordinary thing for any member of a State Parliament to do. The Deputy Leader of the Opposition should provide the Government with details of all the information he supplied to the federal Government. If the honourable member believes he has important information about the finances of New South Wales, he has a place in which to present the information. The Deputy Leader of the Opposition is quoted as saying, "I have formally advised the federal Government of what New South Wales has been doing." The real question is, what was the information, and was it correct?

The Deputy Leader of the Opposition said that New South Wales had squandered $1,000 million on projects that the private sector wanted to carry out and this money could be used for schools and hospitals. I refer honourable members to the projects to which the Deputy Leader of the Opposition referred. Arrangements for the Newcastle coal loader have not yet been finalized, but one thing is clear, namely, that in the next five years the New South Wales Government will gain funds from its involvement in this project. If the Deputy Leader of the Opposition gave a different impression to the federal Government, not only was he a Quisling for New South Wales; also, he was misleading the federal Government and causing irreparable harm to a great project.

The Total oil refinery was the next project upon which government money was caid to have been wasted. There will be no financial contribution from the New South Wales Government for this project. The State's equity consists in allowing expansion of the Total refinery on government land at Bunnerong. The next project to which the Deputy Leader of the Opposition referred was the Sydney Entertainment Centre. The Government has used private sector involvement in the centre to the maximum extent possible. Finance for the centre was obtained from the private sector and it

could not have been used for any government undertaking. The next matter to which the Deputy Leader of the Opposition referred was mining equipment of the Electricity Commission of New South Wales. The issue of finance for mining equipment is part of the New South Wales bid for infrastructure finance now before the Loan Council. When the Deputy Leader of the Opposition referred to that matter, he was using information leaked to him by the federal Treasurer's office in Canberra. But, worse than that, he was failing to distinguish between revenue and capital funds because not one cent——

Mr Mason: The Premier is the one who is failing to distinguish the funds.

Mr WRAN: The Deputy Leader of the Opposition mixes up other funds from time to time; it is not surprising that he should do it again. However, it was a reprehensible thing to say, because the federal Government does not permit revenue funds obtained from it to be used for that sort of purpose. The Deputy Leader of the Opposition has made untrue and contradictory statements. I repeat that it was a treacherous action on the part of the Deputy Leader of the Opposition in New South Wales—after all, one would think that he would have the interests of the taxpayers of New South Wales at heart—to go to Canberra and be closeted with the federal Treasurer and some press officers of the Prime Minister for the purpose of working against a better deal for New South Wales, to supply false information to the federal Government, to make use of information leaked from the federal Treasurer's office, and to fail to reveal all the information supplied to the federal Government.

The second part of the question asks whether the actions of the Deputy Leader of the Opposition contributed to the action taken by the Prime Minister. I should say that very possibly they did. As to the last part of the question, whether, in the interests of open government, I would ask the Prime Minister and the Treasurer to come clean over the trip made by the Deputy Leader of the Opposition, my reply is simply that I have lost faith, as have Mr Joh Bjelke-Petersen, Sir Charles Court, Dr Tonkin, Mr Hamer and Mr Lowe, in the likelihood that the Prime Minister and the federal Treasurer will come clean on finance matters affecting the future of Australia. I think it would be a complete waste of time to ask them to do so. I am grateful to my colleague, the honourable member for Bankstown for directing this question to me.

[Interruption]

Mr WRAN: That is the first time the Deputy Leader of the Opposition has laughed since I began to answer the question. I hope sincerely that it is noted by all members of the House, irrespective of their political allegiance, that they have in their midst in the person of the Deputy Leader of the Opposition a Quisling.

LIDDELL POWER STATION

Mr PUNCH: I direct my question without notice to the Minister for Industrial Relations and Minister for Energy. On 24th March did the Minister give this House an unequivocal assurance that there would be no power rationing in New South Wales under a Labor government? Is it a fact that last week, because of the Government's failure to provide adequate water storage for Liddell power station and to allow overtime for maintenance staff—a situation I forecast last month—New South Wales had to buy power from the Victorian Government and had to use some of Victoria's allocation of power from the Snowy Mountains scheme to avoid power blackouts in this State? As Victoria will no doubt need all its power allocation in the approaching winter months, how can the Minister still assure the House that there will be no power rationing?

Mr SPEAKER: Order! To some extent the question is hypothetical. However, I ask the Minister whether he is able to answer it.

Mr HILLS: I am delighted to answer the question asked by the Leader of the Country Party. Obviously the question emanates from a newspaper report that appeared last Saturday and it is almost in the same terms as a question asked of me previously in the Parliament either by the Leader of the Country Party or his colleague the honourable member for Upper Hunter. Even if a drop of rain did not fall in the next month, it would be unnecessary to move the pumps that are used to pump water into Liddell power station. Also, there would be no effect on the generating capacity of the power station for at least some months after that time. If it were necessary to reduce output from Liddell power station, the maximum amount of power likely to be lost would be 200 megawatts, and 400 to 500 megawatts of power would still be available from that station.

The inference drawn by the Leader of the Country Party and by the writer of the article that appeared in last Saturday's ***Sydney Morning Herald*** is incorrect. The second part of the question asked by the Leader of the Country Party was whether there is an exchange arrangement between Victoria and New South Wales on the use of water from the Snowy Mountains scheme. Victoria and New South Wales have a sight to a certain percentage of the water from the Snowy scheme. Victoria is entitled to use one-third of the available water and New South Wales is entitled to use two-thirds. From time to time the States are allowed to overdraw power at a time that is satisfactory to the two States. After all, we live in the same nation; we are Australians.

Without disclosing a great deal of information, I should say that last year Victoria took from the Snowy Mountains scheme more than its entitlement. There are cash arrangements between the two governments to meet that situation. For example, if it is necessary for New South Wales to use additional power, and to use plant that is not as economic as that at the Liddell power station—which happens to be the flag-ship of the State Electricity Commission system in New South Wales—for example, if we have to use the Pyrmont power station which is more costly to operate because coal must be carted into the heart of Sydney for that station or if we have to use plant that is not efficient, that additional cost is charged to the Victorian system. That is the scheme of the arrangement.

I cannot answer this morning off the bat that part of the honourable member's question about whether New South Wales took additional power from the Snowy scheme. We have just entered into what is known as the new water year. From 1st May, under the arrangement New South Wales and Victoria are entitled to take additional water. The prime factor in the release of water has no relationship with the electricity systems of Victoria and New South Wales. The use of water for irrigation purposes was the prime reason for the construction of the Snowy Mountains scheme. Electricity plays a secondary role. Therefore, electricity demand must take second place to the use of water from the Snowy scheme. All honourable members would be aware that there has been a drought in New South Wales and northern Victoria. Surely the Leader of the Country Party knows that Glenbawn Dam, which I flew over last week when returning from the Cabinet meeting at Glen Innes, has 11 per cent only of its storage capacity. The Leader of the Country Party surely does not blame the Government for the drought. We must make the best possible use of all the State's water resources.

I repeat my earlier assurance that there will be no electricity blackouts in New South Wales, even though this State is in the midst of a severe drought. The Leader of the Country Party is aware that if the water level at Liddell power station

falls, some *200* megawatts of power will be lost. If we cannot use to its full capacity the available hydro-electricity generated from the Snowy Mountains scheme, some restrictions will be placed on the Electricity Commission of New South Wales. Again I give the House an undertaking that no blackouts will occur in New South Wales even though the drought might cause serious problems. Some members of the Opposition have been going round the State claiming that the Government is building the Eraring power station to supply electricity to aluminium smelters. The first unit at the Eraring power station will come into commercial use about May next year, solely for the purpose of increasing the State's generating capacity for the use of the normal industrial, commercial and domestic consumers of the State. That additional 660 megawatts of power is needed to take up the normal increase in demand for electricity.

HEALTH INSURANCE

Mr BANNON: Will the Minister for Health inform the House whether the Government has considered the establishment of a state health insurance fund? Will he say, also, what measures, if any, can be taken to ensure that private health funds use the public's contributions in the best interests of their welfare and the welfare of the hospital system? Will the Minister say what the public can expect from the various levels of health insurance to which they might contribute?

Mr K. J. STEWART: From time to time all State governments have considered the establishment of a state health or hospital fund. One of the great limitations on the establishment of such funds has been that if the State Government established a health or medical insurance fund, it would have to be run under the auspices and administration of the federal Government, which has the administrative control of the National Health Act. Any fund the State Government wanted to establish could be achieved only with the approval of the federal Government. That would place the New South Wales Government in a situation that it would wish to avoid. In the past couple of years the Government has endeavoured to revise the corporate structure of the Hospitals Contribution Fund, which is one of the largest funds of its type in New South Wales. The reconstruction has met with the approval of the State Government, but for many months has been delayed by the federal Government. If the federal Government agreed to the corporate reconstruction of the Hospitals Contribution Fund, that would give the New South Wales Government more say in the administrative decisions that affect the fund.

As to the reserves of the various funds, last week at the conference of Health Ministers I asked the federal Minister for Health about the reserves of funds that would accrue from the contributions paid especially by young and healthy persons. The policy announced by the federal Government in the week before last will mean that young and healthy persons will have to join medical and hospital funds even though those persons might not need hospital or medical services. The fact that they have to pay contributions to a fund will not induce them to attend to receive treatment or to have an operation. The contributions of young and healthy persons who are no longer willing to take the risk of incurring medical bills will accrue as reserves in the respective contribution funds. Those reserves will increase, as they did before 1972. The federal Government should ensure that those reserves are invested in health and hospital services, or in health and hospital oriented services, so that the executive officers of the health funds cannot become merchant bankers round the town, as they did prior to **1972.**

At the conference I suggested also that each year a percentage of the reserves of the funds should be paid to the respective state government hospital accounts so that the contributions of the young and healthy, if the federal Government expects

them to contribute to hospital and health costs in Australia, will go direct into the hospital accounts of state governments and possibly go some way towards looking after the disadvantaged—the pensioners, the unemployed and the members of low income family units—who will become more gravely disadvantaged because of the federal Government's health policies. The other point I wish to make is that I have heard this morning that the Hospitals Contribution Fund is to open a travel agency. Last year the fund opened life insurance offices. I am not sure whether the proposal to open travel agencies in each of its branches is so that one can take a trip overseas while one waits for a claim to be processed, or whether, because of the Commonwealth Government's policies, in future it will be cheaper to travel overseas for hospital and medical treatment.

That sort of approach appals this Government, which sees the role of the hospital and medical benefits funds as serving the people who pay contributions to those funds, just as they should serve the hospital and medical systems of the States. Under the Commonwealth scheme only contributions to basic hospital and medical insurance will be tax deductible. Contributions for insurance above the basic levels will not be tax deductible. The warning I gave last week in Glen Innes is still pertinent. In the main, the New South Wales hospital system has few single-bed wards. Indeed, it has been the policy of the New South Wales Government that beds in private wards be allocated on the basis of medical need rather than health insurance status.

Often I receive complaints from people who pay for the highest hospital cover but are compelled to share hospital accommodation. Those persons appeal to me although I am not responsible for the level of contributions they pay or for the rates fixed by health insurance organizations. Although the Commonwealth Government insists that people take out health and hospital insurance, I recommend that they insure themselves only at the basic level, for hospital beds in this State will be allocated on the basis of medical need and not according to a person's insurance cover.

WILLIAM JOHN MUNDAY

Mr SMITH: I direct a question without notice to the Minister for Corrective Services. Is the Minister aware that television channel 7 screened an interview with William Munday? When did the Minister first become aware of the making of that interview? Why is the Government permitting notorious criminals access to the television media? Why were the contents of that interview not checked before the interview went to air? Has the Government no feeling for the victims of the crimes committed by Munday?

Mr HAIGH: The interview to which the honourable member for Pittwater refers took place in September 1980, but I became aware of it only recently, when it was televised. I propose to make the honourable member and the House aware of the situation that prevailed when the Opposition parties were in office. At that time the former Government virtually banned the press, the Labor Opposition and members of the public from entering institutions controlled by the Department of Corrective Services. That policy was the subject of scathing criticism by Mr Justice Nagle, who stated in his report on New South Wales prisons that the community should be well aware of what took place behind the walls of institutions under the control of the Deparment of Corrective Services.

In accordance with Mr Justice Nagle's recommendations I approved the opening of prison institutions not only to the news media and the public but also to members of the Opposition. That attitude is in marked contrast with that taken by the former coalition Government, which even refused the Premier and Treasurer of New South

Wales, when he was Leader of the Opposition, the opportunity to inspect New South Wales prisons. A number of Government supporters were continually refused permission to enter prisons when they were in Opposition. The former Government was ashamed of the way in which it was administering the State's prisons. Since the implementation of the policy of opening up prisons to the media, the Opposition, the public and representatives of the news media have averaged four visits a week to New South Wales prison institutions. Those visits have been mainly to maximum security institutions in the metropolitan area.

I have said already that the interview to which the honourable member for Pittwater referred took place in September 1980. In October, while I was still unaware of that interview, I discussed with members of the commission the recommendations of Mr Justice Nagle. News media representatives have done a worthwhile job in describing to the citizens of New South Wales the manner in which our prisons were administered and managed. They have disclosed some of the reasons for the criticisms levelled by Mr Justice Nagle at the former Government and demonstrated the forthright and progressive steps taken by this Government. In particular, those steps have concerned prison security, as is evidenced by the building of the complex at Parklea, a wing at Mullawa detention centre to contain female prisoners and the rebuilding of the Bathurst gaol.

Some members of the news media have taken the opportunity of meeting individual prisoners. When I spoke with members of the Corrective Services Commission I expressed my concern about this practice. I took the attitude that this method of presenting discussions and interviews was resulting in dangerous prisoners being eulogized and made into folk heroes. I told the commission that I was opposed to that practice and would not allow it to continue. Since then the Corrective Services Commission has applied different attitudes and principles to interviews with prisoners.

CAMPBELLTOWN CITY COUNCIL

Mr MALLAM: I direct a question without notice to the Minister for Local Government. In view of the recent attack on a planning officer of the Campbelltown City council, will the Minister ask officers of the Department of Local Government to investigate town planning procedures within that council?

Mr JENSEN: The community deplores attacks upon any employees of government or local government. I have taken the view that the incident referred to by the honourable member for Campbelltown is a matter for the police—indeed, police action has now been taken. As the honourable member for Campbelltown has raised the matter, I shall ask the Department of Local Government to report to me as to the circumstances that preceded the attack to see whether any aspect of the administration of town planning in the Campbelltown area might have provoked or brought about the situation that resulted in the attack.

SCHOOL HOLIDAY RAIL BOOKINGS

Mr MURRAY: I direct a question without notice to the Minister for Transport. Has the State Rail Authority introduced a policy on train bookings that gives priority to adult passengers over schoolchildren? Has the State Rail Authority stated that it wants paying passengers and not freeloaders? Has this policy left many country schoolchildren stranded, without seats, at the last minute? In particular, I refer to the

St Gregory's school at Campbelltown, which made 140 reservations on one train but was allocated only 11 seats. Will the Minister direct the State Rail Authority to accept and honour bookings as a matter of priority, especially at school holiday times?

Mr COX: The Deputy Leader of the Country Party is aware that during school holidays the State Rail Authority has great difficulty in attempting to meet demands for rail bookings. That is not a new situation. The difficulty has been aggravated by increased patronage of the State's rail system since this Government took office. Last year alone there was an increase of 8 per cent in country rail services. All country rail services have experienced a significantly increased demand and a big swing back to the use of the State's railways. Obviously, such increased demand creates problems with school holiday bookings.

The State Rail Authority does not give priority to adults over schoolchildren. Attempts are made always to satisfy the travel demands of schoolchildren. I have said repeatedly that those demands have been increasing. Everything possible will continue to be done until the new railway equipment comes into the system. Although difficulty has been found in satisfying some demands, at least the Government has taken positive action to improve the situation in rural areas by the introduction of new trains which will come into use shortly. Services will be increased from 1st June to try to meet increased demand. The press has been informed of what those services will be. The new trains will be introduced throughout New South Wales to try to ease the burden on country passenger services. I refute what the Deputy Leader of the Country Party has said: it is not right that the State Rail Authority has not done everything possible to meet increasing demands. I have pointed out many times that the Government is doing all within its power to improve rail services.

COMMUNITY HEALTH SERVICES

Mr PETERSEN: My question without notice is addressed to the Minister for Health. Has the Minister's attention been drawn to a statement made at a public meeting by Mr Michael Baume, the federal member for Macarthur, blaming the State Labor Government for cutbacks in community health services? Was that statement given the lie recently by the federal Minister for Health ,the Hon. M. J. R. Mackellar? Will the Minister state the true position about this matter?

Mr K. J. STEWART: I assure the honourable member for Illawarra that on a number of occasions I have advised many people of the true position about health cutbacks. One such occasion was recently when the workers' health centre was opened at Wollongong. I said then that over the years there has been an erosion of federal funds available for the community health programmes. When the Whitlam Labor Government introduced the scheme it was on the basis of 90 per cent funding being provided by the Commonwealth Government and 10 per cent being provided by State Government. In other words, it cost the State Government—at that time the Liberal Party-Country Party Government in New South Wales——10c to purchase a dollar's worth of health care from the Commonwealth. That Government did that adequately. As a result, the community health programme built up splendidly in New South Wales by comparison with other States. The Health Commission adopted a plan to provide health services outside the hospital system. As the ground had been prepared in New South Wales, the State Government was able to take up many more Commonwealth dollars than any of the other State governments. That is why New South Wales has the largest community health programme in Australia.

In 1978–79 the Commonwealth Government started eroding its funding of community health services. First, it reduced its component from 90 per cent to 75 per cent. The State Government had to provide 25c to get $1 from the Commonwealth. In 1979–80 the Commonwealth Government reduced its component to 50 per cent. It now costs the State Government $1 to buy every federal dollar. In 1979 the Commonwealth Government put a freeze on new community health programmes. Moreover, it froze the existing programme at 85 per cent of its established position. Since 1979–80 the community health programme in New South Wales has been operating with that 15 per cent reduction, for the Commonwealth Government has refused to allow more funds to be provided for the community health programme. In the present financial year the sum available to the community health programme, for which the federal and State governments have provided funds, is $45 million. Allowing for a slight variation, this year the State Government has put in about $22 million and the federal Government about $23 million. That was under the 50–50 basis or the $1-for-$1 formula. Had the original Whitlam Labor Government formula applied it would have cost the New South Wales Government only $4.5 million to provide a community health programme costing $45 million. In other words, the New South Wales Government has increased its proportion this year by $18 million to make up the shortfall in Commonwealth funds.

Mr Baume is a great mischief maker in the Illawarra area, and he has supported the federal Government in its various funding reductions. Those cutbacks have applied not only to community health but also to the school dental health programme and the abolition of the hospital cost-sharing agreement. Indeed, this year Mr Baume will support the withdrawal of federal funds from the New South Wales hospital system to the tune of $174 million. Moreover, he supports policies that will result in $600 million being withdrawn from health funding for the whole of Australia during the next financial year.

SERVICE STATION FOOD SALES

Mr ROZZOLI: My question without notice is directed to the Minister for Planning and Environment. Is the Minister aware that Caltex and BP Australia plan to invest millions of dollars setting up food retail outlets at their service stations? Will this trading compete directly with small corner stores and similar businesses? Will the Minister, through the Government's planning and environmental policies or its regional environmental plans, take steps to limit trading at New South Wales service stations to the sale of their traditional goods and services?

Mr BEDFORD: The honourable member for Hawkesbury has asked a question about an issue that has not been put before my department although it has been reported by the news media. This matter has not come before my administration. I find it strange that the honourable member for Hawkesbury—a supporter of the free enterprise system—should now express concern about a system which is part of the platform of his own party. Perhaps this matter should be drawn to the attention of the appropriate administration. At this time I cannot provide an answer to the honourable member's question.

BIRKENHEAD POINT SHOPPING CENTRE

Mr MAHER: My question without notice is directed to the Minister for Industrial Development and Minister for Decentralisation. Is the Australian Mutual Provident Society trying to sell Birkenhead Point shopping centre at Drummoyne to oversea interests? Will the Minister investigate this matter to ensure that small businesses built up by the present leaseholders are protected if any change of ownership occurs?

Mr DAY: I understand that the Birkenhead shopping centre, which was originally owned by David Jones Limited, is now being offered for sale to a Singapore group. Any such sale will be subject to the approval of the foreign investment review board in Canberra. I do not have much confidence in that board. The Birkenhead Point complex has 111 market stores, 70 specialty shops, 11 store units and office space. I am willing to have a look at the matter to see whether I can provide the honourable member for Drummoyne with the assurance he seeks. The tenancy aspects of this matter are complicated. Existing leases may be direct from the owners of the freehold or they may be independent of such owners. I shall investigate all aspects of the leases at Birkenhead Point. I am encouraged by the reported statement of the Australian Mutual Provident Society, which has undertaken to give full encouragement to existing tenancies provided normal tenancy conditions are met. I fully support the view expressed by the honourable member, that tenancies should be protected. The federal Government should consider taking action to protect the storeholders at Birkenhead Point and make that protection a condition of any purchase. I shall do what I can to provide the assurance the honourable member seeks.

CONSTITUTION (DISCLOSURES BY MEMBERS) AMENDMENT BILL

Second Reading

Debate resumed (from 13th April, *vide* page 5711) *on* motion by Mr **Wran:**

That this bill be now read a second time.

Mr RYAN (Hurstville) [11.20]: On the last occasion that this bill was debated honourable members on this side of the House listened to the shadow Attorney-General and Minister of Justice, the honourable member for Lane Cove, speak to the bill. He posed this question: What mischief is this bill designed to cure? It is obvious to anyone who has thought about the matter that the answer is that it is designed to cure the type of situation where a conflict of interests arises or where certain knowledge becomes available to members of Parliament and others who may be able to take advantage of it. Honourable members recall the terrible scandal over milk quotas. That, in itself, might be an adequate reason for disclosing the pecuniary interests of members. Also, there have been various land deals, and one calls to mind the Lynch affair. Matters of that sort are the mischief that this bill is designed to cure.

The honourable member for Lane Cove probably has only one thing going for him in this Parliament: he has always been regarded as a true Liberal—a small-l Liberal and a man having some intellectual honesty. When this bill was debated previously the honourable member took a certain attitude. Now he has shifted his ground. He has decided that there is not one worthwhile thing that can be said about the bill, which requires members to disclose their pecuniary interests. One does not have to cast one's mind back far to realize how inconsistent the honourable member for Lane Cove has been. On 6th November, 1979, when this subject was before the House as a notice of motion, the honourable member for Lane Cove, in leading for the Opposition, had this to say:

> In leading for the Opposition on this motion I say at the outset that members on this side of the House accept that in our society and in the fashion of Westminster style parliament throughout the world the public deems it desirable that there be registration of pecuniary interests of members.

In adopting that stand eighteen months ago the honourable member echoed the views of previous opposition spokesmen on the subject. In September 1979 when the O'Connell committee was coming into being, Sir Eric Willis, the Leader of the Opposition of that time—there have been about four such leaders since—said:

> I make it clear at the outset that the Opposition supports the principle embodied in the motion . . .
>
> Let us have a system whereby the public can see just what each member of Parliament has when he or she enters the Parliament or the ministry.

One is compelled to think of what happens in Queensland. Members enter Parliament with the proverbial seat out of their pants and after they become Ministers they have oil wells, mining leases, large properties and seaside resorts, Sir Eric Willis went on to say:

> Let us reveal to the public what possible conflicts might exist or arise between public duty on the one hand and personal interest or benefit on the other.
>
> I can assure you, Mr Speaker, speaking on behalf of all honourable members on this side of the House, that we have nothing whatsoever to hide.
>
> Therefore, we are quite happy to reveal all, as they say.
>
> Perhaps this will put an end to part, if not all, of the mud-slinging and character assassination that has been going on in this Chamber—as I said before, under parliamentary privilege.

Sir John Fuller, the former esteemed Leader of the Opposition in the upper House said of this proposal:

> Details of a member's interests should be made available.
>
> The public should have some idea of the continuing interest that Ministers of the Crown might have.
>
> To some extent this disclosure would protect Ministers from scurrilous attacks made within the House or publicly.
>
> Attacks of this type are difficult to defend in a substantial way in the columns of the press.
>
> By taking this approach, protection will be afforded to members of Parliament from attacks by those who do not have the standards that all of us would like them to have.
>
> Protection will also be afforded members from attacks outside the House.

At that time the Hon. J. C. Maddison was shadow Attorney-General. In presenting his submission to the O'Connell committee he said:

> The Report by the Committee of the Commonwealth Parliament on the disclosure of pecuniary interests of Members of Parliament emphasises that the object of establishing a Register of Pecuniary Interests or other benefits of Members should be to enable "The Public to form an opinion as to the weight it should adopt to the views or decisions of its elected representatives in the light of the interests which those representatives hold". It is not, says the Report, "the means of detecting fraud amongst Members of Parliament". I would subscribe to that view.

Having heard what those former esteemed members of the Liberal Party had to say on public disclosure of pecuniary interests of members, on the last occasion when the bill was debated, honourable members today heard cavilling by the honourable member for Lane Cove. His views are different from the majority view of a committee established by this Parliament. They are different also from the recommendations of a committee established by the Australian Parliament, and those of the Liberal Government in Victoria. That government has established a pecuniary interests scheme by legislation, from the initiatives of many oversea Parliaments, including that at Westminster. It appears that the honourable member for Lane Cove is greatly in the minority in again pressing this point of view. The honourable member for Lane Cove said there was no mischief for the bill to be dealt with but there was plenty of potential mischief. We went on to say that the remedy was difficult. He quoted an eminent lawyer and accountant who gave evidence before the committee. The honourable member for Lane Cove quoted that witness as saying that it is easy to avoid these disclosures and to give away interests to family members and others, and we know that. The honourable member for Lane Cove was not honest enough to go on and say that that witness—whom I shall not leave unnamed; it was Mr Feros—approved of legislation to deal with pecuniary interests. Mr Feros said later in h i evidence:

> . . . using the analogy of the securities industry, it appears that some system of registration would need to be commenced and likewise adapted as time goes by.

The honourable member for Lane Cove cited the example of the person who gives away all of his assets and has no legal control over them. He quoted Mr Feros as saying that he had no legal control, but again he quoted selectively. He did not add that, in response to a question by the honourable member, who was a member of the committee, Mr Feros said that even when legal interests had been given away the person might still be able to pull the strings and dictate to directors of the company, who might be members of his family, how they should vote. Section 14A of the proposed legislation provides that it will be necessary to disclose positions held in corporations. The office of director is one such position. I do not know whether the honourable member for Lane Cove has ever read the definitions section of the Companies Act. That Act provides that a person who is not necessarily a director in name may be so if he is a puppet master. He can pull all the strings.

Mr Dowd: That is a stupid thing to say.

Mr RYAN: I do not think the honourable member for Lane Cove has really considered this matter. If one looks at section 14A it will be seen that one must disclose one's directorships. The definition of director under the Companies Act includes a puppet master, namely a person who gives away interests and still pulls the strings. In the same way this legislation will encompass that type of situation. This is exactly what Mr Feros said. I refer the honourable member for Lane Cove to page 294 of the report, particularly the answer to question 1314. That is what Mr Feros said, but the honourable member for Lane Cove did not understand it at the time. In this debate the honourable member for Lane Cove had the temerity to say that this was a trivial reason to interfere with the Constitution Act, that it was trivial to put into the Act a requirement that members disclose their pecuniary interests so they might at least appear to be honest in casting their vote and debating in this House. How does one overlook section 13 of the Constitution Act? Section 13 of the Constitution Act stipulates that a contract with a government department be revealed. Is it very much a further step to say that pecuniary interests that might involve all sorts of legislation before this House should be revealed?

I refer honourable members to the milk quota situation. I am not saying that the former honourable member for Oxley and the honourable member for Upper Hunter at any stage intended to be dishonest. They simply did not understand the situation. I refer to an alleged interview reported in the ***Daily Telegraph*** of 18th December, 1975, where this question was put to the former honourable member for Oxley about his own milk quota when he was appointed as Minister for Agriculture in the former Government. He was asked, would the fact he had a milk quota affect his work in the ministry? He replied, "I think it is of advantage to have a Minister for Agriculture who is directly concerned with the industry". He said his quota allowed him to sell 130 gallons of milk a day. He said further, "This interest will not affect policy so far as I am concerned. I do not intend to relinquish the farm. This sort of thing has been going on for years". He said he was not happy about moves to reduce existing milk quotas—this was the coalition Minister dealing with this matter—and would seek discussions with farmers and representatives of the Dairy Industry Authority.

Asked whether any reduction in quotas would affect his income, he said, "Yes, I suppose it would. I have not really thought about it". To be fair, that was the real answer; he had not really thought about the fact that his having a dairy quota might affect his decision-making in this particular area. I am not accusing the former honourable member for Oxley of being dishonest; I am accusing him of never having come to grips with the necessity for justice to appear to be done, as many people have not done, especially the honourable member for Lane Cove. Had the former honourable member for Oxley had to have on the record that he had a milk quota, it would have come home to him. In those circumstances it would then be a little unusual for him to be in the position of having to adjudicate on other peoples' interests.

Mr Singleton: You are trying to do that now.

Mr RYAN: The honourable member for Clarence does not even understand the situation. Let us get these interests out in the open so there cannot be any conflict. People can attribute the necessary weight to what is said and they can judge accordingly. The honourable member for Lane Cove purported to attack the legislation, saying that it is either too wide, too narrow, not specific enough, too general, or that it cannot be right. The honourable member for Lane Cove said that the proposed measure is too restrictive or not specific enough. The honourable member for Lane Cove then attacked proposed new section 14A and said "It is ridiculous interfering with the Constitution Act". It must be appreciated that the only reason this bill must go to a referendum is because section 7A of the Constitution Act, 1902, prevents this Parliament from increasing or decreasing the powers of the Legislative Council. It would have been sufficient for this purpose to introduce a bill that merely amends the Constitution Act giving the Legislative Council power to punish members of that House who did not comply with any scheme for the disclosure of pecuniary interests that may be established in the future.

I make the point that this bill is drafted so as to give the people some concept of how the pecuniary interest scheme will operate--some idea of the types of interests of members that might be required to be disclosed, and some idea of the consequences that may follow if members refuse or neglect to comply with the scheme. The bill then provides the framework for a pecuniary interests scheme in respect of both Houses of the Parliament and identifies those areas in respect of which regulations may be made requiring registration and disclosure, and specifies the form of penalty any defaulting member may suffer. The honourable member for Lane Cove then went on to deal with a peripheral area in petty specifics, and said, "If we have all to come along and disclose our personal interests, our watches, our jewellery, our household effects, this is going to be a burglar's guide and someone may break into our house

and will know what to look for and where it will be". This is ridiculous. This will depend upon the regulations drafted. The honourable member for Lane Cove may be assured the regulations will not require disclosure of petty piffling things of that nature. The regulations will deal with more important matters.

The honourable member for Lane Cove said that the regulations were not ready and had not been promulgated and that one did not know what to expect from them. The honourable member for Lane Cove has not studied proposed new section 14A of the Constitution Act. In that proposed new section are set out the areas that will be regulated, and they are quite specific. The honourable member for Lane Cove said that the legislation was no good and unnecessary. In contrast, he went on to say it was not wide enough as it did not include wives and dependent children. If the honourable member for Lane Cove thinks the legislation does not go far enough, he can move an amendment in Committee where he will have the opportunity to acknowledge that the legislation is good but the Opposition thinks it should go further and should include wives and family members. The ball is in the court of the honourable member for Lane Cove.

The honourable member for Lane Cove purported to find some inconsistency between proposed subsection (4) and subsection **(6)** of proposed new section 14A. The honourable member for Lane Cove said, on the one hand, that new subsection (4) required that the proposed regulations should apply in the same way to both Houses but, on the other hand, under new subsection (6) it was necessary for both Houses to disallow regulations for the repeal of the regulations. What the honourable member for Lane Cove does not realize is that proposed subsection (4) is concerned with the implementation of regulations, whereas proposed subsection (6) is concerned with their repeal. If the honourable member for Lane Cove cares to think about the particular means by which regulations are brought into effect and repealed, he will realize that there is no inconsistency between those two proposed new subsections.

The honourable member for Lane Cove criticized proposed new subsection (5) and said despite the fact that a committee will be appointed to oversee the operation of this scheme in this House, and it might bring in recommendations to the Government, the Government would not follow them. That is the prerogative of the government of the day. The Government does not have to follow the recommendations of any committee. Is not it a good system that at least a committee will be invited to put views to the government of the day so that the government will have the advantage of the practical advice given to it by that committee? That is a good step forward.

The honourable member for Lane Cove is seeking to shift his ground, to vacillate and to oscillate in an attempt to gain some cheap political advantage, some media advantage, from his criticism of the measure. He is flying in the face of the views of past leaders who have supported the principle behind the scheme. It is fair to say that the public cynicism about politicians individually and our system of parliamentary democracy has been caused more through ministers and members of parliament being accused of having a conflict of interest than by any other single factor. One need only think back to the Lynch affair, in which a federal Minister was giving taxpayers' money to the Liberal State Government in Victoria. The Victorian Government was using the money to purchase land for a Housing Commission development.

The Rt Hon. Sir Phillip Lynch had available to him inside information. Unfortunately, the whole Lynch affair went off on a tangent about family trusts, when it was really about insider trading. Sir Phillip Lynch had inside knowledge and information that the Victorian Government, which was of the same political persuasion and colour as himself, was about to purchase land for a Housing Commission project.

Sir Phillip Lynch formed a family company which just happened to purchase the land, and by doing so made a huge profit when the Iand was sold to the Housing Commission. The federal Minister obtained inside knowledge and information and used it to the advantage of his family company. Had he been required to disclose on a public register in Canberra that he had a beneficial interest in the family trust, he might have been less inclined to take advantage of that inside knowledge. He might have been deterred from taking that action, though his hide is so thick and impervious to public criticism that he may not have taken any notice of the public's attitude. That is a perfect example of insider trading, yet Sir Phillip Lynch has the hide to speak about business morality. In fact, he lectures people about that subject, but took advantage of insider knowledge to obtain a big gain for himself and his family company from the activities of the Housing Commission in Victoria.

Mr Sheahan: Mr Lynch received a knighthood.

Mr RYAN: Yes, he received a knighthood to boot, and is a peer of the realm. That should be sufficient to demonstrate the necessity for public disclosure of the pecuniary interests of members of Parliament. There are many other examples. One might consider the ill-fated coalition Government Minister who did not realize that there might be a conflict of interest, let alone come to grips with the problem. At least the former Minister for Agriculture was honest enough to say he did not realize there was such a conflict. There should be no more of the suggestion that there is not a need for the problem to be cured, for a public register, or for members of Parliament to disclose their pecuniary interests. Before I finish dealing with the milk quota incident perhaps I should refer again to the evidence of a former Attorney-General and Minister of Justice, the Hon. J. C. Maddison, who was an extremely honest man, unlike some of his colleagues. When the Hon. J. C. Maddison came to grips with the question of whether it would be necessary to allow public inspection of the register of pecuniary interests, he said that bona fide inquiries should be treated properly and persons who had a bona fide interest should be able to examine the register. When giving his evidence to the joint committee, the Hon. J. C. Maddison said:

> There would be little legislation which was ever introduced into Parliament in respect of which it would not be relevant for the public at large to know what the individual interests of each Member may or may not be. That would seem to be a bona fide interest on the part of an inquirer. If one takes, for example, the Dairy Industry Authority Act, every member of the public in a particular electorate and many members of the public throughout the State could claim an access to the Register in respect of each and every Member to see who holds milk quotas.

It is obvious that if a Minister responsible for the administration of the Dairy Industry Authority Act has a milk quota, his constituents should be aware of that fact, and other dairyfarmers should also be aware of it. Dairyfarmers at Lismore would want to know that the Minister held a milk quota. That is a perfect example. When an imaginary line is drawn across the State and milk quotas are available to farmers south of the line but none are available to those north of the line, dairyfarmers from Lismore and other disadvantaged districts should be able to make a legitimate inquiry about the possible interest that could be prevailing upon the Minister's mind in the decision-making process. The Hon. J. C. Maddison was honest and forthright when putting his views about the problem. The honourable member for Lane Cove paraded round the Parliament and promoted himself as a small "l" liberal and a colleague of the Hon. J. C. Maddison. We find now that they were poles apart and that the whole thing has been a masquerade by the honourable member for Lane Cove.

Mr Dowd: Does the honourable member want an extension of time? I need more advertising.

Mr RYAN: I have been reminded that the Country Party was represented on the joint committee.

Mr Sheahan: Not by a milk vendor or a dairyfarmer.

Mr RYAN: The Country Party was represented by the honourable member for Young.

Mr Dowd: The honourable member for Young did not have a milk quota.

Mr RYAN: That is right; he did not have a milk quota. At the first committee meeting he said that basically he had a closed mind on the issue—that is, that he was not for disclosure. The honourable member for Young was not a dairyfarmer; at least he did not have that problem. In some respects a member of Parliament is a trustee for the public interest. At least he is in a fiduciary relationship with his electorate and perhaps with the State as a whole. He should exercise that position fairly and honestly. He should be required to disclose his pecuniary interests; but not other interests, as some members of the Opposition wanted. In fact, they wanted to know the clubs and the trade associations to which members belonged, the religion of honourable members and the churches they attended. The Government does not want to intrude upon the personal lives and associations of honourable members. The Government wants to know the pecuniary interests that members have, so that when they contribute to debate in this House and suggest that they are as pure as Caesar's wife, the public will be aware of their interests, be able to judge the debate accordingly, and assess the real weight of their contributions.

I thought the honourable member for Lane Cove was a thinking member of the Parliament. All thinking members would agree that this measure will only enhance the reputation and status of the Parliament and help the public to decide whether members of Parliament are honest and giving the public a fair deal, as they purport to do. Government supporters represent their constituents fairly and squarely; they do not oppose the public declaration of pecuniary interests. I trust that all thinking members of the Opposition will disagree with the honourable member for Lane Cove and say that the pecuniary interests of members should be brought out into the open, so that there is no conflict of interest or potential conflict of interest.

Mr Dowd: Does that include debts?

Mr RYAN: Debts may have an effect upon voting.

Mr PUNCH (Gloucester), Leader of the Country Party [11.50]: I should like to say at the outset that the National Country Party does not oppose the principle of disclosure of pecuniary interests, certainly not to a proper, responsible body. But my party is opposed strongly to a system of disclosure that endorses a major and unwarranted invasion of privacy. A register of pecuniary interests, Wran-style, represents yet another cosmetic Labor Government exercise that will not work.

The ultimate impact of this piece of legislation will be to downgrade Parliament by deterring men and women of standing and ability from standing for election. They will not allow themselves to be placed in such an unacceptable position in relation to their own, or their families', private affairs. The legislation will make Parliament a haven for party hacks, for people of little substance, as people of standing will not submit their private lives to the abuse of such immoral and unprincipled politicians as the Premier and Treasurer or the Attorney-General and Minister of Justice—both of whom have repeatedly abused their privileged positions in relation to disclosure

of private information. All parliaments need the best people to execute the affairs of state. They do not need or want legislation that will preclude the entry of such people to Parliament.

I have always held that most members of Parliament are honest and dedicated. Why should they be subject to such abuses as would come from this legislation and this Government, if it should be re-elected. There is already ample evidence of the Premier and Treasurer's readiness to abuse and defame Opposition members without substantial information on which to base his abuses. Under the umbrella of parliamentary privilege, he has scandalously and erroneously labelled various Opposition members as defrocked ministers, broken down real estate agents, and failed businessmen. With his foul tongue he has vilified honest, decent people inside and outside Parliament. He has described the Rev. Fred Nile as a failed political candidate. What about Bill Fisher? Imagine the sort of abuses we could expect from the Premier and Treasurer if he had detailed information.

Moreover, it seems totally unfair to require members of Parliament to divulge publicly detailed accounts of their financial interests, in a manner that is open to abuse, when others in positions of trust do not have to submit such details. Any such requirement of disclosure by members of Parliament, without a requirement of disclosure by other persons, would give rise to an imbalance against the public interest as there are clearly such classes of persons as senior public servants and heads of statutory authorities whose activities can influence and play a significant part in the public decision-making process. I suggest the setting up of a committee of privilege to examine the type of personal vilification that is indulged in by the Premier. Though I know it is outside the scope of this bill, I shall be examining this proposal with a view to its introduction later.

The very provision for registration of pecuniary interests seems to impugn the integrity of members of Parliament and to suggest that honest politicians are few and far between. There are no more dishonest parliamentarians than there are dishonest doctors, solicitors, public servants, stockbrokers, builders' labourers, or any other group of persons. Though the National Country Party does not oppose the principle of disclosure to a proper body, it is concerned that the disclosure provisions of the bill will allow wholesale, government-inspired intrusion into a person's private affairs. And, of course, the measure will be open to abuse by any dishonest person. In particular, proposed section 14A (a) (xii) provides for the making by the Governor of regulations for or with respect to the disclosure of any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations. That provision will give the Government of the day ***carte blanche*** to recommend to the Governor any regulation it chooses.

Regulations are made outside Parliament. This system will lend itself to abuse by the Labor Government. It will sit in judgment on a member accused of a failure to disclose and it has the numbers in both the upper House and lower House. Honourable members are being asked to vote for a measure without knowing what its ultimate implications will be. The Government may choose to bring in a regulation seeking disclosure of what privately owned magazines or newspapers are supplied free of charge, or details of members' accounts with doctors, or who does their tax returns. Such ***carte blanche*** does not rule out the possibility that an innocent third party—for instance a beneficiary under a trust, a partner, a co-owner of property—might be damaged by public disclosure of the third party's affairs. Once this bill becomes law, it may not be possible for an innocent third party to seek injunctive relief in certain circumstances. In effect, it will take away a legal tool, which even common law provides.

Proposed section 14A (a) (x), which relates to regulations requiring disolosure of debts, is totally open-ended. Are normal monthly accounts to be reported every time there is a change? Will it include debts to shops, or bank mortgages? Why should an honourable member's overdraft or mortgage be publicly declared so that unscrupulous people—as is the Premier and Treasurer—can abuse the information under parliamentary privilege? This measure could cause extreme embarrassment for a parliamentarian's family. Proposed section 14A (a) (xi) relates to payments of money. It could be taken to the ludicrous extreme that honourable members will have to declare payments made to a restaurant for the dinner it served them, or payments to a shop from which they bought their spouses' birthday presents. As I said at the outset, the National Country Party is not opposed to the principle of disclosure, provided it is effected in the proper way. Instead of Parliament sitting in judgment on a member—where the Government of the day could, by its numbers, enforce the sanction of the loss of that member's seat, probably for the wrong reasons —would not it be far more preferable to have an impartial court or body decide whether a member is guilty or not? Instead of a public register—which, after its initial publication, will become simply another cog in the wheels of bureaucracy—why not consider the Californian system, where on entering Parliament a member discloses his interests to an outside committee of properly accredited people? Any queries or objections are also referred to that committee, which reports to the parliament if it believes a member should not participate in a particular debate. Any complaints about a member are considered and reported upon by that committee.

What about the age old law that a person in a position of trust shall not be allowed to profit from any abuse of that trust? Members of the Opposition in this House are always cognizant of that law and are always prepared to disclose, before any debate or vote, before any ministerial decision, any personal conflict of duty or interest, whether financial or otherwise. Such an honour system could be enshrined in legislation to include a range of penalties for breaching a disclosures code of conduct. There could be such a code—as has been recommended by many people to the Parliamentary Committee. There is no reason why the Australian Journalists' Association should not be covered by such a code.

Since the Premier and Treasurer first announced in March 1979 his intention to introduce a register of pecuniary interests, he has bungled the legislation. It was to have been set up by the end of 1979. The Premier had intended to set up a register on a motion of both Houses of Parliament until he learned that a register for the Legislative Council could not go ahead without a referendum. He set up a parliamentary committee on pecuniary interests, which had to be abandoned at its first meeting because it did not have the authority to convene during the Parliamentary recess. The original intention of the Premier and Treasurer to include spouses and children in the register was withdrawn from the legislation because of backbench pressure from his own colleagues.

What is left is a cosmetic and cynical piece of legislation, which will be administered by a Premier who is without responsibility, integrity or principles. He has shown his lack of scruples by abusing confidential and private information about members of Parliament and people outside Parliament, always being careful to do it under parliamentary privilege. Honourable members saw examples of such abuses with milk quotas a few years ago, and more recently with a scandalous abuse of confidential bank information about a Country Party member, solely designed to try to denigrate that member. The bill is another Wran farce, based without principle. It will be abused by the Government. In no way will it reveal the dishonesty of people who wish to evade disclosure.

Mr GREINER (Ku-ring-gai) [12.0]: The political correspondent for the ***Sydney Morning Herald,*** when discussing this piece of legislation, concluded her writing on the subject by saying that it is the culmination of a monumental series of bungles. By that she was referring to the bungling of the Premier and Treasurer and the Government. Indeed, what we have is a culmination of a series of bungles concerning the understanding, or more accurately, the lack of understanding, of the forms of the Parliament, and the lack of understanding of the provisions of the Constitution that has taken some four years to unravel. That, in a way, is symptomatic of the legislation. Let me make it clear, for it was obviously not clear to the honourable member for Hurstville, that the Opposition is not opposed to the legislation. As the honourable member for Hurstville was replying to remarks made by the Opposition shadow Attorney-General, I should have thought that he would have understood quite clearly that the Liberal Party is not opposed to the legislation. Also, members of our coalition partner have stated that they are not opposed to the legislation. What we are seeking to do, and I should think we have done quite clearly, is to point out that even the reasonable objectives of this legislation will not work.

The honourable member for Hurstville queried the sorts of mischief that we are looking for but then provided his own answer to that question. He came up with a specific example of the allegations that were made in the federal Parliament some three or four years ago concerning Mr Philip Lynch, and some newspaper reports concerning milk quota interests of some members on this side of the House. That was the sum total of the sorts of mischief he had in mind, apart from the grab-bag category that he called a conflict of interests. He came back to this point several times during the course of his remarks. He said the purpose of this legislation is so that any conflict of interest could be exposed and brought out into the open. He said, also, that the purpose of the legislation is so that everyone can see whether there is a conflict between the actions of a Minister or a member of Parliament, and his personal interests.

As for the legislation's objective, there is absolutely no evidence that what we have here is other than a cosmetic attempt to make the public feel happy, to make the public feel confident, if you like, that there will be a real impact by exposing conflicts of interest. There is evidence that the legislation will have no effect unless we are to assume complete honesty on the part of members of Parliament and of the Ministry. But, if there were such complete honesty, the legislation would be redundant. If we are looking for some explanation of the objectives of the legislation we can find it in this statement of the Premier and Treasurer, made in his second reading speech:

> The establishment of a scheme whereby members of Parliament can be seen to be above reproach not only enhances the prestige of our parliamentary system but also protects the members themselves against scurrilous attacks which in the past they have found difficult to rebut.

In that statement, presumably, lies the essence of what the Premier and Treasurer is talking about. It is that members of Parliament can be seen to be above reproach. I ask anyone who has seriously considered the provisions of this legislation, whether it be the public at large, the media, or members of this House and in the other place, believe that the situation will change in any real or substantial way as a result of the legislation. Of course, it will not. This measure is concerned only with creating an appearance of honesty.

The Opposition has made its position quite clear. If it is the wish of the people, as it may well be, that we should create this appearance of openness and should pass legislation containing an open-ended power to regulate, that is fine. We on this side of the House are not opposed to the legislation, but we say that it fails the real

test. If the Government were sincere in its wish to open up the situation, it would consider first the whole question of open government. It would look, also, at the question of accountability of government—revealing why decisions are made, and whether there are, or may be, real conflicts of interest. Second, if the Government were sincere about it, there should be, in conjunction with this legislation, a code of ethics, a set of norms of behaviour, that all members of the House should undertake to stick to. I suggest to the House that in the absence of any attempt to look at the question of open government in any real way, and in the absence of any real attempt to have a code of conduct that many other schemes—certainly in the United States of America—have in conjunction with a registration of members' interests, this piece of legislation must be a complete sham. It is designed to make an impression on the public but it will not work.

When one looks at the report of the Joint Committee of the Legislative Council and Legislative Assembly on Pecuniary Interests one finds at page 8 that the committee deals with the concept of the register, and asks what I consider is a key question. That question was not answered in the weak and insubstantial second reading speech of the Premier and Treasurer, nor was it answered in the remarks of the honourable member for Hurstville. The committee asks: is there a public demand, or should the public be given a right to see, that parliamentarians and public officials act with honesty and propriety in making decisions that affect their way of life? Is public confidence in the institution of government at a low ebb? Is the general public suspicious and cynical about elected officials and their conduct? Does the law relating to conflict of interest of members of Parliament and government officials need strengthening?

Mr Ryan: The answers are, yes, yes, yes.

Mr GREINER: I put it to the House that those questions are perfectly reasonable. The honourable member for Hurstville assisted me with some affirmative replies. I challenge any member on the Government side of the House, for none has done so yet, to show how the questions asked by the committee can be answered by this open-ended, vague, virtually meaningless piece of legislation—a measure that members on both sides of this House have said will not result in the detection of anything that a member does not wish to be detected. I do not see how, in any way, this legislation can be seen to be aiding the process of giving affirmative answers to those questions. How can it aid the public if, indeed, those questions reflect the state of the nation or this State?

When reading the bill I was reminded of an old French fable, *The* Little Prince. The little prince was said to have come to earth from another planet. During his travels he met a king who told him that he had absolute universal power—he could do anything he liked. Also, he could command any of his subjects to do anything he wanted. The little prince asked the king, "Can you order a sunset?" The king replied, "Yes, of course, I can order a sunset."

Mr Ryan: That is where this legislation comes in.

Mr GREINER: It might have been better if it had come from another planet. The king began to give a detailed explanation of how powerful he was but the little prince again asked, "What about my sunset, when will it happen?" The king paused, consulted his almanac and said: "Tonight the sun will set at precisely twenty minutes to eight. At that time, when the sun sets, you will see how well I am obeyed." That fable, in a sense, encapsulates what one has with this piece of legislation—a self-fulfilling prophecy. If, indeed, there are members who are willing to reveal, or willing to disclose a conflict of interest, the measure will work. But surely that assumption is almost nonsensical if a Minister in this place, or any other place, in fact has a real conflict of interest. The honourable member for Hurstville spoke of a federal Minister

in that situation. The last thing such a Minister would do, if he were intent on non-disclosure, would be to allow himself to come within the provisions of the legislation as it stands. In other words, the legislation will be meaningful, or something other than a self-fulfilling prophecy, only if there is complete honesty, openness and integrity on the part of the members of Parliament concerned. If that sort of honesty exists, this legislation is not necessary. That is why I believe a pointless piece of logic has been sold to the public. I do not disagree with the proposition that the public wants this legislation, but they have been sold a pup.

The legislation will achieve nothing substantive. It will not assist in having revealed conflicts of interests that members do not want to be revealed. It would have been far more meaningful to associate the legislation with efforts to open up the entire government process and give freedom of information such as is being done in the federal sphere. Much more would be achieved if the Government were to introduce some of the recommendations of Professor Wilenski in his interim report on the reform of New South Wales public administration. I refer to the recommendations on openness of decision-making and making public the reasons for decisions to members of the public who have a bone fide interest in them. That would do more to reveal conflicts of interest than the proposed legislation. If the Government had wanted to do something about the behaviour of honourable members in this House and how their interests may impinge on decisions of government, it would have developed a code of conduct such as the committee suggested. It would have laid down a code of behaviour. The witness Mr Feros, whose evidence has been quoted by members on both sides of the House, suggested a code of behaviour similar to that which exists in relation to various company activities. Such a code would have been an appropriate and necessary criterion if we are to judge the behaviour of honourable members against a set of norms on which both sides of the House agree.

The regulations and the powers given under them have been dealt with by the shadow Attorney-General and Minister of Justice and the Leader of the Country Party. When the honourable member for Hurstville says that proposed new section 14A is quite specific, the only conclusion one can reach is that he must be joking. This bill is one of the least specific pieces of legislation one could imagine. It leaves more to the imagination than any measure I have seen in the short time I have been a member of this House. Far from improving the attitude of the public to Parliament, it underlines the assumptions that the committee raised about the distrust of this institution and its members. It will not effectively bring out into the open conflicts of interest. It will not make it easier for the average person to see the motivation of governments or Ministers. As one has come to expect from the Labor Government and its Premier and Treasurer, this legislation is a cosmetic sham that will achieve nothing but will give the people of New South Wales a misguided sense of confidence. As a piece of electoral reform it is a meaningless, shallow contrivance.

Mr J. A. CLOUGH (Eastwood) [12.14]: I oppose the legislation strenuously.

Mr Ryan: But the House has just been told that the Opposition is in favour of the legislation. For whom is the honourable member speaking?

Mr J. A. CLOUGH: I am speaking for myself.

Mr Ryan: Does the honourable member mean that in caucus he was not given approval for what he proposes to say?

Mr J. A. CLOUGH: Members of the Opposition do not require caucus approval. We are free and unfettered members of Parliament, and that is why we on this side of the House are better than honourable members on the Government side. This legislation is similar to the legislation dealing with public funding of election campaigns that was

recently passed through the House. The bill is another step towards the police state. Government supporters will rue the day when ultimately the measure relating to the public funding of election campaigns and the legislation now under discussion come into force. It is indeed bad legislation.

There is not much I can say that has not been said already on this measure, but I rise to make known my strong objection to the bill. The honourable member for Hurstville said that members of Parliament are trustees of the public interest and have a fiduciary relationship. In a sense that is so, but I adopt the statement made by the Leader of the Country Party a few moments ago when he said that the best people should be elected to Parliament to conduct the affairs of state. I do not believe that the Parliament should be above the law—far be it from me to make such an assertion—but I endorse the remark of the Leader of the Country Party that persons who are elected to Parliament should be seen to be above reproach and to have sufficient status and standing that when they rise to speak in the House they will declare any conflict of interest. They should not have to be shackled by legislation and bullied into declaring interests, as they will be obliged to do by proposed section 14A which states:

> (1) The Governor may, subject to subsections (4) and (5), make regulations for or with respect to—
>
> (a) the disclosure by Members of either House of Parliament of all or any of the following pecuniary interests or other matters:

The provision goes on to list twelve paragraphs. I shall not weary the House by reading them all, but the first one states that members shall disclose real or personal property. Putting it crudely, that means everything down to one's underwear. It is disgraceful that a member of Parliament elected by some thousands of constituents to represent them in Her Majesty's Parliament should be subject to such an ignominious piece of legislation. The only good thing that can be said for it is that it is to be submitted to a referendum. I hope the people of New South Wales will recognize the measure for what it obviously is—bad legislation—and that they will reject it out of hand.

It is paradoxical that the legislation should be an instrument of the Labor Party—a party that used to espouse the cause of freedom in all of its aspects. The Labor Party that I knew as a young man exists no longer. Today it is a left-wing socialist party bereft of democratic principles. It is hell-bent on shackling the people of New South Wales in one way or another. I repeat, the people of New South Wales must be informed in depth on the real meaning of the legislation. It is not merely a matter of asking members of Parliament to disclose certain interests. I am not afraid of disclosing my interests if I have to do so; I have nothing to hide. My objection to the legislation is that it is an infringement and an encroachment on the rights of the individual. Though members of Parliament should not be above the law, they should not be subject to legislation such as this which implies that there are among us persons who are basically and patently dishonest, and perhaps worse. I should have thought that in considering this measure the Government would have taken more pride and interest in and showed more concern for the status of members of Parliament than to introduce this obnoxious legislation. Whatever else has been said about the measure on behalf of the Opposition, for my part I reject it completely and I shall do my best to ensure that, when this obnoxious legislation is submitted to referendum, the people of my electorate will not have a bar of it.

Mr CAMERON: Mr Speaker——

Mr FLAHERTY (Granville), Government Whip [12.20]: I move:

> That the question be now put.

The House divided.

Ayes, *55*

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

Noes, **33**

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

Resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Page 3

make regulations for or with respect to—

(a) the disclosure by Members of either House of Parliament of all or any of the following pecuniary interests or other matters: —

(i) real or personal property;

Mr DOWD (Lane Cove) [12.28]: As I said during the second reading debate, and as was underlined by the honourable member for Ku-ring-gai in referring to the vagueness of the proposal, the Opposition considers that the listing of personal property becomes completely unrealistic in the context of this legislation. Because of bad draftsmanship, personal property may include anything from millions of dollars worth of diamonds down to the most trivial item. It is all very well for the honourable member for Hurstville to talk about what will or will not be in the regulations. I hope the honourable member does not have any part in drafting the regulations because honourable members had enough problems trying to understand his contribution to the debate.

Because property can include shareholdings, partnerships, trust positions held, et cetera, the Opposition believes that it is therefore possible within the structure of this legislation to leave out the word "personal" as applied to property. To take an example, a painting, for instance, may be a valuable work of art worth $100,000, or $500,000 but it could also be worth a mere $10. There is no way to categorize such property. A public register of property owned by honourable members is not to be required. If the Government is able to work out a set of regulations that will allow disclosure of substantial property interests without disclosing the whereabouts of such property, it is possessed of greater imagination than I give it credit for. I move:

That at page 3, line 29, the words "or personal" be left out.

Mr RYAN (Hurstville) [12.30]: I am surprised that the honourable member for Lane Cove should suggest that personal property should be deleted from the provision. At law personal property has a far wider meaning and connotation than wristwatches and jewellery. It is incredible that the honourable member should confine his remarks about this schedule at the second reading stage to lists of jewellery and burglar guides. In Committee he has dealt only with jewellery and wristwatches. Surely I do not need to remind the honourable member for Lane Cove of the wider meaning of personal property.

Mr CAMERON (Northcott) [12.32]: In effect, the schedule is the whole bill. I put it strongly to the Committee that the proposal is a farce and a sham. It is another piece of cosmetic politics, another piece of theatre.

Mr Ryan: On a point of order. The honourable member for Lane Cove has put a specific proposal to delete some words from the bill. The honourable member for Northcott is making a second reading speech and canvassing the general philosophy of the bill.

The CHAIRMAN: Order! The honourable member for Northcott is not at liberty to indulge in a second reading debate. He is limited to the question before the Chair. The question is, That the words proposed to be left out stand.

Mr CAMERON: I strongly support the amendment moved by the honourable member for Lane Cove, which attempts to give some specificity to a completely non-specific proposition. I support the amendment. I propose later to speak to the schedule at large.

Mr HAIGH (Maroubra), Minister for Corrective Services [12.34]: The amendment is not acceptable to the Government. Clearly the Opposition is trying to remove the real import and effect of the clause. If the proposed amendment were accepted, the legislation would effect only cosmetic change.

Question—That the words stand—put.

The Committee divided.

Ayes, 55

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

Noes, **32**

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

Question so resolved in the affirmative.

Amendment negatived.

The CHAIRMAN: The question is, That the schedule as read stand part of the bill.

Mr CAMERON: Mr Chairman——

Mr FLAHERTY (Granville), Government Whip [12.41]: I move:

That the question be now put.

The Committee divided.

Ayes, **55**

Mr Akister	Mr Gabb	Mr O'Connell
Mr Anderson	Mr Gordon	Mr O'Neill
Mr Bannon	Mr Haigh	Mr Paciullo
Mr Barnier	Mr Hills	Mr Petersen
Mr Bedford	Mr Hunter	Mr Quinn
Mr Brereton	Mr Jackson	Mr Ramsay
Mr Britt	Mr Jensen	Mr Robb
Mr Cavalier	Mr Johnson	Mr Rogan
Mr Cleary	Mr Johnstone	Mr Ryan
Mr R. J. Clough	Mr Knott	Mr Sheahan
Mr Cox	Mr McCarthy	Mr K. J. Stewart
Mr Curran	Mr McGowan	Mr Walker
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Mr Durick	Mr Mair	Mr Wran
Mr Egan	Mr Mallam	
Mr Einfeld	Mr Mochalski	*Tellers,*
Mr Face	Mr Mulock	Mr Flaherty
Mr Ferguson	Mr Neilly	Mr Whelan

Noes, **34**

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

Resolved in the amative.

Schedule agreed to.

Adoption of Report

Bill reported from Committee without amendment, and report adopted on motion by Mr Haigh, on behalf of Mr Wran.

Thiid Reading

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

[Mr Speaker left fhe chair at 12.53 ***p.m. The House resumed at*** 2.15 ***p.m.]***

CONSTITUTION (LEGISLATIVE ASSEMBLY) AMENDMENT BILL

Second Reading

Debate resumed (from 13th April, ***vide*** page **5709)** on motion by Mr Wran:

That this bill be now read a second time.

Mr CAMERON (Northcott) [2.15]: The Liberal Party-Country Party Opposition has long been identified with support for the principle of the parliamentary term being extended from three years to four years. Indeed, the Opposition has declared itself in favour of such an extension. It is pleasing to see the Government now moving in the same direction. I am gratified to be able to correct the mistaken attitude within the community that Oppositions generally—whether in the State or the Commonwealth sphere—serve only to oppose. It is felt that they only oppose, that they never in fact support or affirm. The fact is that the contrary is the case. Perhaps the majority of bills that pass through this House do so with Opposition support. Only bills that involve a fierce difference of views attract the attention of the media, and that is understandable. All that filters through to the community at large is the feeling that Oppositions oppose.

It is satisfying to be able to say that on this issue there is a commonality of approach between the Government and the Opposition. Lord Randolph Churchill once said, "I see no good object to be gained by concealing my opinion that the constitutional function of an Opposition is to oppose and not support the Government." I can understand the force with which that venerable British parliamentarian put that view. I agree with him to the extent that it is important to the working of the Westminster system that when an Opposition is opposing it should do so clearly, consistently, and right down the line. Nevertheless, when an Opposition is affirming, it should be equally clear in its affirmation. It was with some reference to the frequency of elections that Lord Randolph Churchill's son, Sir Winston Churchill, said,

> No one pretends that democracy is perfect in all ways. Indeed, it has been said that democracy is the worst form of government ——

Sir Winston, of course, was the master of the long parliamentary pause. There was such a pause before he added an important exception, when he said:

> ——except all those other forms which have been tried from time to time.

Our superb parliamentary system can be marred—and in the Australian scene it is marred—by too great a frequency of elections. The bill is an important measure. The system does not attend to itself; it must receive attention from time to time. Legislation must have the benefit of strengthening amendments from time to time. It is put on behalf of the Opposition that this is such an occasion.

I believe the system is apt to attract cynicism within the electorate. The reason is that elections are held too frequently. If I had to point to the various factors impairing the working of the Westminster system of parliamentary democracy in the Australian scene, I should need to emphasize first, and above all, that public cynicism concerning it is the greatest single detracting feature. I believe the focus of the media upon the cynical side of politics adds to that problem, as does also the frequency of elections. The resort to an extensive, personal vilification within Chambers such as this, adds to cynicism within the electorate. I praise the Premier and Treasurer for introducing this bill, but I suggest that he is vulnerable to criticism for too much resort to such personal vilification. Short sitting times also attract criticism. I assure the Leader of the House that I shall not develop that point at this stage.

Public cynicism is inflamed by excessive use of the gag and the guillotine. I believe that the modern propensity for the reading of parliamentary speeches, rather than the delivery of speeches eyeball to eyeball, leads to public cynicism with the system. Overall, I believe there is too great a focus upon hyperactivity, upon the tendency which the system imposes upon us, to be always running, even if on the same spot. It was Paul Janet who said, "The Government is too much taken up with action to have time to think." I believe that excess frequency of elections compounds

this evil. There is too much activity and too little time for research. There is too little time for meditation and too little time spent in libraries. I believe that members have too little time to study; that too much time is involved in the endless round of functions and too much time is spent in the preparation of repetitive speeches.

When we come to discuss the desirable length of a parliamentary term it is most important that we should have in mind the overall scheme the founding fathers of the Australian Constitution envisaged. The system has some beautiful features. The system involves an awareness of the destructive and dangerous nature of political power if it is allowed to be compounded or if it is permitted to be aggregated too much in the one place at the one time. To overcome that tendency the founding fathers had in mind a three-tier government structure with the national government at the centre. The founding tier of government—that is, the State governments—was seen as the intervening tier and local government as the intimate tier, that is, the tier closest to the people. The founding fathers diffused political power to stop it aggregating, by having those three tiers of government. Moreover, they ensured that to stop the aggregation of power there would be a number of parliaments. With the sole exception of Queensland, that diffusion of power has been made even more attractive by each parliament being divided into two Houses rather than just one.

That is a realistic structure that works well but it has a defect. Because of the multiplicity of Chambers and of Parliaments we tend to have too many elections. One of the desirable features of the measure is that by extending the term of the Legislative Assembly from three years to four, the frequency of elections will be reduced. That is one of the reasons why the Opposition feels this is an occasion on which politics should be set aside in the interests of better government for the people of New South Wales, by both sides of the Parliament coming together in a bipartisan approach. We now have the opportunity to show those who elect us that parliamentarians can put aside political differences and act in the best interests of the State.

Many other issues fall into that category. They are issues in respect of which Opposition and the Government should put aside the ferocity of the conflict that normally rages across the table that separates the Leader of the House from me. We ought to adopt a bipartisan approach towards the full adoption of the Westminster system in relation to the position that you, Mr Speaker, occupy—and occupy impressively. We ought to be moving towards the adoption of the office of an independent Speaker. We should adopt an approach consistent with that adopted by Sir Billy Snedden, Speaker of the House of Representatives, and move to a stage where that office is removed from partisan politics. Then we can establish in this Chamber a system under which both sides of politics go their respective distances towards their ultimate goal. At present neither side is going the full distance.

Putting forward a purely personal view—and each of the ninety-nine members of this Parliament is entitled to a personal view—I believe we should approach the issue of voluntary voting as against compulsory voting in the same way. We should hold up the party political system in this Cbamber to the scrutiny of bipartisan and thoughtful consideration. It is true that whereas every matter that comes up for decision in this Parliament, right down to the absolute minutia of government, is decided on a strict party political approach. In all of the great United States legislatures not more than about 20 per cent of bills are decided in that way. Similarly, issues such as the voting system to be adopted—whether the full preferential system or the optional preferential system--ought to receive a more detached and thoughtful approach of a bipartisan kind.

Mr Cameron]

Those who have been members of a government realize only too well that the present 3-year term is extremely restricting in the implementation of long-term plans for this State. It is practically impossible for long-term projects, particularly if they are controversial and not entirely popular, to be dealt with during a 3-year term. Those who have had the privilege of sitting on the Government benches know full well how difficult it is to achieve their aims within the short space of three years. Too often programmes are set in train on an *ad hoc* or ill-conceived basis only to be interrupted by one election after another. Hence, the Opposition supports a 4-year parliamentary term.

I congratulate the Premier and Treasurer on adopting the call made by the Leader of the Opposition in April 1979 for a referendum on the extension of the parliamentary term. The Leader of the Opposition made that call on a number of issues concerning electoral changes. Unfortunately, the Premier and Treasurer did not address his mind to the more serious questions facing the State at that time. One was the introduction of optional preferential voting; mother was the taxpayer funding of political parties. Legislation has been brought before the Parliament for the use of taxpayers' funds for the election of politicians. The Opposition believes that is a far more serious issue facing the people of New South Wales than a 4-year parliamentary term. One should think that, given an extension of the parliamentary term, less expense would be incurred by political parties in financing campaigns. Therefore, there would be no need for public funding or, more appropriately, the rifling of that nominal sum—22 cents or whatever it may be—from the pocket of each elector in New South Wales.

The people of New South Wales deserve the opportunity to vote at a referendum on taxpayer funding of political parties rather than any proposal for a 4-year term instead of a 3-year term. It has been submitted that if the Premier and Treasurer really wanted to adopt bipartisan policies and to gain support for public funding of the political system, he should consider allowing the people to decide at a referendum the issue of the taxpayer funding of election campaigns. Nonetheless, as has been made abundantly clear, the Opposition stands primarily for the repeal of that legislation.

The cynical people in the electorate—and I regret that there are far too many of them—may well believe that at this stage the 4-year term proposal was introduced as a smokescreen to divert attention from the Government's other more radical changes, such as taxpayer funding of political parties. The fact that the Premier and Treasurer announced his plans for a referendum on a 4-year term on his return to work after a bout of illness, probably gave rise to some suspicion within the community that the issue was being lifted up primarily for smokescreen purposes. It was certainly a headline capturing effort, and one should hope more consideration would be given to this proposal that a mere off-the-cuff proposal aimed at the media.

The Opposition is willing to accept the legislation before the House as a bona fide measure aimed at reform of the system, and we approach it in that vein. I commend the Premier and Treasurer for not rushing ahead and introducing a 4-year term for the next Parliament. This reflected a proper sense of caution, bearing in mind the constitutional uncertainties that surround it. The Premier and Treasurer would have furthered his bipartisan efforts by taking the opportunity to communicate with the Leader of the Opposition so that the Opposition could study the 4-year term proposal before legislation was brought into the Parliament. Such a call was made on 13th January, 1981, when the Premier and Treasurer initially outlined his plans and the Leader of the Opposition suggested that the Premier and Treasurer write to him to detail his approach, so that both sides of politics might inform the people of New South Wales about what was under contemplation. Unfortunately that did not occur.

As the Premier and Treasurer rightly pointed out in his second reading speech, the 4-year term concept has general bipartisan support across the State and, indeed, across the Australian nation. The Prime Minister has stated that he will consider a 4-year term, but he has received only qualified support from the federal Leader of the Opposition, the Hon. W. G. Hayden. The approach of the federal Leader of the Opposition was to suggest there should be a minimum term fixed for the House of Representatives and that that term should be four years. This suggestion of a minimum term has come also from other quarters. It is one that should properly be considered, but the Opposition rejects it as tending to institutionalize the same sort of inflexibility of the 3-year term. To fix a minimum term would not give the Government the right that it duly has—to decide on when to go to an election, particularly when important and fundamental issues of State become of great public concern during the parliamentary term. I am pleased that the Premier and Treasurer has not adopted the proposal of his federal parliamentary leader.

The Opposition agrees with the amendment proposed in this bill, particularly the tidying up of the Constitution by removing the present section 24A and including it under section 7B, the entrenching clause. The only reservation that the Opposition has about this amending legislation is that it will go to a referendum without including the necessary changes to the Legislative Council, and it is these, I suppose, that are the more controversial. As honourable members would be aware, any extension of the parliamentary term for the Legislative Assembly automatically adjusts the term of serving Legislative Councillors—in this case up to twelve years—if no other action is taken.

Because it is necessary for a referendum to be held to make any adjustments to the composition of the Legislative Council, the Opposition would have hoped that both the 4-year term and these changes might be presented to the people as a package so they are aware of the consequential changes flowing from the amending bill before us. If it is the intention of the Government to transform the Legislative Council into a 2-term House whose members will serve for a maximum of eight years, those changes should be put before the people at the next election. It would save taxpayers funds in holding two separate referenda, perhaps years apart. However, regardless of this reservation, it should not detract from the merits of a 4-year parliamentary term, and my ultimate desire would be to see that every Parliament in Australia adopts this change and moves away from the totally unrealistic and I believe, today, totally unacceptable, 3-year Parliament with which we are faced.

The public, I believe, has become so sick and tired of the multitude of elections; particularly in the past ten years, that the importance of casting a vote for the future of a community, the State or the nation, is becoming meaningless, due simply to the multiplicity of occasions upon which the electors have to go into polling booths. It is regarded by so many as a task, not a duty, and one would hope that this measure will assist in returning a sense of responsibility to the election of political parties to Parliament. It will not be difficult to convince the voters of the need for a 4-year term. It will be substantially more difficult for the Premier and Treasurer to tell the taxpayers of New South Wales that they have to provide extra millions of dollars for political parties to spend during elections campaigns, particularly at a time when the public is demanding improvements to existing services including transport, hospitals, roads and welfare.

Of course, by going to a referendum on a 4-year term, this Government will have some hesitation in calling an early election. Certainly it would have some hesitation right now about an early election this year. How could the inconsistency be explained to the people of New South Wales? Indeed, this measure that has bipartisan support

could then become a political issue engendering further cynicism in the electorate. As a matter of interest, nearly all democratically elected parliaments throughout the world have a maximum term of either four years or five years. The reference source, ***Parliaments of the World,*** a reference compendium, reveals that of a total of fifty-six democratically elected national parliaments, twenty-five have a maximum term of four years and twenty-four a maximum term of five years. Only five national parliaments are elected for terms shorter than four years and only two for terms longer than five years.

Though the Premier and Treasurer claims he is taking the lead on a 4-year term, I point out that at the constitutional convention in 1897 there was strong support for a 4-year term. But changes to our institution of Parliament take considerably longer to implement than to propose. A committee of that constitutional convention, chaired by Sir Edmund Barton, supported a 4-year term even though the constitutional convention ultimately settled upon three years. In settling on a 3-year term it did so for reasons of expediency in order to harmonize with the 6-year term of the Senate rather than for any other perhaps more substantial reasons. At the constitutional convention in Perth in 1978, attended by many members now present, including the Attorney-General and Minister of Justice, the honourable member for Lane Cove and myself, this matter was debated at length. I recall in particular the splendid contribution made by the present Leader of the Opposition in another place, the Hon. M. F. Willis, in respect of that issue, and equally an earlier contribution by his brother, Sir Eric Willis, a former Premier and Leader of the Opposition in this House who had consistently and strongly championed the concept of the 4-year term.

The matters to be decided are fairly simple. We do not want elections that are too infrequent. The effect of that would be that the Parliament would not accurately reflect electorate opinions at any given time. Equally, if elections were too frequent they would generate excessive discontinuities in the workings of government. For those reasons the Opposition believes that four years is the right term. We know from experience and the statistics on the frequency of elections that a 3-year term shows that elections are held in fact on the average every two and a half years. The reality is that we are not dealing with 3-year terms but with ***de facto*** 23-year term parliaments. That is far too short.

All honourable members would be familiar with the argument that a 3-year term allows in reality only one year for effective long-term parliamentary work. The first year after an election almost invariably is a time for settling down, forming the Cabinet, rethinking, and drawing up new plans. The last year invariably is a time when everyone has the ballot box in mind, when the propensity is to look at the popular approach to an issue rather than, in some cases, the right approach. It is only the intervening year in which a government is able to get on substantially with the work of governing. This further consolidates the case for an extension of the parliamentary term from three years to four years, even if that ends up in practice as a ***de facto*** three and a half years. Honourable members would be familiar with what is involved. The legislative aim is to extend the maximum period, not the minimum period, between general elections for the Legislative Assembly from three years to four years and to provide for approval of an extension of the Parliament at a referendum. That means that we must alter section 24 of the Constitution Act, 1902, as amended, to extend the term of the Legislative Assembly from three years to four years from the day of the return of the writs. Section 24 is mandatory. It reads:

> Every such Legislative Assembly shall exist and continue for three years beyond the day of the return of the writs for choosing the same and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor.

To achieve that purpose, procedures now outlined in section 24A—a referendum carried out under the provisions of the Constitution Further Amendment (Referendum) Act, 1930—shall occur. The amending bill will repeal section 24A of the Constitution Act and include that provision in section 7B, commonly known as one of the entrenched clauses. That will tidy up the Constitution. The Opposition is pleased that the implementation of a four year Parliament will not occur until the 48th Parliament, due to be elected in 1984. That is to allow for the necessary changes to be made to the Constitution concerning the Legislative Council.

I should make it clear that the Opposition, notwithstanding its unqualified support for the measure, does not commit itself concerning those two specific changes to be made to the Constitution concerning the Legislative Council. They will be examined on their merits at the appropriate time. If there is, in effect, any attempt to fiddle the system at that stage, the Government may be sure that it will attract the severest censure from the Opposition. The Opposition is willing to assume good will on the part of the Government and congratulate it on this first step. The Opposition offers its total support and awaits with interest the nature of the consequential legislation.

Mr PUNCH (Gloucester), Leader of the Country Party [2.45]: I should like to say a few words on behalf of the Country Party in support of the honourable member for Northcott who spoke on behalf of the Liberal Party. The Country Party supports the concept of a 4-year term of Parliament. Such a step will secure a better standard of government for the people of New South Wales. At all times the Opposition has supported the principle of a 4-year term. Generally, Government supporters cannot even spell the word principle. A couple of years ago the honourable member for Hurstville, who now seeks to interject, spoke in disparaging terms about the proposal for a 12-year term for the Legislative Council. The Premier and Treasurer said that it was far too long. The honourable member for Hurstville supported his remarks. Today, like the proverbial dummy, the honourable member for Hurstville has supported the proposal for a 12-year term for the Legislative Council.

Mr Dowd: The honourable member for Hurstville would not even know what it was.

Mr Ryan: The honourable member for Lane Cove still does not know what the bill contains.

Mr PUNCH: The bill provides a 12-year term for the Legislative Council.

Mr Ryan: It does not.

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

Mr PUNCH: The comments made by the honourable member for Hurstville show that he is truly the proverbial dummy. Previously he has condemned the proposal for a 12-year term for the Legislative Council. He now supports a similar proposal. The Country Party opposed the change put forward for the Legislative Council.

Mr McIlwaine: Tell us what you really think.

Mr PUNCH: I shall tell the honourable member.

Mr Walker: The Country Party got done like a dinner.

Mr SPEAKER: Order!

Mr PUNCH: The Attorney-General and Minister of Justice would not know anything about it. He was not in the House when the debate began. The bill could have been passed through this Chamber and he would not have known. He was probably too busy finishing his sweets in the dining room. No doubt somebody bought him lunch and he was ten minutes late arriving in the House for the debate.

Mr McIlwaine: Get back to the bill.

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

Mr PUNCH: The Premier and Treasurer and other Government supporters were vitriolic in their remarks about the Legislative Council. They said how bad was the method of election, the term of office and everything else. What has the Legislative Council been like since that reform, unfortunately for the people of New South Wales, was carried out? The Leader of the House in the Legislative Council is also like the proverbial dummy. He has not moved one amendment to legislation that has gone from this House to the upper House. All legislation goes through and receives the rubber stamp, and that is it.

Mr Walker: That is not true.

Mr PUNCH: It is true. The whole concept of the upper House in our bicameral system of government is that it should serve as a House of review where members, perhaps in a calmer atmosphere than exists in the lower House, may consider legislation constructively and decide whether it should be amended.

Mr McIlwaine: They cannot stand the pace.

Mr PUNCH: The honourable member for Yaralla says that members of the upper House cannot stand the pace. He may be right about the Minister for Education and Vice-President of the Executive Council. He cannot stand the pace.

Mr Walker: He is a great Minister.

Mr PUNCH: The Minister for Education does not send his children to be educated in his own education system.

Mr Walker: Nor does the Leader of the Country Party.

Mr PUNCH: I am an advocate for independent schools, but the Minister for Education has chosen to send his children to a non-government school. That demonstrates how much confidence he has in his own administration.

Mr Maher: That is a disgusting comment.

Mr PUNCH: It is true.

Mr SPEAKER: Order!

Mr PUNCH: That shows the total lack of principle and capacity in members of the Labor Party.

Mr Mallam: Get back to the bill.

Mr PUNCH: Go back into your sewer. We do not want to listen to the honourable member for Campbelltown.

Mr SPEAKER: Order! I ask honourable members on the Government benches to desist from interjecting on the Leader of the Country Party. He is entitled to be heard in silence.

Mr PUNCH: Government supporters cannot resist interjecting when one gets on to a strong point like this, where they are shown to have done a complete about-face. They laugh like a pack of hyenas. The honourable member for Hurstville has opposed something in a public forum but today will vote for that proposal.

Mr Ryan: Why was the Leader of the Country Party expelled from the Kings School?

Mr SPEAKER: Order! I call the honourable member for Hurstville to order. I have already called the honourable member to order and I have given members on the Government benches a general warning.

Mr Punch: On a point of order. I was never expelled from any school that I attended.

Mr SPEAKER: Order! Is the Leader of the Country Party asking that the honourable member for Hurstville be directed to withdraw his remark?

Mr Punch: The remark made by the honourable member for Hurstville is totally offensive to me, and reflects his low character. I demand that he withdraw it immediately and apologize.

The SPEAKER: The Leader of the Country Party has taken offence at the remark made by the honourable member for Hurstville.

Mr Punch: I will not take that from that worm.

Mr SPEAKER: Order! The Leader of the Country Party takes offence at the remark made by the honourable member for Hurstville who said that the Leader of She Country Party was expelled from the Kings School. I ask the honourable member for Hurstville to withdraw the remark.

Mr Ryan: It appears that he may have been expelled from another school.

Mr SPEAKER: Order! I ask the honourable member for Hurstville to withdraw, without debate or qualification, the remark he directed at the Leader of the Country Party

Mr Ryan: I withdraw that remark. It was probably made about the wrong school.

Mr PUNCH: We know about the standard of the morals of the honourable member for Hurstville, anyway.

Mr SPEAKER: Order! The Leader of the Country Party is goading Government supporters by making continued references to them.

Mr PUNCH: That may be so but I am not going to take that from the honourable member for Hurstville.

Mr Ryan: On a point of order. I ask that that remark be withdrawn.

Mr SPEAKER: Order! On previous occasions I have ruled that honourable members should not allow their dignity to be offended by remarks made by other honourable members. As I do not recall the exact wording of the remark directed by the Leader of the Country Party to the honourable member for Hurstville, I ask the honourable member for Hurstville to remind the Chair of the remark made by the Leader of the Country Party that he considers offensive.

Mr Punch: I do not know that any comment I made could offend the honourable member for Hurstville. I merely spoke the truth.

Mr SPEAKER: Order! The honourable member for Hurstville has said that a remark made by the Leader of the Country Party was offensive to him.

Mr Punch: What was the remark?

Mr SPEAKER: Order! The honourable member for Hurstville should state what was the remark he considers offensive.

Mr Ryan: The words used by the Leader of the Country Party were, as I recall, to the effect that I was practising low morals, or something like that.

Mr Maher: Low moral standards.

Mr Caterson: He did not say that.

Mr SPEAKER: Order! The honourable member for Hurstville has refreshed my memory, which is that the Leader of the Country Party suggested that the honourable member for Hurstville was of low moral standard. That is the remark to which the honourable member for Hurstville has taken offence, and I ask the Leader of the Country Party to withdraw that remark.

Mr PUNCH: I withdraw it, Mr Speaker. The point I am trying to make about some measures of this bill is that it is a complete about-face by members of the Labor Party. Nevertheless, let me make it quite clear that the Country Party has always supported, and supports now, the concept of a 4-year term, which it believes will bring greater stability to government and more stability in planning legislation. In addition, it will give any New South Wales Government more ability to develop long-term economic policies, untied to short-term political trends. It will reduce the number and frequency of elections and the cost of those elections, which are always substantial. Of course it could—but in the case of the present Government this will not be so—reduce the number of unbroken promises as it will give any government additional time in office to be able to fulfil promises made at election time, provided that that government intends to carry out its promises when elected and does not intend to renege on them.

Mr McIlwaine: Tell us something about the coalition Government's broken promises in its eleven years in office.

Mr SPEAKER: Order! It is a nice afternoon outside the House and the honourable member for Yaralla is going the right way about being able to enjoy the weather should he continue to interject.

Mr PUNCH: The point I was making is that, as far as broken promises are concerned, the 4-year term will give any government of any political persuasion adequate opportunity to fulfil its promises as it will have an additional year in which to carry them out. A government with more time in which to act may not be forced into a position where it has to renege on a promise. Of course, the Labor Government has broken many promises. That comment applies particularly to the Premier and Treasurer and the Attorney-General and Minister of Justice. The Government has not fulfilled any of its significant promises. Instead, as with this legislation, the Government on many occasions has broken its promises and gone back on its word. But that is to be expected in the light of the low moral principles of the Government.

Mr Walker: The Government had the opportunity to appoint the Leader of the Country Party as the Leader of the Opposition.

Mr PUNCH: The Attorney-General and Minister of Justice has not done anything worthwhile in his life.

Mr Walker: He did not have the guts to take the job.

Mr PUNCH: The point is that in the free world—the concept of which is foreign to some Government supporters—a 3-year term is the shortest period of government in any advanced country. The United Kingdom has a 5-year Parliament, and in the United States of America it is four years. The honourable member for Northcott mentioned a number of free world countries whose governments have terms of office exceeding three years. I cannot recall the proportion of countries that have a 3-year term, but it was small. By 1984, when the election after the next will be held, if this referendum is carried at the poll later this year, the people will be able to elect a Parliament for a period of four years, which will greatly increase the capacity of the administration, regardless of political persuasion, to govern responsibly.

The Premier and Treasurer, in his usual ***prima donna*** fashion, flies off to big note himself in the eyes of some people and gets carried away. This sort of measure should have been discussed at **a** Premier's conference and considered across the board in Australia. The Tasmanian Government has a 5-year term. If the legislation is carried, New South Wales will have a government with a 4-year term. All other State Governments, as well as the federal Government, have a 3-year term. This concept should be considered in conjunction with all governments. I have read that the Prime Minister is in favour of a 4-year term for the federal Parliament.

Mr Walker: No one would believe anything the Prime Minister said.

Mr PUNCH: I believe what the Prime Minister says. He is one of the greatest Prime Ministers this country has ever had. His word means something to me. The Attorney-General and Minister of Justice has been caught out in this House on a number of occasions and found to be **a** man without principle. He should not interject on this matter now or on any other occasion. As for the Premier and Treasurer and the regard in which he is held, it is contemptible that some people should refer to him as a man of honour and principle. I should now like to return to the bill with which I was dealing before I was interrupted by the Attorney-General and Minister of Justice. As far as the Commonwealth Government is concerned, the term of office of governments is a matter that should have been discussed at the Premiers' conference. All States should have engaged in a discussion on this matter.

Mr Walker: This issue was discussed at the last Premiers' conference.

Mr PUNCH: Obviously the New South Wales Premier was about as successful in his persuasion on that point as he was with the **$70** million, and he did not do too well on that matter, either.

Mr **Ryan:** The Leader of the Country Party would know all about that deceit.

Mr PUNCH: I live in New South Wales and I want to see it advance. But, if we have a Premier so incompetent that he gets fleeced of **$70** million, he should not come crying and say, "I have been hard done by". That is what happened at the Premiers' conference. The Prime Minister saved the taxpayers of New South Wales and Australia **$70** million. Is the honourable member for Hurstville against that? Moreover, at Newcastle the New South Wales Government will spend $100 million on a coal loader that private industry wants to build. Also, the Government will spend $2 million on public funding of election campaigns. To require members of the public to contribute to political parties not of their choice—and particularly to pay for the election campaigns of such honourable members as the honourable member for Hurstville and the Attorney-General and Minister of Justice, who are

not fit to serve as members of any parliament—is totally immoral. It is totally immoral also that money should be taken from the taxpayers of New South Wales, from people in the gallery and the general community——

Mr Walker: On a point of order, Mr Deputy-Speaker. The bill before the House deals with the concept of a 4-year term of office. It does not deal with the issue of public funding of election campaigns, a matter upon which the House has already decided. I submit that the Leader of the Country Party is out of order.

Mr Punch: On the point of order. In speaking to the bill I was making but passing reference in response to an interjection. Perhaps I should have ignored the interjection related to public funding made by a Government supporter.

Mr DEPUTY-SPEAKER: Order! I uphold the point of order taken by the Attorney-General and Minister of Justice. I ask the Leader of the Country Party to ignore further interjections.

Mr PUNCH: This legislation, upon which the people of New South Wales will be asked to cast their vote at a referendum, will virtually give the Government of the day a blank cheque to do what it likes with the Legislative Council. The so-called learned Attorney-General and Minister of Justice shakes his head. If the legislation is passed, and if the referendum is carried, there will be provision for regulations to be drafted to reform the Legislative Council.

Mr Ryan: The Leader of the Country Party should talk to someone who knows what he is talking about.

Mr Walker: He should read the bill.

Mr PUNCH: Here we go again—the Minister says, read the bill. I have read the bill. Any reasonable and decent government that wished to introduce a bill to alter the term of Parliament and reform the Legislative Council would include both those matters in the one piece of legislation. The Government would not say that it would bring in a bill to establish a 4-year term that would lead to a 12-year term in the upper House. The Premier could say: "I opposed the proposal before but now I am in favour of it. I shall have a look at the draft regulations and we shall have another referendum later. Perhaps we shall look at another type of reform for the Legislative Council." That is what will happen as a result of this bill.

[Interruption]

Mr Ryan: The Leader of the Country Party is punch-drunk.

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

Mr PUNCH: The honourable member for Hurstville is so far out that it would be impossible for him to come to order. It is wrong that the people of this State should be asked to approve a referendum that will virtually give ***carte blanche*** to the Premier and Treasurer to later draft changes that could achieve anything he wishes.

Mr Walker: The bill will not do anything like that.

Mr PUNCH: I am not sure that the Attorney-General and Minister of Justice has read the bill. Perhaps he is trying to mislead people, as he has done so often in the past. Since the Legislative Council was reformed by this Government it has become nothing more than a useless rubber stamp. It has been useless as a House of

review. I do not think it has made any amendment to any major legislation. The only amendments it has made have come about as a result of the incompetent Attorney-General and Minister of Justice drafting bills with errors that have had to be corrected in the upper House. No constructive changes have been made to any bill that has been before the Legislative Council, which was established as a House of review. The Opposition urges that the people have the opportunity to review the bill. The Opposition disapproves strongly of the term of the Legislative Council being left to the discretion of the Premier and Treasurer. So often in the past the Premier and Treasurer has shown he is a man without principle or honour. For all we know, he may act in the same way in respect of one of the Houses of Parliament in this State.

Mr DOWD (Lane Cove) [3.2]: Supporting, as the Opposition does, the institution of a 4-year parliamentary term, it is appropriate to underline the arguments advanced by the Leader of the Country Party about the Government's abrogation of its responsibility to the Legislative Council. For the Government to return the upper House to its former position is a sham and a fraud on the people of this State. The Government is endeavouring to hide some of the problems it has in the Legislative Council. The Government sought to propose in a referendum that the upper House should have two 4-year terms. Surely the Government realizes that it will not be in office forever. On its performance recently it will not be in office for much longer. The longer the Government is in office, the greater will be the strain on this State.

Mr Walker: I am really worried.

Mr DOWD: Perhaps the Attorney-General and Minister of Justice, at last, realizes that the people to whom he is basically opposed—that is, the right wing and the more conservative members of his party in the upper House—may be members of that House until at least 1993. The Minister betrays the Labor Party steering committee when he shows such glee about this issue. He knows that many of his plans for reform have been frustrated by the persons he is seeking to keep in the upper House. If the people are to be asked to approve a 4-year term for this House, they should also deal with the term of the upper House. The Government will try to reduce the number of members in the upper House; its numbers must be brought down to thirty at some stage to accord with Government policy. The number of members there was reduced from sixty to forty-five in five years, and it will have to be reduced to thirty, for in two terms the upper House will have a quota that is smaller than seven.

Mr Walker: There are more ways of skimming a quota than that.

Mr DOWD: The Attorney-General and Minister of Justice has made an important interjection. That is how the minority parties and the independents in this State are being treated by the Government. It will skim quotas, as it did in respect of the Election Funding Bill. This bill provides a direct analogy to that situation: the Government is going to skim the quotas. It will make sure that if independents and minority parties do not get the requisite quota, they will be eliminated, for control is the name of the game. The Government knows only too well that if more than fifteen members are elected during any term the quota will be such that some individuals will be able to express a view other than that held by the monolithic Labor Party. The Attorney-General and Minister of Justice has made it abundantly clear that if the number is reduced to fifteen as a result of the referendum, the minority groups, which the Government says are anathema to it, will be represented in the Parliament.

The Government has an obligation to deal with the upper and lower Houses at the same time. It should stop perpetrating a fraud on the people of this State. The Government makes out that this is only the first stage. If that is so, why does the

bill not make that clear? The Government is embarrassed by having too many people to buy off and not enough jobs to hand round, as is the wont of the Labor Party. The Opposition took a stance on this matter at the Australian Constitution Convention. The Leader of the Opposition in the other place made our position clear in 1978 at the convention in Perth. It is a scandal that the people of this State have been presented with half a case instead of the whole case. Having got the 4-year term for this House the Government will seek to improve its position.

Mr Walker: There will not be a 4-year term until the people vote for it.

Mr DOWD: One can imagine the explanation the people will get. Will the people be told that the Government will introduce a 12-year term for the upper House? The Government intends now to reverse a decision made four or five years ago. The Attorney-General and Minister of Justice is accustomed to interjecting but on this occasion he remains silent. If there is to be a 12-year term for the upper House, it will mean that a decision made some time ago will be reversed. The interesting thing is that the Government might find itself stuck with a situation of its own making. It will be the ultimate irony for the galahs on the Government side of the House to find that with this one-step-at-a-time procedure to reform the Parliament we could well end up with the reintroduction of a 12-year term, in respect of which so much time and money was spent some years ago. It is a disgrace that the Government should contemplate saying to the people, "The next time we will deal with the upper House." The Government will not admit that it has not been able to make sure it has enough jobs for the boys in the upper House. It has not done too badly in getting rid of some of those members but it still has a few more to dispose of.

Mr Ryan: Jobs for the boys and jobs for the girls.

Mr DOWD: I am reminded by the honourable member for Hurstville about jobs for the boys and girls. The Labor Party forgot one of the girls, when it came to the crunch of handing out the keys to the Darrell Lea shop. The Labor Party would not make her a Minister, though she had earned the position by her status and performance in the party. That is the way this Government acts. When it comes to the crunch, it fails. Parliament should not present to the people only one side of the coin; it should present both sides of the coin, and that includes the upper House as well as the lower House. Following the constitutional changes that occurred some time ago it should now be clear that this was part of the Government's grand plan. Though it said it wanted a 50 per cent reduction in the upper House, it will not rest until that House is abolished. In the past Labor Party members of the Legislative Council have always ratted and prevented the abolition of the upper House. This Government will not be satisfied until it has got rid of the upper House. Abolition is being achieved in stages, but the Government may find that its plan will not work out so well. The Government wants to be in a position to say: "We have just discovered that we now have an upper House whose members have a 12-year term. We will have to remedy that". I wish the Government luck in getting rid of some of its members in the upper House. They will be harder to shift than some members of that House have been in the past.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Walker on behalf of Mr Wran.

POISONS (AMENDMENT) BILL

Second Reading

Debate resumed (from 15th April, *vide* page 5991) on motion by Mr K. J. Stewart:

That this bill be now read a second time.

Mr DOWD (Lane Cove) [3.12]: The Opposition has been placed in an extremely difficult position in relation to this bill. It is conscious of the Government's failure to deal with drug distribution throughout the community. Indeed, only this week, because a massage parlour was not approved in one of the outer suburbs of Sydney, organized crime—which is the basis of drug distribution—saw fit to attack a council officer. It is an indictment of this Government that this is the only measure it can bring forward to attempt to deal with drug distribution and organized crime. Organized crime, prostitution and drug distribution go together.

The Minister for Health mouths publicly his concern about drugs and their distribution. For that reason—though many of the provisions of the bill are offensive to a large section of the community and to those concerned with civil liberties as well as being contrary to the platform of the Labor Party—the Opposition will not oppose the bill, except on one matter in respect of which I shall move an amendment. Though the Opposition realizes that the Government has the numbers to steamroller the bill through both Houses, I shall make the Opposition's position abundantly clear. The Opposition is appalled at some of the provisions of the bill. It is concerned at the Draconian powers in the bill to deal with problems concerning drugs. It is concerned that this Government, espousing as it does civil liberties and the protection of victimless crime and so on, should be taking this action. Therefore, on behalf of the Opposition, I shall outline some of the offensive provisions of the bill. Because of the Government's failure to deal with organized crime and drug distribution and abuse in this State, the Opposition cannot oppose the bill.

The Opposition supports the Minister on some matters. I said, perhaps churlishly and uncharitably, that the Minister would mouth his concern about drug abuse, but I know that personally the Minister is concerned about the problem. I should not like my earlier remarks to be construed as a reflection on his determination to rid the community of drug abuse. However, he is in a minority. The Government's only action is to posture about the drug problem. The Opposition wishes that the Minister for Health could have a greater say in government decisions, for there would then be fewer problems about organized crime than there are now. The Minister is guilty by association, for a Cabinet decision attracts responsibility to all its members.

Mr K. J. Stewart: I cannot help it. We must have an Opposition.

Mr DOWD: It is interesting that the Minister aspires to the position of Leader of the Opposition. He had that aspiration for a long time. The Opposition looks forward to the time when, shortly after the forthcoming elections, he will be able to fulfil that aspiration and become Leader of the Opposition.

Mr K. J. Stewart: That will not be before the year 2001.

Mr DOWD: The Minister may be able in carrying out the duties of his portfolio when he gets round to it. However, the provisions of the Poisons Act would be more properly dealt with in the Crimes Act. I know there has been an attempt in this legislation to marry some of the provisions of the two Acts, and the Opposition supports that concept. However, it is quite inappropriate for organized crime to be dealt with by the Minister for Health. The Poisons Act deals with many matters relating to health. Perhaps the enforcement provisions, other than the powers of

inspection and so on, ought to be dealt with in the Crimes Act. My view, which I hold strongly, is that the Crimes Act cries out for reform because of the anomalies that it brings about, particularly in relation to the bill before the House.

The Opposition is particularly concerned at the growth of drug addiction of all forms in our community. I shall cite an example. I am sure the Minister is aware of a film called "Nine to Five". The film has an NRC rating and is being seen by many young people in this State. One of the opening scenes depicts a young boy giving a marihuana joint to his mother. The mother and two of her friends, who work together, talk about the advantages and joys of marihuana and they go on a trip. The scene is appalling. On an earlier occasion when the Poisons Act was debated in this House the Opposition asked, if the use of marihuana is a crime in this State, why can the Minister not deal with films that advocate the commission of such a crime? The Minister told me—and I accept that he believes it is true—that it was too difficult to draft appropriate amendments. My children have to walk past an organization that advocates the growing and use of marihuana. I know the Minister is concerned about the matter but at that stage he felt that the task was too hard. Obviously the issue touches the question of censorship.

Mr Ryan: The issue has many other elements.

Mr DOWD: For the first time the honourable member for Hurstville has said something pertinent to the bill. I accept that the Minister is concerned about the situation. However, it is appalling that the cinemas of this State should be allowed to show a film that advocates—and approves in glowing terms—the use of marihuana. The Government merely postures abouts its disapproval of marihuana. The film "Nine to Five" was rated as not being recommended for children. I thought it was a light film. As to the present situation about the use of marihuana, the Minister for Health and the Minister for Police and Minister for Services, who is responsible for the administration of the laws governing the use of theatres and public halls, must accept the responsibility. Those Ministers have not grasped the nettle and attempted to outlaw the use of marihuana. The honourable member for The Hills and I are concerned that children are being expelled from schools in our areas for something that this Government allows to be advocated in theatres and public halls. Apparently the honourable member for Hurstville is offended by people stating what they believe. The honourable member would do well to remember that ultimately people throw out politicians who are hypocritical. He should look closely at his performances in this House. Though the bill has some appalling provisions, the Opposition will support it for it wants the police to have every possible power to combat organized crime.

Mr Mochalski: I shall deal with that aspect in my speech.

Mr DOWD: If the honourable member for Bankstown takes part in this debate, we will have the opportunity to ascertain whether he has read and understands the bill. The Opposition agrees with the amendment dealing with changes to the definition of drugs of addiction. Some years ago I suggested an important amendment to the Act. The Minister rejected that amendment, which dealt with the definition of premises. I am glad to see that the Minister for Health has at last seen the need to change the wording of the definition. The Opposition applauds the change in the definition so that supply will now include distribution. The Opposition believes it is right that the Government should close this gap in those provisions of the Act that cover the fraudulent activity of a person who makes out that he is distributing or selling a prohibited drug which he does not distribute. Some civil liberty groups have spoken to me about this provision. They say it will be easier for a set-up to take place, as it will not be necessary for a person to be in possession of marihuana to be charged.

The Opposition supports this amendment. There is no honour among thieves. Despite all the problems concerned with the onus of proof and drug abuse, the Opposition believes that the law should be changed.

The deeming provision is a matter of concern to the Opposition. There will soon be disputes in the courts about a person having planted on him some substance that was not in fact the drug the subject of the complaint. The Opposition is concerned about the distribution of drugs in the community, and it supports this measure. The Opposition understands the Minister's wish to close some of the gaps that exist in the present legislation and to make it more difficult for those evil persons who are involved in the drug trade. There are several provisions in the bill that the Opposition supports. I refer particularly to the amendment dealing with a member of the medical profession, a dentist or a veterinary surgeon being entitled to supply a drug of addiction other than prepared opium or Indian hemp only for purposes connected with the lawful practice of his profession. I am concerned particularly about the many cases of drug abuse among members of the medical profession. Though this does not get much publicity, it is nevertheless a sad situation. I believe that the Minister exceeds the bounds of what is proper for a Minister for Health by his continual attacks on members of the professions. I know the pressures that operate on some members of the medical profession. I am concerned about the abuse of drugs in that profession and, to some extent, in the veterinary profession. It is right that the law should be changed as the Minister proposes.

I wish to deal with the amendment to section 43 of the Poisons Act. Removal of the anomalous necessity to name the policeman concerned is long overdue. I have long been concerned that the provision as to warrants in New South Wales are antediluvian. It is about time we examined closely some aspects of this nineteenth century law that still bedevils us in the Crimes Act and the Poisons Act. The Opposition supports the proposed amendment to section 43 (2), which deals with when a warrant may be executed. It is unrealistic to suggest that the fact that it is night or day should be a matter of concern in the execution of a warrant. The drug trade has become sophisticated at protecting itself in respect of the offering of bribes and the concealment of drugs. The proposed amendment is supported by the Opposition, if only because of the anachronism of the existing warrant provisions. The Opposition supports also the increase to $2,000 as the maximum penalty for obstruction.

I wish to raise a matter to which I have referred previously. Consideration should be given to a mechanism for automatic adjustment of fines for a whole series of penalties. That could be done in the one piece of legislation. Unless there is some change in the nature of an offence, provision should be made for an automatic adjustment of penalties. I have mentioned before that certain bills have a series of penalties that have become out-of-date. It is not beyond the bounds of draftsmanship to devise a bill that states that the penalties in the following Acts shall be amended by way of one bill. Bills should not have to be brought individually before this House to change a 15200 penalty to $2,000 or to $20,000. It would not be too difficult to devise such a mechanism.

Mr Bannon: The suggestion made by the honourable member for Lane Cove was adopted in respect of the changeover to the metric system.

Mr DOWD: I agree. Much time is wasted by Parliament making cost-of-living adjustments to penalties in Acts. I ask the Government, in the short time that remains before it is thrown out of office, to consider drafting legislation that will reflect cost-of-living adjustments in penalties. The Government could at least do the groundwork so that when the coalition parties occupy the Treasury benches after the next elections they can bring in the necessary legislation.

Because of the deeming provisions and the wide powers of entry that will be given to police officers, I am concerned about the provisions of the bill dealing with wilful delay and wilful obstruction of a police officer. Those powers are given in proposed new section 43. On a cost of living adjustment, it is right that the penalty should be increased from $200 to $2,000. The Opposition is concerned particularly about proposed new clause 43A. Those provisions relating to the wilful delay or obstruction of police officers are included to overcome the difficulties encountered by people who do not know whether a policeman is carrying out his duty or merely saying that he is acting under clause 43A.

That brings mc to the question of telephone search warrants. For some time I have been concerned about the increasing power of entry that police and other authorities have in relation to the private citizen and his home, though not where there is clear evidence or reasonable suspicion of drugs being on the premises. One of the first hills in which 1 became involved in this House was the Noise Control Bill. Though it was gagged through the House, I was able to persuade members of the Legislative Council to move an amendment. It was refreshing then to have a Legislative Council that was not bound by caucus or by the Labor Party's authoritarian regime. That was the first time I was involved with legislation that allowed a policeman who thought he heard a noise to enter premises. That is why there was not much outcry from civil libertarians or the Law Society about this provision. The Opposition considers that as a police officer may enter a house if he thinks he heard a noise, it is not amazing for a policeman to enter a house should he think that drugs are involved.

I should make it abundantly clear that the Opposition, through its concern about drug distribution in our society, does not oppose that provision of the bill. Members of the Law Society of New South Wales have considered the proposed legislation and expressed grave and responsible concern about proposed section 43. I know that the Law Society has written to the Minister for Health, and I should like to think that he is concerned about the power of invasion of privacy, whereby policemen will be able to enter premises without obtaining a warrant. The community has an unwarranted faith in warrants; they are not difficult to obtain. The Opposition is concerned about the delay involved. Far too many drugs have been flushed through the sewerage system while police officers went away to obtain a warrant. On far too many occasions the powers of the police have been frustrated. I shall not put forward an amendment to proposed new clause 43A, but when a police officer has obtained a warrant by telephone he should advise the person concerned of the name of the magistrate who has issued the warrant and the circumstances of the application for the warrant. That could be given on a piece of paper so that the person involved might be informed that at such and such a time the police officer obtained a warrant from the magistrate nominated, and the terms of the warrant.

I have had a lot of experience dealing with injunctions obtained by telephone from a judge. It is not unusual to obtain by telephone an injunction that may have as Draconian an effect as will the power of entry. For that reason the Opposition does not oppose the provision, but I ask that at least consideration be given to a requirement that police hand over a piece of paper nominating the name of the magistrate and the circumstances of the warrant. It is appalling that in the middle of the night a citizen might have someone enter his premises and say he is a policeman, that he has telephoned a magistrate and obtained the power of entry. There are circumstances in which people will not know whether the policeman's power has been validly exercised. There are corrupt policemen in the police force, as is evidenced by the number of police officers who are removed by the department's internal affairs branch

each year. Though they do not constitute the overwhelming bulk of the police force, some officers are corrupt. I am a great admirer of the skills displayed by members of the police force. Nevertheless, there are bad apples in every barrel. Opportunities will offer for police officers to abuse this power.

The Council for Civil Liberties is concerned about the potential for abuse of this provision. Without moving a formal amendment, I ask that an instruction be given that a piece of paper be given to the person involved, notifying the name of the magistrate concerned and the circumstances of the warrant, similar to the provision in the proposed new section 43A (4) whereby a police officer must cause a record to be made. The handing over of a copy of that record would be some restraint on the potential for abuse of the provision. The Opposition believes that though the potential for abuse does exist, the police will act responsibly in this matter. In the majority of cases police will be able to obtain a warrant.

I hope the Government keeps the provision under review, and should it become aware that abuses are occurring, review and amend it. The suggestion I have made may act as some restraint. If necessary, an amendment should be moved to proposed new section 43A to make sure that there is no abuse of the kind of which I have spoken. I shall deal now with proposed new section 43B. The Minister, I think unintentionally, misled the House when he tabled the summary of the provisions of new section 43B. The power for detention and search as framed in the legislation is a matter of concern. At the Committee stage I shall propose an amendment. I invite the Minister's attention in particular to the explanatory notes accompanying the bill, which say that the bill:

> Inserts a new section 43B providing that:
>
> (i) a police officer of or above the rank of sergeant or in charge of a police station or police vessel may stop, search and detain any vessel or aircraft in which he reasonably suspects that there is, in contravention of the Act, a prescribed restricted substance, drug of addiction, prohibited drug or prohibited plant;

The bill does not say that. Proposed new section 43B will give an absolute power. It will not require that there be a reasonable suspicion that drugs are involved. It is absolute in its terms. I know that the honourable member for Ashfield would be concerned that the police will be given an absolute power in the circumstances outlined. Proposed section 43B (1) will define police vessel and prohibited substance. The precise words of the bill are:

> A member of the police force of or above the rank of sergeant . . .

All honourable members would know that being a police sergeant does not mean that someone is a virgin, in police terms ——

> . . . or in charge of a police station or police vessel, may at any time with as many members of the police force as he thinks necessary—
>
> (a) enter into any part of any vessel or aircraft; and
>
> (b) search and inspect the vessel or aircraft.

For the first time in this English-speaking Westminster system a policeman will be given the power, in absolute terms, to stop a vessel or aircraft. It is not necessary that he should have a suspicion or concern that drugs are involved. He does not have to

have a concern that a misdemeanour has occurred or that a felony has been committed. He is given an absolute power. Subsection (3) purports to be the enabling and enlarging provision. That subsection reads:

> **(3)** A member of the police force of or above the rank of sergeant, or in charge of a police station or police vessel, may, for the purpose of enabling the powers conferred on members of the police force by subsection (2) to be exercised, stop and detain any vessel or aircraft in which he reasonably suspects there is any prohibited substance which is, in contravention of this Act, in the possession or under the control of **any** person.

To carry out his powers under subsection (2) a member of the police force may stop and detain any vessel by virtue of proposed subsection (3), where there is a reasonable suspicion that that vessel is carrying a prohibited substance. The stopping and detaining is a subsidiary power to the principal power. If the vessel is stopped the officer does not need the power that will be given by subsection (3) as he will have absolute power under subsection (2) if the vessel is moving. Those powers will enable the officer to stop and detain. I should have thought the Minister for Health would have been concerned about a policeman having absolute power to stop an aircraft or vessel where no crime is involved or no provision of the Poisons Act infringed. I should have thought the Minister would have been concerned that the civil liberties of individuals to go about their business will be taken away.

Mr Mochalski: What is the position?

Mr DOWD: The honourable member for Bankstown, if he were any sort of lawyer and had read the bill, would know that the officer will be given absolute power to enter a vessel without having to ascribe any reason whatsoever. The Opposition is concerned that such a power will be given, as any power that is not fettered in any way is capable of abuse. To give a subsidiary power, as will be given by proposed subsection (3), and to widen the powers of proposed subsection (2), is no answer. The Minister for Health or any honourable member could see that the provision relating to reasonable suspicion under subsection (3), ignores the structure of the section itself.

I should now like to turn to proposed subsection (4). Government supporters ought to consider the powers that will be given under this measure to stop, search and detain. It is difficult to balance the interests of the citizens and the responsible exercise by the police of these powers. Though the Opposition is aware that police are limited in their powers to prevent the heinous drug trade, it is concerned that the constraint contained within the proposed subsection relating to reasonable suspicion is not strong enough. However, the Opposition does not propose to move an amendment of that measure as it understands the concern that the police force may have and the Health Commission of New South Wales has about the balance to be achieved between the interests of the public and the powers of police officers to stop, search and detain. I ask the Minister for Health to reconsider the propriety and structure of proposed section 43B, which will give absolute power to members of the police force of or above the rank of sergeant to enter a vessel or aircraft. Clearly, the provision is too wide, and the ancillary power in proposed subsection (3) does not constitute a significant restraint on that power of entry.

I wish to speak now to the provision relating to orders for forfeiture of vehicles, vessels, equipment and proceeds. I refer to proposed section 45AC. It is right that courts should have the power to deal with the proceeds of crimes. I know the Minister for Health has given careful consideration to the Draconian powers to be given by the section. However, recently I went to Hong Kong to examine some powers given to

Hong Kong police and their anti-corruption squad. I am concerned particularly about the potential danger of this proposed section. I cannot envisage an amendment that would constitute a restraint on the power of the court to order payment by the offender of an amount equivalent to the proceeds derived by him from the commission of the offence. I am well aware that judges who will administer this law will act responsibly and use the power with restraint. It will be a matter of stepping into the unknown. However, checks are provided by appeals and the responsible exercise of the judiciary power. Judges will exercise that power responsibly.

So often judges are left in the frustrating position of having inadequate power to deal with some criminals. Organized crime in the drug trade is so sophisticated that judges need power to make orders for payment related to the proceeds of crimes. The Opposition will watch with much concern the power that the Government will give to the courts. Though it will not move an amendment or oppose the subsection, the Opposition is concerned about what is in effect an injunctive power to order forfeiture of vehicles, vessels or equipment.

No doubt the Minister has considered this power after examining the power the Commonwealth has given to customs officers. I have had some experience with that Commonwealth law. It concerns me that though the quantity of drugs might be quite small in value, the vessel upon which the drugs are carried may be worth $500,000. That vessel might be ordered to be forfeited or held during the period of investigation. This could cause considerable hardship to the owner of the vessel who may or may not be guilty of a crime. It is my view that that power is unbelievably Draconian when compared with the penalty. The courts have power to penalize those perpetrating an offence. The Government has gone too far in giving a power similar to the power given by the Commonwealth to customs officers to require forfeiture of a vessel. Judges will not exercise the power capriciously; they will act responsibly.

I am involved in the legal profession and I have a high regard for judges who administer the law. However, the Opposition believes that the power is too wide. Despite that belief, it does not intend to frustrate the wish of the Government to introduce this measure. The Opposition merely expresses concern about the matter. It underlines the problem of temporary power of restraint, as under this Government that concept of temporary power could mean inordinate delays in bringing matters before courts. The Government is marked by its appalling incapacity to deal with delays in the court system. In some cases the period that persons awaiting trial are kept in custody in New South Wales is unbelievably long. Some persons are sentenced to terms shorter than the time they serve on remand awaiting trial.

We believe that the delays that occur with power of temporary restraint on distribution of property are caused by restraints that are too wide. A person may be completely innocent but because proceedings have been brought by someone under section 45AC he may be prevented from using his property. He may be put at risk for a year or so. That may be quite catastrophic. He may be earning a living from that property. Because the power is there, and the judge who in the first instance makes the temporary restraining order may not be aware of how long the delay for hearing could be, the result could be quite catastrophic. This clause gives too much power to the court and places too great an onus on the court in dealing with the property restrained. I believe judges will endeavour to use the power responsibly but I am concerned that delays might occur. Experience with the working of the Customs Act shows that the business of an innocent person as well as the ownership of property by that person may be adversely affected simply because this power is there.

I applaud the Government's intention to deal with the problem of drug distribution by introducing this bill. The Government could have impressed me further had it spent a little more time dealing with prostitution in Kings Cross, an activity that has grown under its administration. Prostitution and drug distribution go side by side. I could be even more impressed had the Government tried to solve the problems that emanate from massage parlours, which are also found side by side with the drug trade. But because the Government has had such a poor record in dealing with the drug trade, because the police have been hampered by not having powers they ought to have to deal with the drug trade the Opposition, with the exception of the one proposed amendment, does not oppose the bill. With the odd exception police have tried extremely hard to control criminals operating within the Kings Cross area.

The decision of the Opposition to refrain from opposing the bill has not been taken without deep consideration. It is a most precious right to be able to go about one's business in this State without having a policeman stop and detain you merely because someone has informed that policeman that, on reasonable suspicion, you have drugs in your possession or are a dealer in drugs. That is a power police should not have. I have had experience of abuse of power. The Opposition has an obligation. However, as the Government has the numbers to force this provision through and will cynically make political capital if the Opposition endeavours to oppose the matter or tries to reduce the powers that have been recommended. It is the view of the Opposition that it should allow this matter to go through unopposed but should point out the problems and ask the Minister, in the short time he remains in his present post—a whipping post, I hope—to look most carefully at the way this power might be exercised. It has been drawn in terms wider than any we have seen in this place from time to time. Powers to stop and detain vehicles and aircraft, are extremely wide.

The Government will run counter to the Council of Civil Liberties should it enact a measure to give police these powers. But because the Opposition is so concerned about the human carnage associated with the drug trade we shall not oppose the bill. Accepting that the Minister's intention is to try to deal with this pernicious trade I hope the Government keeps a close watch on the way police may exercise powers under this bill. If it is found they are subject to abuse, the Government must bring the measure back to the House for amendment. I should like to commend the Council of Civil Liberties for the responsible way it has looked at the bill and pointed to problems. I know of its concern. I should like to commend also the Law Society for the views it has expressed as a responsible organization. Those views were conveyed to the Minister. I hope he has weighed carefully the matters they have put before him. I thank those organizations for letting me know their views on the matter. The concern of the Law Society is responsibly expressed and I am concerned for some of the fears they have put. I believe them to be founded in fact. The Opposition accepts that the Minister is concerned. Though the Government has failed in controlling drug distribution, at least the Minister has tried to do something about the growing drug trade in our community.

Mr MOCHALSKI (Bankstown) [3.55]: These amendments are directly related to the first Woodward report, more formally known as the report of the Royal Commission into Drug Trafficking. Let me make the preliminary observation that the Government in fact has gone further than Mr Justice Woodward in so far as the bill provides for the forfeiture of vehicles, vessels, aircraft and equipment used to assist in the commission of a drug trafficking offence. The Cabinet decided to accept the Police Department's submission that there should be discretionary forfeiture of these items notwithstanding the complexities of the issue. The more important provisions of the amending legislation are those providing for the telephone issue of search warrants

and the forfeiture of profits arising from the commission of drug trafficking offences. Mr Justice Woodward recommended the forfeiture of profits, but not of vehicles, vessels and equipment used in the commission of offences.

Cabinet felt that more could be done to deter would-be drug traffickers than the measures actually recommended by the judge. That surely puts to rest the allegation made by the honourable member for Lane Cove that this Government has not gone far enough. The Government has gone further than Mr Justice Woodward recommended that it should go. It may be of benefit to the honourable member for Lane Cove to be reminded that in chapter 43 of the report Mr Justice Woodward set out, and reflected somewhat upon, the history of powers of police officers to enter and search premises in relation to drug offences. In this he has regard to extensive literature on the subject. I refer honourable members to pages 1738 to 1748 of that report. The honourable member for Lane Cove spoke of the position taken by the Law Society of New South Wales. He said it would pay us to look into that far more closely. Possibly we should do so with a little more research than has been undertaken by the honourable member for Lane Cove. The criminal law committee of the Law Society of New South Wales in its view of the Poisons (Amendment) Bill seems to oppose section 43B.

The Law Society suggests that as the law stands police cannot stop, search and detain a vehicle or, unless they intend to charge a citizen, can they stop, search and detain any citizen. The amendment will allow police to do these things if a police officer reasonably suspects that there are drugs in possession of the citizen or that they are to be found in his vehicle. The amendment means that any motorist who police reasonably suspect has, for example, a quantity of Indian hemp in his car, may be required to bring his vehicle to a halt, be searched, and have his car seized and detained. Any pedestrian so suspected by police may be stopped, searched and detained. There is no time limit attached to the meaning of the word detain. The bill does not say, for example, that the person or object may be detained for only so long as is necessary for a search to take place, or words to that effect. It is plainly wrong for the Law Society to say that, as the law stands, police cannot stop, search and detain a vehicle, or, unless they intend to charge a citizen, stop, search and detain any citizen. That is the stand that the honourable member for Lane Cove and the Leader of the Opposition adopted. The *Daily Mirror* of Wednesday, 6th May, had the following report:

> Mr Mason said police should be given the power to stop, search and detain people reasonably suspected of having or pushing prohibited drugs.

The honourable member for Lane Cove and the Leader of the Opposition are ignorant of the true position. Section 357E of the Crimes Act provides:

> A member of the police force may stop, search and detain—
>
> (a) any person whom he reasonably suspects of having or conveying any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence; or
>
> (b) any vehicle in which he reasonably suspects there is any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence.

At page 1736 of his report, Mr Justice Woodward stated:

> The presently existing powers of police officers to stop, search and detain would arguably include the situation where drugs are being transported on the person or in a vehicle or vessel.

Mr Mochalski]

Nevertheless, his Honour considered that for more abundant caution it was appropriate for such power to be expressly conferred by statute. Likewise, the assertion that there is no time limit on the power to detain is not in accordance with the ordinary principles that the courts apply in the interpretation of statutes. Clearly, the courts will readily perceive that the intention of the legislature was that the power to detain would operate only for the period necessary to carry out the search. From time to time the Leader of the Opposition makes statements that do nothing more than reduce his credibility in the eyes of the electorate to an ever-decreasing level. Indeed, the hallmark of his leadership is ignorance and lack of credibility. In the Australian of 10th May he is reported as saying:

> This Government refuses to give the police the power they need to enter premises so they can nail persons known to be engaged in the drug trade, the pedlars and masterminds who are killing our children.

I ask the Leader of the Opposition to name in this Mouse the people he believes to be the masterminds in the drug trade. He has nothing to fear. What he says in this House is privileged. The Leader of the Opposition uses that privilege on more occasions than are warranted. Why does he not have the courage to name the individuals he believes to be involved in the drug trade? Obviously, he cannot do so, or he lacks the courage. All he can do is utter meaningless phrases that will be the cause of his losing his seat at the next election.

I could not follow much of what the honourable member for Lane Cove said and I am sure that most honourable members who listened to his speech did not know what he was talking about. He flitted from pillar to post. He failed to enlighten honourable members on any matter. The Government is extremely concerned that drugs enter the State. but I remind honourable members that the Australian coastline is under the jurisdiction of the federal Government. The control of drugs entering the State is a matter for the federal Bureau of Narcotics and the Commonwealth Government. If honourable members opposite want to point the finger at anyone, they should point it at their colleagues in Canberra.

The federal Bureau of Narcotics has extensive powers in drug investigation and the pursuit of persons involved in the drug trade, yet drugs still flow into Australia at an alarming rate. One wonders what is behind some of the comments of the honourable member for Lane Cove. This is a highly emotive issue about which all honourable members are justifiably concerned. It goes beyond the petty point-scoring that is often indulged in in this House. Action must be taken to limit the trend in drug abuse. The Government has already adopted the recommendations of Mr Justice Woodward, and it is taking action to protect civil liberties.

This legislation is innovative. It covers areas that concern everyone. It deals with the drug trafficker who peddles counterfeit substances; for example, the dealer who sells sugar that he claims is heroin. That type of person will run the risk of incurring the penalty applicable to the substance he purports to sell. The measure will increase the penalty for obstructing a policeman executing a warrant from a fine of $200 to one of $2,000 and/or imprisonment for two years. The court will be given power to stop the disposal of a defendant's property pending the determination of proceedings. Upon conviction the court will have power, in addition to the imposition of a penalty, to order any vehicle, vessel or equipment to be forfeited to the Crown.

The Government has made it clear that it will be possible to execute search warrants by day or by night, thus removing any element of uncertainty. No longer will the name of the police officer have to be specified in a search warrant. The hill will provide that certain vehicles, vessels and persons may be stopped, searched and detained where it is suspected that prohibited substances are unlawfully in possession.

This clarifies and puts beyond dispute any suggestion that the provisions of the Crimes Act will not allow such action to be taken. The bill will enable a court to order that any vehicle, vessel or aircraft used in the course of the commission of drug trafficking offences may be forfeited to the Crown. I commend the bill to the House and to the people of this State.

Mr MOORE (Gordon) [4.9]: I wish to speak briefly to proposed new section 43A, which deals with telephone search warrants. I have grave reservations about the potential scope for abuse of the proposed provision. Though I have no doubt that abuses will be either rare or they will not occur at all, that is not the matter that concerns me. From a jurisprudential point of view it is wrong to have a law that permits potential abuse, even if those abuses do not occur. There is no doubt that where the police officer is required, pursuant to proposed new section 43A (4), to create a record where he is executing a search warrant granted to him by a magistrate by means of a telephone call, it would be possible for a carbon to be made of that warrant recording the details provided in the proposed provision, by endorsing the record with the name of the stipendiary magistrate by whom the warrant was granted and the date and time when that was done. That information could then be furnished to the person upon whom the warrant is executed. The policeman will be required by the new section to make a written record and it is not unreasonable to require him to furnish a copy of those simple details to the person upon whom the warrant is executed.

If the idea of having a carbon of the form used by the officer is repugnant for some reason, there is an alternative. Most major police stations are connected to *a* telex system. It would be possible for an officer to telex his request to the headquarters of the criminal investigation branch and ask that branch to undertake the necessary work and to obtain the warrant from the magistrate. The details of the warrant so obtained could be telexed back to the police officer concerned. A record could be kept at the station receiving the telex. I am aware that there would be difficulties at small rural outstations such as those at Trunkey Creek and Tucna, about which I have some knowledge. It would be possible for a policeman seeking the issue of a warrant to telephone the nearest police station equipped with a telex system and for the message to be transmitted from that station. In that way a permanent written record of the warrant would be available.

The scope of legal challenge referred to by, I think, Lord Denning in the Chic Fashions case concerned the right of a citizen to both know and challenge the validity of warrants to enter and search his premises. Such a right is paramount and it should not be removed. The proposition raised by the honourable member for Lane Cove, which I endorse, is that the police officer who seeks to perfect and execute a warrant granted to him under proposed new section 43A will be required to raise in a particular form a written record of the basic details of that warrant. The Opposition believes that it is not unreasonable that the member of the police force should provide a copy of that record to the person when he seeks to enter land to execute the warrant. That suggestion could be implemented by administrative order. Though I shall not move an amendment, I suggest that it would be simple for that procedure to be adopted and I commend it to the Minister.

Mr K. J. STEWART (Canterbury), Minister for Health [4.13], in reply: I thank honourable members for their contributions to this debate. In particular, I thank the honourable member for Bankstown. The Government appreciates that the Opposition is not completely satisfied with the legislation although it will not oppose it. Although the Opposition has claimed that the Government is soft on drug peddling, it has decided to adopt its present attitude to the bill. The Opposition cannot have it both ways. I formed the opinion that the honourable member for Lane Cove took part

in this debate not to oppose the bill but to disagree with the Leader of the Opposition. His remarks were at odds with what his leader had said. He was keen to participate in this debate for he wanted to contradict his leader. Some of the suggestions made about telephone warrants are worth while. The Government would not wish to initiate a system that deprives any person of his civil liberties. Though I am not a lawyer, and I am happy about that, I try to look at things objectively and positively and not argue for the sake of arguing which of course, makes much money for the legal profession, As I understand the situation, in the case of an ordinary warrant there is no statutory obligation for a police officer to present the warrant for examination.

Mr Dowd: The police officer displays the warrant.

Mr K. J. STEWART: He does that as a result of a common law decision that he should show it. It is a common law requirement rather than a statutory one. I thought that a couple of members who are trained in the law would have informed the House: of that fact, rather than to have left it to me—a person without legal qualifications. One should assume that if the common law rule requires that a warrant should be shown, a telephone search warrant should also be shown. It is envisaged that a warrant would be sought by telephone only in unusual circumstances, for instance, if the obtaining of a warrant by conventional methods would enable criminals to abscond or to destroy drugs. Neither of the Opposition members who contributed to the debate referred to proposed subsections (3) and (4) of new section 43A. Those provisions read:

> (3) Where a stipendiary magistrate grants a search warrant under subsection (1), he shall cause a record to be made in writing of—
>
> (a) the name of the complainant;
>
> (b) the details of the complaint;
>
> (c) the terms of the warrant; and
>
> (d) the date and time when the warrant was granted.
>
> (4) A member of the police force perfects a search warrant granted to him under subsection (1)—
>
> (a) by causing a record to be made in writing of the terms of the warrant; and
>
> (b) by endorsing the record with the name of the stipendiary magistrate by whom, and the date and time when, the warrant was granted.

Just as the law does not deny a citizen the right to request to see a search warrant issued by a justice in the traditional way, the proposed legislation will not prevent a citizen from having the right to see the written record which must be made by the police officer pursuant to subsection (4) of new section 43A. In some situations the police officer may be in an isolated area near a farmhouse. He may suspect that goods described or defined under the Act may be located there. He may believe also that if he does not obtain a warrant quickly a crime may be committed. In such circumstances it should be possible to obtain a warrant by means of a telephone call. A telex facility may not be handy. The policeman may be on an isolated stretch of road. We must get to the stage where, irrespective of where the policeman is when he makes the telephone call, the record must be kept. If policemen use the subsection corruptly, they will have to answer for their actions. If a police officer says that he has a telephone warrant issued by a magistrate and he does not possess such a warrant, the ordinary process of the law and discipline should be open to a citizen who has been affected by such

actions. Paragraph 201 of the report of the Australian Law Reform Commission on Criminal Investigation, in a chapter entitled "Search, Surveillance and Entrapment—Telephone Warrants", states:

> The use of the telephone is by no means unknown in judicial procedures. Urgent applications for injunctions or for orders in the nature of ***habeas corpus*** have been made and granted on a number of occasions by this means.

The Government is not introducing a Draconian measure. If Opposition members are genuine—and I shall not canvass that aspect—they should allow the matter to proceed and ensure that these provisions are monitored carefully. The Government will not amend any law in such a way that it deprives citizens of their rights. The Government has been under constant attack over this issue both in the Parliament and through the news media. Some Opposition members have claimed that the Government is soft on drug pedlars. The Government has introduced legislation in line with the recommendations of State and federal Royal commissions to attempt to help our law enforcement bodies administer drug laws and to reduce the incidence of drug offences. For that reason the Opposition should support the bill. The honourable member for Lane Cove accused the Government of having contrived something new in the history of law since the signing of Magna Charta.

Mr Dowd: I did not say that. I referred to the Westminster system.

Mr K. J. STEWART: I shall check the record. The honourable member should be warned that I remember a great deal of what is said in this House. Section 357C of the Crimes (Summary Offences) Amendment Act provides:

> A member of the police force of or above the rank of sergeant or in charge of a police station or police vessel may at any time with as many members of the police force as he thinks necessary—
>
> (a) enter into any part of any vessel;
>
> (b) search and inspect the vessel;
>
> (c) take all necessary measures for preventing injury on the vessel to persons or damage to property by fire or otherwise; and
>
> (d) take all necessary measures for preserving peace and good order on the vessel or for preventing, detecting or investigating any offences that may be, or may have been, committed on the vessel.

Section 357D provides:

> A member of the police force of or above the rank of sergeant or in charge of a police station or police vessel, may, for the purposes of enabling any powers conferred on members of the police force by this Act or any other law to be exercised, stop and detain any vessel in which he reasonably suspects—
>
> (a) that an indictable offence has been or is about to be committed;
>
> (b) that there is a person who has committed an indictable offence or for whose arrest there is in force a warrant; or
>
> (c) that there is any thing stolen or otherwise unlawfully obtained or any thing that has been used or is intended to be used in the commission of an indictable offence.

As the honourable member for Bankstown said, section 357E of that Act provides:

A member of the police force may stop, search and detain—

(a) any person whom he reasonably suspects of having or conveying any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence; or

(b) any vehicle in which he reasonably suspects there is any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence.

I do not understand why the honourable member for Lane Cove suggested that the Government had contrived something in the law for the first time since the beginning of the Westminster system of parliament. Proposed new section 43B provides:

(1) In this section, "police vessel" means a vessel ordinarily used by members of the police force in the execution of their duty; "prohobited substance" means:

(a) a restricted substance prescribed for the purposes of section 16;

(b) a drug of addiction;

(c) a prohibited drug; or

(d) a prohibited plant.

(2) A member of the police force of or above the rank of sergeant, or in charge of a police station or police vessel, may at any time with as many members of the police force as he thinks necessary

(a) enter into any part of any vessel or aircraft; and

(b) search and inspect the vessel or aircraft.

(3) A member of the police force of or above the rank of sergeant, or in charge of a police station or police vessel, may, for the purpose of enabling the powers conferred on members of the police force by subsection (2) to be exercised, stop and detain any vessel or aircraft in which he reasonably suspects there is any prohibited substance which is, in contravention of this Act, in the possession or under the control of any person.

(4) A member of the police force may stop, search and detain:

(a) any person in whose possession or under whose control he reasonably suspects there is, in contravention of this Act, any prohibited substance; or

(b) any vehicle in which he reasonably suspects there is any prohibited substance which is, in contravention of this Act, in the possession or control of any person.

I have not had the luxury of being trained in the law, but those sections sound similar to me. Proposed new section 43B was included in the Poisons Act to demonstrate the Government's strong intention i n the matter. If it were argued that the provision is already in the Crimes (Summary Offences) Amendment Act and that police officers could proceed under section 357C of that Act to stop, enter and search, the Government felt that, to make its intentions more definite as far as drug offences were concerned, there should also be an appropriate provision in the Poisons Act. If the honourable member for Lane Cove has unearthed a legal scandal and an anomaly in respect of proposed section 43B, which would also bring into relief section 357C of the Crimes (Summary Offences) Amendment Act, I assure him that I shall bring his

remarks to the attention of the Attorney-General and Minister of Justice. That will be done to ensure that no injustices will be caused by the Government in its endeavour to bring about control of the sinister drug trafficking trade that is prevalent and appears to be becoming more prevalent in our society.

I do not need to tell honourable members that since the Government came to office in 1976 a series of amendments has been made to the Poisons Act in an endeavour to close loopholes in the legislation. The Government set up a Royal commission under Mr Justice Woodward. Moreover, it acted immediately on some of the preliminary recommendations made by that Royal commission. At a time when the Government was being criticized for being too lenient on drug offenders in New South Wales, this State had by far the most severe penalties in Australia. The Government is implementing the recommendations of the Woodward Royal commission, those of the Williams Royal commission and those of the Joint Committee of the Legislative Council and Legislative Assembly Upon Drugs of which my colleague the honourable member for Lakemba was chairman.

Some of that joint committee's recommendations in regard to forfeitures have been incorporated in the measure. I thank the honourable member for Bankstown and the honourable member for Lane Cove for their contributions to this debate. 4 am sorry that the contribution of the honourable member for Lane Cove was used to contradict the Leader of the Opposition rather than to disagree with the Government.

[Point of Explanation]

Mr DOWD (Lane Cove) [4.29]: Under Standing Order 139 I wish to explain a matter raised during the debate. The amendment that I said would be moved at the Committee stage related to proposed new section 43B, the provision that was just referred to by the Minister for Health. I tried to explain initially that the problem with the proposed section is not that the provision is qualified.

Mr K. J. Stewart: On a point of order. The honourable member for Lane Cove is not in charge of the House. He will not be Leader of the House before the year 2000.

Mr SPEAKER: Order! It is permissible under Standing Order 139 for the honourable member for Lane Cove to rise to explain himself in regard to some material part of his speech but he shall not introduce any new matter. I ask the honourable member to be brief.

Mr DOWD: I shall be brief. I am pleased that the Minister for Health has been told something of the rules of the House. All the provisions the Minister mentioned dealt with a qualified power. There has to be a felony about to be committed or a misdemeanour being committed. That is part of the law, about which the Minister obviously knows very little. The problem with the legislation is not that the power should not exist but that there should be a restraint as minimal as a reasonable suspicion that a crime has occurred. It is for that reason that I have said the Opposition is not concerned that the police should have that power, but it is concerned that the restraint on the provision is a mere suspicion. As drafted in proposed section 43B (3) the power of entry is absolute. It does not have the qualifications that are provided in the Crimes Act. For the sake of completeness I wish that matter to be on record at the second reading stage, lest for some reason the Committee stage is not reached.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Page 10

(2) A member of the police force of *or* above the rank of sergeant, or in *charge* of a police station or police vessel, may *at* any time with as many members of the police force as he thinks necessary—

(a) enter into any part of any vessel or aircraft; and

(b) search and inspect the vessel or aircraft.

Mr DOWD (Lane Cove) [4.33]: I wish principally to refer to proposed subsection (1D) of section 21. Though I have supported this measure, and the Opposition supports it too, I am particularly concerned about this provision, which states:

> (1D) Any substance (not being prepared opium or Indian hemp) which, for the purpose of its being supplied, is represented (whether verbally, in writing or by conduct) as being prepared opium or Indian hemp shall, for the purposes of subsection (1), be deemed to be prepared opium or Indian hemp, as the case may require.

The words or by conduct in that provision are dangerous. It is difficult for a court to determine what is meant by conduct. All honourable members know that a nod is as good as a wink. It is difficult to prove conduct. The term verbally or in writing would have been sufficient for the purposes of this provision. I appreciate that the Minister is not a lawyer, and I appreciate the difficulty of the draftsman in drawing this provision. But the words or by conduct should have been more precisely expressed. That provision is too wide.

In speaking to proposed section 43A the Minister for Health said that warrants have to be produced. The bill is not dealing with a measure whereby the common law will graft on a power to oblige a note of the warrant to be produced. The Minister has said. more by way of apology, that some common law duty may arise to show a note. I repeat, the Minister is not a lawyer, but proposed subsection 43A does not require the note to be made available immediately, and it does not require the note to be handed over. That concerns the Opposition. There is no way that a person, confronted with a policeman, can say, "There is a statutory provision". The Opposition asks the Government to examine a proposal to provide for the handing over of a piece of paper bearing details of the provision of the warrant. It is not good enough for the Minister to say that a common law warrant has to be produced. The common law provision will not extrapolate that provision. The power given by proposed section 43B (2) is an absolute power, not a power qualified by the fact that a crime is occurring. The Minister might argue, as he did at the second reading stage, that circumstances might arise where a policeman might stop an aircraft. We are talking about any aircraft.

The question arises as to the power to stop a vehicle under the Air Navigation Act. Of course theoretically, it may be stopped on the tarmac. Section 109 of the Constitution then arises. I wish any person well if he attempts to stop an aircraft on the tarmac. However, the power proposed in the bill is absolute. The qualification I have suggested should be added. Though the draftsmanship is not particularly elegant, it conveys the meaning that ought to be expressed in the provision. A policeman should never be given absolute power. One only has to look at the actions of some former members of the New South Wales Police Force to know how power

tends to corrupt, and absolute power corrupts absolutely. Society has always had restraint on the abuse of power. The Opposition wishes to add a qualification to that section. I move:

That at page 10, line 20, after the word "aircraft" there be inserted the words

in which he reasonably suspects there is, in contravention of this Act, any prohibited substance or any prohibited substance which is in contravention of this Act in the possession or under the control of any person.

Mr K. J. STEWART (Canterbury), Minister for Health [4.39]: The honourable member for Lane Cove commenced by referring to proposed subsection (5) of section 21, which appears on page 5 of the amending bill. That reads:

(5) Any substance (not being a drug of addiction other than prepared opium or Indian hemp) which, for the purpose of its being supplied, is represented (whether verbally, in writing or by conduct) as being a particular drug of addiction other than prepared opium or Indian hemp shall, for the purposes of subsection (2A), be deemed to be that particular drug of addiction.

I draw to the attention of the honourable member for Lane Cove, who remonstrated about the fact I was not a lawyer, that section 9A of the principal Act states:

A person shall not knowingly by any false representation (whether verbal, in writing, or by conduct) obtain or attempt to obtain from a medical practitioner, pharmacist, dentist, veterinary surgeon or the holder of a license issued under section 10 or from any other substance specified in Schedule One, Two, Three or Four of the Poisons List.

In the principal Act, which the honourable member for Lane Cove seems to have read so assiduously, section 16 (3) (a) states that a person shall not "knowingly by any false representation (whether verbal, or writing, or by conduct)—" and in section 22 (2) states that "any person who knowingly by any false representation (whether verbal, or in writing, or by conduct)—" and so it goes on. I may not be a legal practitioner but perhaps I should have a go at being one. Obviously one does not need to know much about the law in order to qualify. The honourable member for Lane Cove has made entrance to the profession seem easy. I shall have a look and see what I have to do to become a lawyer.

As far as the amendment is concerned. I believe that the honourable member for Lane Cove's alarm is unnecessary with regard to section 43B and the power being absolute. It is not necessary for the policeman concerned to have a suspicion. I have offered to have that matter checked. If the honourable member were correct it would nullify not only section 43B but also perhaps sections 357C and 357E of the Crimes Act. I shall not accept the amendment but I shall certainly cause the legal position to be checked in view of the remarks made by the honourable member for Lane Cove.

Question—That the words be inserted—put.

The Committee divided.

Ayes, 35

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

Noes, 57

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

Question so resolved in the negative.

Amendment negatived.

Schedule agreed to.

Schedule *2*

Mr DOWD (Lane Cove) [4.50]: I wish to refer again to proposed new section 45AC and my concern about subsection (2) which deals with the power of forfeiture. The clause as drafted does nat require any criminality on the part of the owner of the vessel, vehicle or equipment. Equipment is a fairly wide term and may mean a front end loader or some other article of considerable value. The power is similar to the power given under the Customs Act and will cause tremendous difficulties. I know the Government's intention is to deter persons from allowing their vehicles or vessels to be used for these purposes, but there ought to be a requirement of some sort of *mens rea* on the part of the owner in allowing an offence to be committed.

No problem arises where the equipment used is of little value or where some sort of criminality can be shown, but in many cases it may involve the use of a yacht or sailing vessel of considerable value and the court will be in a dilemma. I have in **mind**

a case in which the power of forfeiture was used by customs officials in respect of a boat worth $100,000. The duty avoided was about $6,000. The court was placed in a dilemma in trying to prevent the Crown from asking for a penalty that was too great. In many situations a court may decide—and it will not be a subclause 2 (b) provision —that the criminal has some interest in the matter. The proposed new subsection may deal with a completely innocent party. The Government has failed to provide a workable mechanism. There is sufficient power available to the courts to enable them to deal with criminal activities under other provisions. The proposed power will be almost unworkable where a third party is involved. Where a criminal or his associates are involved and are convicted of a crime, one can understand the power being used, but the power is too wide where a completely innocent person is involved. An undue onus is placed upon the judge. I ask the Government to attempt to draft a provision better than this, though I accept that the Government's intention is to deter persons from allowing their vessels to be used for criminal purposes.

Mr K. J. STEWART (Canterbury), Minister for Health [4.52]: Mainly for the record, as apparently I am unable to convince the honourable member for Lane Cove, I repeat that the matter of forfeiture was the subject of recommendation by Mr Justice Williams, the Royal commissioner who conducted the federal inquiry into drugs. The Government did not pluck the idea out of thin air. It is a specific recommendation of that Royal commissioner. The Government believes that this will be a further step in the fight against the illegal entry of drugs into Australia. Further, it answers the allegations made by the Opposition that the Government is soft on drug pedlars. It is all very well to talk about a customs offence involving an amount of $6,000 in duty avoidance and the confiscation of a yacht worth $100,000. In a recent case a large quantity of buddha sticks, with a commercial value of many millions of dollars, was off-loaded at Port Macquarie having been brought to Australia in a yacht that was worth perhaps $80,000 or $90,000. Action must be taken to make people aware that if they allow their property to be used in the commission of a drug offence, they place that property in jeopardy.

Again for the benefit of the honourable member for Lane Cove and for the record generally, certain recommendations were made by the joint committee of the Legislative Council and Legislative Assembly upon drugs. That committee was chaired by the honourable member for Lakemba. Members of the committee from the Legislative Council were: the Hon. Kathleen Anderson, the Hon. Margaret Davis, the Hon. C. Healey, the Hon. F. M. MacDiarmid and the Hon. H. J. A. Sullivan. Members of the Legislative Assembly who were on the committee were, Mr V. P. Durick, Mr J. *G.* T. Jackett, Mr B. McGowan, Mr E. D. Ramsay and Mr R. *C.* A. Wotton. The unanimous recommendation of that committee was that in the case of conviction for a drug offence, there should be forfeiture of money and goods as well as a fine or other penalty. The Government does not resile from its attitude that if persons use their property in the commission of a drug related crime they must pay the penalty.

Mr DOWD (Lane Cove) [4.55]: If someone allows his vessel, vehicle or equipment to be used, that is a different matter. Surely the Minister understands the meaning of the word allows. There is some criminality or intention on the part of the person. In the ***Anoa*** case those who used the vessel for the Polkington Reef marihuana import knew it was being used for that purpose. I am talking about forfeiture not by criminals but by people who are not criminals and do not know that their vehicle or vessel is being used for a criminal purpose. I am not speaking about the situation where someone knows of the crime. The proposed section as drafted deals with the situation where the owner has no such knowledge.

The Opposition agrees with the committee's recommendation in cases where a criminal or criminals are involved. The Minister talked about the Woodward Royal commission and the joint committee of this Parliament. He was selective in talking about the recommendations made by the Royal commission. He and other members of the Labor Party have criticized the Woodward Royal commission soundly and loudly and disagreed with His Honour when he cast aspersions, quite correctly, at honourable members on the Government side of the House. They disagree with His Honour when it suits their purposes. A little more honesty would impress honourable members on this side of the House. The Opposition does not believe that all wisdom emanates from the Williams Royal commission or the Woodward Royal commission, but the Government ought to be responsible for its own decisions.

Mr Durick: What about the committee's recommendations?

Mr DOWD: The committee was a responsible body. The Opposition does riot disagree with the provision but that has nothing to do with what I have been talking about. I have been talking about forfeiture by innocent persons. The committee's recommendation does not. I suggest to the honourable member for Lakemba that he should read the committee's report.

Mr DURICK (Lakemba) [4.58]: I was reluctant about joining in the debate, having had what might be regarded as a vested interest in the matter following mention of the committee's report. I remind honourable members that, as the Minister said, the committee produced a preliminary report on offences and fines. The request for that preliminary report originated in a letter from the Prime Minister to the Premier and Treasurer. The committee's decision was unanimous. There was only one item in the report that was submitted to this Parliament on which there was any variation of opinion. As to the matter which is the subject of this debate, there was no variation of opinion. The whole idea was to devise some action that might be taken against people who were producing or trafficking in drugs and I believe that honourable members who were formerly members of the committee stand by that decision. That is the reason for this part of the measure now before the House.

The Government has enshrined in legislation the Committee's views on forfeiture generally. The Government believes that the discretionary nature of the court's power to order forfeiture of vehicles, vessels or equipment used in the commission of drug trafficking offences ensures the protection of an innocent owner. Surely that answers the argument advanced by the honourable member for Lane Cove. Moreover, it negates the major criticism that has been expressed about some of the forfeiture provisions as they operate in other parts of the world. The law in the United States of America apparently does not protect the innocent. Here the discretion is with the court to protect innocent people. To highlight what I have been saying, I shall refer to only one matter. The secretary of the joint committee and I went to Western Australia. In company with customs representatives we inspected two yachts that had come from South East Asia. Those two yachts were still in the possession of the federal customs authorities. When the vessels were taken into custody it was suspected that drugs were on board. Initially, no drugs were found but ultimately they were located. One yacht must have been worth about $750,000. The drugs were found in the mast of the vessel. Drugs were found also on the other yacht. Both vessels were owned by the persons who had sailed them to Australia. Though the yachts were not forfeited they were impounded until the court cases were over. Under the proposed legislation the court will have a discretionary power to order forfeiture. I do not see why a farmer who has been growing marihuana should not have to forfeit the equipment he used to produce the drug.

Mr Akister: He should also forfeit the money he gets for the drug.

Mr DURICK: Though that is not in issue here, it is in point. It is easy for some persons to produce marihuana, and the honourable member's suggestion merits consideration. However, we are talking here about equipment.

Schedule agreed to.

Adoption of Report

Bill reported from Committee without amendment, and report adopted on motion by Mr K. J. Stewart.

Third Reading

Bill read a third time, on motion by Mr K. J. Stewart.

CUMBERLAND OVAL BILL

Second Reading

Debate resumed (from 15th April, **vide** page 5994) on motion by Mr Gordon:

That this bill be now read a second time.

Mr MASON (Dubbo), Leader of the Opposition [5.4]: I approach this legislation with many misgivings. The Government is taking a most unusual step in introducing this measure. A trust—the Parramatta city council—is responsible for the administration of Parramatta Park. I am in a dilemma because when I was Minister for Lands I dismissed the trust of Parramatta Park for one reason: it was allowing the alienation of Parramatta Park. Over the years no area has been more devastated than Parramatta Park. Anybody who drives round the park would be able to see what has happened to it and observe the intrusions that have been made upon it. Having dismissed the trust and put the park in the hands of Parramatta city council, I wanted the control of this most historic area to be in the hands of persons who were responsive to public opinion. The Government is now superseding all the rights and privileges of the body that is responsible for the control of the park; it is introducing legislation to achieve its own ends. According to the philosophy of the Labor Party, this issue should have been dealt with in a different way. I am amazed at the Government behaving in this way and using a sledge-hammer to crack a nut—and that is what this legislation seeks to do. The Government is not willing to allow the council that should have been responsible to take the action that would provide the rights that will be granted by this legislation. The Government will not take any risks; it intends to force this legislation through the Parliament.

I inspected Cumberland Oval in the company of the honourable member for The Hills. It was a different visit from that horrific picture painted by the Minister for Lands, Minister for Forests and Minister for Water Resources. Our visit was low-key. We had a cup of tea with some persons from the area and we met representatives of the Parramatta rugby league club and some members of the local community who came along to talk with us. A large group of people attended the area on that occasion. I was impressed—and I know my colleague was impressed—by the fact that the proposal involved a wonderful amenity and facility. The honourable member for The Hills and I were impressed particularly by the fact that the sporting complex was to be located entirely on the area of land that was at that time occupied by Cumberland Oval. We thought that was a good idea. I said to some persons who are involved in this issue: "You will have one major problem with this whole proposal. There is one reason only why I cannot support you whole-heartedly, and that is because of problems

associated with car parking". My prediction, made long ago, has proved to be 100 per cent correct. The one problem that has not been faced up to in this proposal and the one that has created all the difficulty concerns car parking.

I am in a dilemma for a personal reason. I have always been involved with the Parramatta region; in fact my ancestors played a part in its formation and establishment. My wife was a draftswoman at Australian General Electrics at Auburn when the Parramatta rugby league club was formed, and she was a close friend of many persons involved in the club during its formation. My wife and I have been keen supporters of the Parramatta rugby leagues club, which is performing well.

The Parramatta rugby league team is leading the Sydney competition; it deserves its position and it will continue to remain on top. The Government has chosen its course of action, and that has placed upon every member ot the House the responsibility to weigh the matter carefully. Important principles are involved in this issue and they must be kept in mind. Honourable members should not shirk the task they face. Let no honourable member brush aside lightly his consideration of the bill. We must consider the whole history of Parramatta Park, for it is virtually bound up with the history of this country. Parramatta Park is part of our proud heritage; it was the site of Australia's first permanently-constructed Government House. At one time Parramatta Park was the administrative centre of the continent of Australia. It was the first place in Australia where the currency lads and lasses began to put their arguments for limited self-government.

It is often forgotten that Parramatta Park was the site of the historic meetings between the white administrators and the Aboriginal population from Wollongong to Newcastle and west to the Blue Mountains. It was there that the white leaders of New South Wales met with the Aboriginal leaders in the first decades of the life of the colony. At those regular meetings compassionate administrators like Governor Macquarie tried to introduce measures that would keep the tribal system intact rather than let it shatter under the influence of European degradation, fuelled by alcohol, which led eventually to the disappearance of local tribes from the Sydney metropolitan area. Macquarie encouraged the trust of the Aborigines for the white man by establishing a school for them. Each year Governor Macquarie met the Aboriginal leaders, who were the original owners of the land that forms Parramatta Park, this historic area, and conferred upon them badges of honour. Governor Macquarie encouraged the Aborigines to live on amicable terms with the European settlers. Though his far-sighted innovations and thoughts were continued by a later government, eventually they failed. Parramatta Park is a legacy of that failure.

The park is important to the history of both Aborigines and Europeans in Australia. If any honourable members have not read Professor Manning Clark's account of the history of the area, of the Aboriginal tribes and the role that Parramatta Park plays in that history, I suggest that they do so. Manning Clark has recorded some of our most important history and how it is centred round Parramatta Park. Despite those considerations, the Government wants to butcher this important part of Australia's history. It would pay the Minister for Lands, Minister for Forests and Minister for Water Resources to read Manning Clark's work and to consider the way in which the United States of America has treated areas similar to Parramatta Park. The Minister would then understand how the United States of America has protected its historic sites for future generations, irrespective of the type of shortsighted issues that have led to the sad situation that we now have in Parramatta Park. What we are involved in today is a sad situation and a natural flow-on of the attitude that has built up. No particular blame for this ignominy must fall to those involved in the Parramatta Park project. They are carrying on a sad tradition that has grown up and been applied by too many people in far too many places. We have seen disregard for public

domains and for historic areas throughout New South Wales. The time is long overdue for the people of New South Wales to have another look at how such important areas should be treated.

Mr Gordon: Experts have been looking at this issue for two and a half years.

Mr MASON: The Minister for Lands, Minister for Forests and Minister for Water Resources cannot sit still for two minutes. He should try to contain himself. He will go down in history as one person who failed to grasp the opportunity to start a new approach to these matters. That will be his record; I should certainly not like it to be mine.

Mr Gordon: Every rugby league supporter in Dubbo will vote against the Leader of the Opposition.

[Interruption]

Mr SPEAKER: Order! We have a robust Parliament in New South Wales. A lively and robust parliament is a natural consequence of a living, vibrant democracy. The essential thing is that a fair hearing must be guaranteed to every member addressing the House. I ask honourable members to refrain from interjecting and to allow the Leader of the Opposition to address the House. Any honourable member who wishes to take part in the debate should seek the call at the appropriate time.

Mr MASON: Mr Speaker, I never object to intelligent interjections or to constructive contributions—in fact, I always welcome them. However, one should not expect an intelligent contribution from the Minister for Lands, Minister for Forests and Minister for Water Resources. The logic behind the Minister's actions is that he believes the New South Wales community is not ready to take these matters seriously, and that is a sad comment. It means that the public of New South Wales will never again be able to trust the Labor Party on such things. The official platform of the New South Wales branch of the Australian Labor Party is specific about this issue. Opposition members are aware of the division in the Labor Party over Parramatta Park. Some Government members have tried to be consistent on this issue. For instance the Deputy Premier, Minister for Public Works and Minister for Ports has continued to adopt a consistent attitude about the matter. However, there are deep divisions within the Labor party—and so there should be when the Government takes the drastic step of going against its stated promises and declared policy.

Later in my contribution to the debate I shall refer in detail to the Labor Party's policy so that honourable members will not be in any doubt about it. That is the dilemma that faces honourable members in this debate. I am not opposed to the construction of a football stadium in this area. I would welcome the building in the western metropolitan area of a football stadium of the standard that is envisaged in the proposal for Parramatta Park. Undoubtedly Cumberland Oval is a disgrace. It is in a deplorable condition. In the western metropolitan area the need for a sporting complex such as that envisaged is tremendous. I do not oppose that concept. The time has come when honourable members must heed some of the statements being made by people in the community about the Parramatta area and the jackbooted approach of the Government.

I was intrigued, having read some of the history of the Parramatta area, to find that Parramatta Park was originally a public domain. It was conceived as a place that would be available to members of the public. That is a far cry from the Government's proposal. Unfortunately, the second reading speech of the Minister for Lands, Minister for Forests and Minister for Water Resources revealed nothing and gave no hint of what the bill would do. It was one of the most tragic speeches

about the Government's intentions that one could imagine. As the Minister told us nothing, the Opposition is left in a dilemma. For that reason it will propose several measures. I move:

That the question be amended by leaving out the word "now" and inserting in lieu thereof the words "this day six months".

That is a traditional course of action open to the Opposition. The Opposition asks the Government to do what it believes ought to be done if the Government wishes to keep faith with the public of New South Wales, that is, to establish a public inquiry into this whole issue. Many persons are crying out for a public inquiry, but the Government consistently refuses to heed that cry. I shall now read from the official platform of the Labor Party. Part of that platform reads:

The Labor Party will—

1. Establish a planning department in New South Wales vested with powers. . .

1.3 To preserve, protect and maintain the national estate.

Of course, the Government is not abiding by that part of Labor's official platform. Part 2 of the platform of the Labor Party reads:

2. Increase public participation in planning through the following measures:

2.1 Planning schemes, interim development orders, local environmental plans and the like will be subject to mandatory, open, public hearings.

Another part of the Labor Party's platform reads:

2.7 The publication and dissemination by the responsible authority of background information to encourage citizens (and organizations representing citizens) to participate in the consideration of planning issues, emphasizing that such participation should be regarded as necessary input to the decision-making process of appointed and elected officials.

The Labor Government, by introducing the bill, has gone against everything it is supposed to stand for. The Opposition calls upon the Government to allow the bill to lie on the table while the Government reassesses its responsibilities to its own commitment, that is, to allow the public to be involved in some way by means of a public inquiry. A number of organizations have been asking for a public inquiry and for some reassessment of this matter. I instance the Heritage Council, a body that does not normally criticize this Government and its actions—in fact, it is always ready to support any action that will preserve historic areas. The Heritage Council is saying a public inquiry must be held into this issue. The Police Department, the Department of Main Roads, the State Traffic Authority and the Department of Public Works have all raised serious objection to the Government's proposal. Some of those bodies have expressed concern about the serious problems that will be caused by parking and the movement of motor cars. The only way those organizations and some government departments will have their objections considered is by way of a public inquiry, which would allow this whole matter to be thrashed out.

Why is the Government opposed to a public inquiry? What has the Government to hide? Why will it not let this matter go before the public? Is there something the Government does not want brought out into the open? Why will not the Minister for Lands, Minister for Forests and Minister for Water Resources allow a public inquiry on this matter? On 29th April I received an answer to a question I asked of the Minister

on 13th August, 1980. I could not believe my eyes when I saw that the Minister had finally answered my question after only six months. The question I asked the Minister in August last year was:

(1) Was a steering committee made up of representatives of the Heritage Council, Parramatta City Council and the Department of Lands, established in 1979 to accelerate the preparation of a comprehensive plan of management for Parramatta Park?

(2) If so,

(a) when will this plan be finalized and ready for public examination; and

(b) will the plan deal with proposals for improvement of the parking situation at Parramatta Park?

The answer I received on 29th April this year was:

(1) Yes—not only to accelerate the plan of management, but also to assist the consultant in the preparation of the plan.

The second part of the answer was as follows:

(2) (a) The plan is now at an advanced stage, submissions have been invited from the public and it is expected that a draft plan will be ready for public exhibition later this year.

(b) The plan will make proposals for all parts of the park including vehicular access, movement and parking. It might also be noted that an environmental impact statement is currently being carried out in respect of a proposed new stadium on Cumberland Oval within the Park. The E.I.S. will, amongst other matters, deal specifically with the parking problems associated with a major stadium proposal and its possible effects on Parramatta Park.

When I read that answer I was greatly encouraged. I thought: "This is splendid. At last the Minister is beginning to accept what I conceive to be his ministerial responsibilities, particularly in respect of the administration of the parks and historic areas that are part of our heritage." However, the House now has before it a measure that will nullify what the Minister said in the answer to which I have referred. Why will the Minister not allow the bill to lie upon the table of the House so that the processes I have suggested can be followed? Is it the intention of the Government to force through the legislation before the environmental impact statement can be studied?

Mr Wilde: Yes.

Mr MASON: The honourable member for Parramatta says, yes. Apparently the Government is not to wait for the environmental impact statement. Its attitude is, "Let us force the legislation through: we will thumb our noses at everybody." Why will the Government not wait for that plan of management to become available for public exhibition and comment? What is the rush?

Mr Wilde: The Leader of the Opposition has urged the Government to hurry.

Mr MASON: Yes, to hurry the plan of management. The honourable member for Parramatta should be careful if he seeks to put words into my mouth. In 1979 I asked the Government whether it would accelerate the study. What is the hurry now? The Government has been dithering about for two years. Why not wait a little longer and allow the plan of management to be completed, particularly if it is to examine problems of vehicular access and parking? Why is the Government rushing through the legislation? Why is it being done in the dying hours of this session?

Why will the Government not wait for the information contained in the environmental impact statement to become available? If it did, I and other persons who have all sorts of doubts about this proposal would know what is involved, as we would have the benefit of that information. I urge the Government and the Minister to think hard and long about this proposal. If they do not follow the Opposition's suggestion and the Government goes ahead and uses its numbers, it will have a bad effect upon the many persons who believe they have a right to know the full facts and to be better informed before the Government proceeds with its actions.

Having the bill lie on the table for six months will not cause any conceivable problem or unduly delay the matter. All it will mean is that the public and Parliament will be informed. Are those the two things that the Minister is opposed to? Are not members of this Parliament entitled to know the information? Are not members of the public entitled to be fully informed? Is the Minister not yet aware of the concern abroad in the community, pasticularly in the western suburbs and round Parramatta about this measure? Is the Minister not aware of the damage that is being done in the minds of people like those comprising the Institute of Architects and the Heritage Council, all of the people who are concerned and involved? Is the Minister going to go along pigheadedly and ignore all of that?

The Minister must understand that now we have the legislation we want to know what is in the documents associated with it. We must have the plan of management of the park, particularly when it addresses itself to an area of much concern, the problem of car parking. If that problem is resolved then all is resolved. That is why the environmental impact study is necessary and why the plan of management should be made available. Is the Government not going to wait for these things? Is it going to push ahead pigheadedly saying, "We shall not wait for these things, let us get the thing through". The Opposition believes that is wrong. It is absolutely convinced that a public inquiry ought to take place. It believes that the only way a public inquiry can take place is when all the information that those two reports alone might provide has been put before the public.

That is why I have moved an amendment that the bill lie on the table of the House for six months. After a public inquiry the Minister, if he decides to proceed with this legislation, may put the measure before the House again. The public and members of the House will be fully informed. What can be wrong with that proposal? I believe that would be the action of a government acting with commonsense, showing concern for the public and for public opinion. I find it incredible that the Government is still determined, with such ignorant comments as flow from the mouth of the Minister throughout this debate, to push this legislation through in the dying hours of this session. The Minister cannot make a helpful, meaningful or constructive contribution to the debate. He can only descend to petty stupidity in his comments and interjections. We cannot even have a decent constructive debate on the matter. No wonder New South Wales is going in the way it is going, if that is the best the Minister can do.

On behalf of the Opposition, I put forward what I believe it is our responsibility to say. I am posing to the Government what I believe is the desire of a large number of the people of this State. Instead of bulldozing this legislation through, let us have all the facts and information. The Minister, on 29th April—a few days ago—in answer to a question on notice said that the Government still did not have that information, still did not have the environmental impact study, and still did not have that plan of management.

Mr Gordon: The point is that the Leader of the Opposition has not seen it. There it is, and this is what it is all about.

Mr MASON: Why did not the Minister give a correct answer on 29th April? Why did the Minister say, on that day, that the environmental impact study will, among other things, deal specifically with parking problems associated with a major stadium? Why did the Minister say that on 29th April?

Mr Gordon: Is the Leader of the Opposition saying he has not seen the environmental impact statement?

Mr MASON: The Minister told me on 29th April that it was not available.

[Interruption]

Mr SPEAKER: Order!

Mr MASON: The Minister is either grossly incompetent or has deliberately misled this Parliament in answer to a question on 29th April. He was asked also about the plan of management. Is that available?

Mr Gordon: Yes.

Mr MASON: The Minister is derelict in his duty. He stands condemned and ought to resign. On 29th April he said that it would be available for public inspection later this year. What sort of scandal is this? It is starting to reveal the mess and subterfuge that the honourable member for Parramatta has engaged in. I have heard all sorts of rumours about the involvement of the honourable member for Parramatta in this matter. Some of them are now beginning to take on an image of reality. Any of us on this side of the House would believe the honourable member for Parramatta is capable of any sort of skulduggery. Obviously, he is up to something. The cat is out of the bag now. The honourable member for Parramatta has obviously got his dirty finger in this pie somewhere or other. It is a most serious matter.

What rights have we, as members of Parliament, to protect ourselves from this sort of misleading information from the Minister when we put a question on the ***Questions and Answers*** paper? Here again in this House we have this terrible image of a Minister denying what he has told the House only a few days before. Is there any protection? Are we not entitled to get the truth from a Minister when he is replying to serious questions we raise? Or is the Minister treating this House with bitter contempt? Does he believe he can do anything simply because he has the numbers and has dirty little people like the honourable member for Parramatta standing behind him? We know the sort of thing he is capable of doing. I thought the Minister was a bit above that sort of thing. I am disappointed with the Minister in the light of his answer given on 29th April.

Tomorrow the Minister must withdraw the answer to that question or he should fix it up quickly so that he is no longer derelict in his duty. All of these dreadful revelations that have now come out in the House highlight more than anything I can say why we need a public inquiry into this matter. We on this side of the House believe that the Government has nothing to lose by holding a public inquiry. Surely it believes in giving the public a say, if it has any decency left within it. I believe that the Minister, as the Minister for Lands in this State, has the responsibility to guarantee and prove to the public beyond any doubt that alienation of parklands is not intended. That concerns us greatly.

The question about which so much doubt has been raised—the question I submitted to the Minister and to which I received an answer—referred to all parts of the park and access to them. Part of this bill gives the Minister absolute control over some of the access. It takes vehicular accesses over the Parramatta River and gives the Minister absolute control. It takes over other areas of land. We have read with interest what the Minister has had to say about that, how he will control what happens in those areas. Obviously, if ever there were a case of the Government rushing through legislation, this is it. The measure cannot be commended to the public unless there has been a full disclosure by the Government, unless there has been a public inquiry and unless factual information has been made available to the public. The Minister has a heavy responsibility, as Minister for Lands in this State, to do these things. The Minister should have done that a long time ago. If he had undertaken his responsibilities and been fair dinkum about this matter he would not have been thinking about it now. He would not have been answering a question in this foolish way.

Mr Gordon: The Leader of the Opposition has misunderstood the answer.

Mr MASON: If the Minister reads it again he will understand what I mean. As Minister for Lands he has a responsibility to all the people of this State, not to a particular section or group. Again and again as Minister he has to make decisions of this sort. His responsibility is for the general good of the public and not to a sectional group. As Minister for Lands, if he is worth his salt, he is faced frequently with the question of where his responsibility lies. He must not allow the public lands of this State to be alienated. That is one of his clear responsibilities. It is tragic that there has been too much of that in the past. The time has come when the Minister must begin to take seriously the words of his own party on this sort of thing. He must consider seriously the growing need of the community. If he intends to proceed with this proposal he must have a public inquiry. Before the bill is assented to by the Governor and becomes the law of this land, before he walks in his jackboots over the public, he must allow the matter to be ventilated at a public inquiry. Let all the facts come out. For those reasons, I move:

> That the question be amended by leaving out the word "now" with a view to inserting the words "this day six months".

Mr WILDE (Parramatta) [5.43]: I feel rather sorry for the Leader of the Opposition. He made a futile attempt to have a foot in both camps. Towards the end of his rather feeble contribution he became quite upset, even for him. I suppose one could excuse his intemperate comments. They were probably motivated by his desire to get to the parliamentary bar at this time of the day. He is probably suffering from withdrawal symptoms. The Leader of the Opposition displayed his ignorance of matters surrounding the bill. He was not aware of the environmental impact statement that was published in December last year and the draft plan of management for Parramatta Park that was released at the same time. That shows how little care and concern he and his colleagues have given to this extremely important measure. For him to ask that the matter be deferred for another six months to allow a public inquiry to be held reveals how little he knows of what is going on.

This legislation has been the subject of virtually a public inquiry for the past two years. No issue has been more publicized and debated in the public arena. The proposed redevelopment of Cumberland Oval is a project of considerable size. When the environmental impact statement was on display—unbeknown to the Leader of the Opposition—more than 52 000 responses were received to it over a period of almost

two months. More than 51 000 of those were favourably disposed towards the re-development of Cumberland Oval. That shows how much the Leader of the Opposition is aware of what is going on. At least 52 000 people throughout the State knew that the environmental impact statement was on display, but the Leader of the Opposition did not.

The Leader of the Opposition said he dismissed the Parramatta Park trust when he was Minister for Lands as the trust was alienating park lands. That is not true. I was a member of the Parramatta council when the Parramatta Park trust resigned. The trust resigned because it had gone broke. The Government of which the Leader of the Opposition was a member reduced the meagre subsidy it had been paying to the trust and eventually cut it out altogether. The result was that the trust had to throw in the sponge. The Minister for Lands at the time then foisted the park on to the Parramatta city council. That council did not want to take it, for the trust had incurred a number of debts, but the Minister insisted. The Premier of the time, the Hon. T. L. Lewis, gave an undertaking to Parramatta council that he would give the council $50,000 to meet the outstanding debts of the trust. He reneged; he failed to honour that promise, as he did with many others he made. It is no wonder the people of New South Wales threw out the Lewis Government. It was only after the Wran Government was elected to office and I drew to the attention of the Premier and Treasurer the position that the $50,000 was paid to the council to reimburse it for meeting payment of the debts of the Parramatta Park trust. As I said, the park was foisted on to the Parramatta council by the Leader of the Opposition. It is little wonder that he now seeks to misrepresent the circumstances of that transfer.

The Leader of the Opposition has been trying to have two bob each way on this bill. He visited Parramatta Park and was hosted by officials of the Parramatta leagues club. At that time he expressed a lot of support for the stadium. He received a lot of publicity in the press. The honourable member for The Hills accompanied him but unlike the Leader of the Opposition that honourable member did not get too many photographs in the newspapers. The ***Daily Mirror*** of 2nd March published an aritcle headed "The West Needs Its Stadium". That article contained the first suggestion by the Leader of the Opposition about a parking station. The Leader of the Opposition is reported as saying, "A multi-level carpark might be built beneath the stadium." Then he is reported as having said, "The project should go ahead." That was the first idea anyone had of building a parking station under the stadium.

Now the Leader of the Opposition has changed his mind on that and has decided he does not want a parking station. That was his own idea. That is probably the reason why it was not a good one. He criticized the oval and again got his name in the local paper. The ***Parramatta and District Mercury*** reported him as saying, "I wouldn't use these toilets". The newspaper carries a picture of the Leader of the Opposition standing outside the men's toilet. He is reported to have said, "I've been here for a game myself and I couldn't even get a seat." The article goes on:

> He was not at all impressed with the argument that all structures and facilities on Parramatta Park should be removed so that the park could revert to total open space.
>
> "It's very hard to turn the clock back", he said.
>
> "Obviously you can't take the oval and bowling clubs off it".

That was the attitude the Leader of the Opposition expressed to the leagues club. The ***Advertiser*** of 2nd April published an article which contained these words:

> Mr Mason has a special interest in Parramatta Park as he was Minister for Lands when Parramatta Council was appointed park trustee in 1976.

"I decided it would be in the best interest of the people of Parramatta to have the control of this important area placed in their hands rather than have it administered by an outside group", he said.

"In this way the people of Parramatta could have the responsibility of seeing that this outstanding area of land is developed in the correct way".

Mr Mason said he was satisfied the stadium would not alienate further park land.

The Leader of the Opposition will not accept the decision of the Parramatta city council upon which he foisted this area. That decision was made by the duly elected aldermen of Parramatta prior to the last local government elections. The electors confirmed in no uncertain terms their support for the proposal. Why did the Leader of the Opposition change his mind on the matter? Probably because of a decision that was made by the Parramatta chamber of commerce as reported in the ***Sydney Morning Herald*** of 13th April, that the Parramatta chamber of commerce had changed its policy over the stadium and had asked for a public inquiry to be held. He should have waited a bit longer as after that suggestion had been made to the Parramatta city council the council reiterated its support for the proposal and said it did not want a public inquiry. Then the chamber of commerce quickly backed down and on 5th May said it was not willing to accept the council's decision. It no longer wanted a public inquiry. That was apparently the basis of the change of attitude on the part of the Leader of the Opposition. Perhaps he will now change his mind again.

Little opposition to this proposal has come from any substantial group. The Leader of the Opposition would be well aware of that fact had he taken the interest in this proposal that he should have taken. The Leader of the Opposition did not mention the Parramatta branch of the Communist Party of Australia, which is one of the more notable groups not supporting this proposal. Last week in the media the Leader of the Opposition attempted to draw attention away from the action of the federal Government cutting back funding to the States. The only thing he could talk about was Parramatta Park. Had the Leader of the Opposition read the bill it would have been obvious that the facts he was trying to misrepresent were covered in the bill. He has been trying to take up the cudgels for the small number of people opposed to this legislation.

The National Trust, which is a worthy body, has shown a deal of concern for the preservation of sites of historic interest. One should be frank about the trust's interest in Parramatta Park. It did not show too much interest in the park until given the lease of old Government House, after it had been restored by a grant from the Commercial Bank of Australia. Prior to that time little interest had been shown in Parramatta Park for the previous decade---certainly not by the National Trust and certainly not by the Leader of the Opposition when he was Minister for Lands in a former government. The Leader of the Opposition did nothing to assist Parramatta Park. After old Government House was handed over to the National Trust the trust tried to have vested in it a substantial area of the land round old Government House, stretching from the Pitt Street gate down to the park gates.

The trust wanted the care, control and management of that area round old Government House. Had that been the case, it would have been available to the public on a restricted basis on only a few days a year, and on payment of an admission fee. That is the position with old Government House. In contradiction to the situation of the Parramatta leagues club, or Cumberland Oval, the trust pays only a peppercorn rental for the land upon which old Government House is situated, despite the fact that substantial revenue is generated from this building through public inspections.

The Leader of the Opposition said that Parramatta Trust is opposed to the proposal. That trust comprises a group of concerned citizens. The trust is not large in membership and not too many residents of Parramatta are members of it. Many members of the trust come from areas far removed from Parramatta. The trust has a lease of the old gatehouse, which was restored by funds made available from a variety of sources, including the Heritage Council and the Parramatta city council, in addition to a contribution that the trust made itself. The approval was sought of the local council to levy an admission fee for people to go into the old gatehouse. However, the council rejected the application and the trust, much to its disgust, is not able to charge an admission fee.

The Friends of Parramatta Park is not a group of any substance. That group comes forward only when some project of development in the park arises. Apart from that, the group does not submit any constructive ideas for the embellishment of the park. Though not acknowleged by the Leader of the Opposition, the Parramatta branch of the Communist Party of Australia has also stated that it is opposed to the proposal. There is an overwhelming support throughout the length and breadth of the Parramatta area for this proposal. One has only to look at the results of the public surveys taken by Australian National Opinion Polls to see that, depending on the time that the survey was taken, favourable responses of between 74 per cent and 86 per cent were received to the proposal for the redevelopment of the oval. Perhaps an even more reliable survey was that at the last local government elections a group of people opposed to this proposal received less than 12 per cent of the vote—just ahead of the informal vote. That group did not succeed in having a candidate elected. The Labor Party, which supported the proposal, increased its representation in the Parramatta ward by 50 per cent. The Labor Party preferences were responsible for a relative of the honourable member for The Hills being elected to the council. He was extremely grateful to the Labor Party for assisting him to gain a seat on the Parramatta city council. He wholeheartedly supports the Labor Party's proposal because the party assisted him to get into the council.

The Leader of the Opposition spoke about the history of Parramatta Park. He knows as much about that as he knows about the environmental impact statement, and he was not even aware that that had been published. Parramatta Park was formed as a public reserve under the Parramatta Domain Act, 1857. It was a small bill and one clause of it provided that an area of not less than 200 acres be set apart and granted as a park for promoting the health and recreation of the inhabitants of the town of Parramatta. With the passing of this legislation the area will be still in excess of 200 acres. The point I wish to make is that the park is for the health and recreation of the inhabitants of what is now the city of Parramatta. It was not to be set aside as a museum and therefore perhaps not used by the people of Parramatta. It is intended to be used for the best possible purposes by the people of Parramatta. That will continue to be the case. It is interesting to look at the area referred to in the legislation, Cumberland Oval. Since April 1847, when the Cumberland Turf Club was formed, that area has been used for organized sport purposes. The first meeting on that site was held in June 1847 on the site of the oval. The records show that a track and grandstand were constructed to allow the first race meeting to take place.

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

Mr WILDE: Before the dinner adjournment I had been discussing the history of Parramatta Park and its use by organized sport for over one hundred years. I mentioned that the area where Cumberland Oval is situated had been used by the Cumberland Turf Club, which was formed in April 1847. The first organized race meeting was

held in June 1847 on the site where Cumberland Oval now stands. History records that a racetrack and grandstand were built by the Cumberland Turf Club. In November 1879 the Parramatta Jockey Club was formed. That club conducted four meetings a year at the Cumberland Oval site until 1883. At that time 140 acres of land were acquired at Rosehill on the site of the present racecourse.

More use has been made of this site by way of organized sporting activities and spectators at sporting events than by way of passive recreation. For members of the Opposition to say that, in some way, that constitutes an alienation of parkland is completely incongruous. Surveys taken in conjunction with the environmental impact study are revealing. They show the number of people who use Parramatta Park. The great majority of persons who use the park go there to take part in organized sport or to look at such sport. Figures taken out in 1979 showed that for sporting activities such as rugby league, rugby union, cricket, golf, swimming and bowls a total of 680 000 people used Parramatta Park. Other organized groups accounted for 60 000 people. A total of 195 000 persons used Parramatta Park on an informal basis. That number included a great many persons who spent their lunch hour in the park indulging in activities such as jogging or merely passing the time there. The area used by such persons will be unaffected by the proposed stadium.

Organized sporting activities account for over 75 per cent of the use of Parramatta Park. After the park was abandoned by the turf club it continued to be used for organized sport. Not many years ago Cumberland Oval was used as a speedway. The speedway was later transferred to Westmead and eventually to Granville. In no way can it be said that this area of land has been used for anything other than active organized sport for more than 140 years.

The Leader of the Opposition referred to the parking to be available near the proposed stadium. He spoke of the lack of parking facilities near Cumberland Oval. I have prepared some statistics on the parking available near the proposed stadium. Earlier today I showed the statistics to Mr Speaker, who said that he had no objection to their being included in *Hansard.* I now seek leave to have those statistics incorporated in *Hansard.*

Leave granted. *[See Addendum.]*

Mr WILDE: The statistics show that the provision of off-street parking in the proposal is far in excess of anything available near other sporting stadiums in the metropolitan area. At present 9 300 car parking spaces are available within walking distance of Cumberland Oval for off-street car parking. Another 2 900 spaces are either in construction or are proposed to be constructed within the next two years. By the time the stadium is completed approximately 11 800 off-street car parking spaces will be available. I have not dealt with street parking in these figures, but there are many such spaces in the Parramatta area. Off-street car parking near the proposed Parramatta stadium will be available on a ratio of one car for every 3.3 persons.

I have tabled other figures showing off-street car parking available near other major stadiums in the metropolitan area. Those figures show clearly that other areas compare less than favourably with the area near Cumberland Oval. Off-street parking near the Sydney Cricket Ground represents one car to eleven persons compared with 3.3 persons for the proposed Parramatta stadium. I have provided figures in respect of some stadiums in the United States of America. The figures available for the Parramatta area compare more than favourably with those for those stadiums in the United States of America. That disposes of the only argument that the Leader of the Opposition was able to put forward about the provision of car parking facilities for the proposed stadium.

Many opponents of the stadium have sought to drag a red herring across the path by suggesting that an alternative stadium be built at Clyde. I state categorically that the Clyde proposal was never on. The directors of the leagues club have stated unequivocally that, despite the contents of the environmental impact statement, they have no intention of developing a stadium at Clyde. That aspect was raised as a result of a requirement by a government department that the company preparing the statement look at alternatives. Several alternatives were examined, including a stadium at Clyde. All those alternatives were disposed of because of difficulties in parking, access by transport, and other requirements. It was said that Clyde would be a practical alternative because of ready access, availability of public transport and other facilities. That claim cannot be disputed. However, no one wants to build a stadium at Clyde, and that was never proposed by the Parramatta leagues club. After all, the directors of that club are the motivators in the building of the stadium and they will have to put up the money for it. If those persons do not want a stadium at Clyde, it is not on.

The opponents of a stadium at Parramatta have continually harped about Clyde. Today they held a massive display outside Parliament House, which must have cost them thousands of dollars although it attracted no public interest or support. I do not know whether the money involved in that display came from The Friends of Parramatta Park, representatives of the national park interests or communists from Parramatta. No one would know who was behind that exhibition. It may have been members of The Hills branch of the Liberal Party, who are showing an interest in the proposal. It will be interesting to hear whether the honourable member for The Hills opposes or supports the proposal.

The Leader of the Opposition did not return to the Chamber after the adjournment, but that is not surprising. The honourable member will have a strong Labor opponent, Mr Peter Morgan, at the next State election. Mr Morgan has many sporting connections in the Dubbo area. It will ill behove the Leader of the Opposition to oppose organized sport—in particular, rugby league—otherwise he might not be returned at the next election. Today's demonstration outside the Parliament—whether organized by the Communist Party or the Liberal Party—did not concern only Cumberland Oval; it involved every major rugby league sporting area in the metropolitan district. Allegations have been made about other areas, and, as usual, they were misrepresented. It is obvious that the Liberal Party has a hatred of rugby league and those who support it.

Addendum

TOTAL PARKING SUPPLY IN PARRAMATTA

(Survey Environmental Impact Statement—
S. Sinclair Knight & Partners
R. Travers Morgan)

Within easy walking distance of Stadium (1.25 *km or* 16 *minutes)*

	Cars
1. Public off-street Parking Supply	3 705
2. Private off-street Parking Supply	5 125
	8 830

plus Off-street Parking added or proposed since E.I.S. Survey

1.	Erby Place Public Car Park (8 minutes)	400
2.	Hunter Street Public Car Park (12 minutes)	1 000
3.	Proposed Extension of Westfield Parking Area (16 minutes)	1 500
		2 900

By 1983 an approximate total of 12 000 public/private car spaces will exist in Parramatta within 1.25 km or 16 minutes' walk.

Capacity of Parramatta Stadium 40000

Ratio: 1 Car for every 3.3 people.

Plus estimated ***4700*** legal on-street parking 75 per cent in non-residential streets.

Total Possible Parking 1983, 16 700 approximately.

Ratio: 1 car for every 2.4 people.

DISTRICT RUGBY LEAGUE GROUNDS

Ground	*Approx. capacity*	*Off-street parking within 1 km*	*Approx. distance nearest railway*
Belmore Sports Ground ..	30 000	1 000 in Park (Plus Belmore C.B.D.) (minimal).	600 metres
Brookvale Oval	25 000	500	No rail
Henson Park	40 000	500	1.5 km
Leichhardt Oval	25 000	200 in Leichhardt Park	3 km
North Sydney Oval	25 000	North Sydney C.B.C. only (not known).	2 km
Penrith Park	25 000	1 000 (plus Penrith C.B.D.).	1.5 km
Redfern Oval	25 000	200	1 km
Jubilee Oval	25 000	1 000 (500 in Jubilee Park).	1 km
Lidcombe Oval	15000	300 in Wyatt Park ..	800 metres
Cronulla	30 000	1 500 adjacent	2 km
Sydney Cricket Ground/Sports Ground.	60 000 32 000	5 400 in Moore Park (ratio 1:11).	2 km
Proposed Sydney Stadium at Homebush Bay—			
Department of Public Works Specification.	70 000	10 000 (ratio 1:7) ..	

Sydney Cricket Ground

Off Street Parking

	Approx. cars
(i) Gregory Avenue/Driver Avenue (50–300 metres) ..	1000
(ii) Macarthur Avenue/Driver Avenue (120–400 metres) ..	900
(iii) Anzac Parade/Dowling Street (350–800 metres)	3 500
	5 400

Mr WILDE: There must be too many rah-rahs on the Opposition benches who, at their parliamentary meetings, have decided to stop the growth of rugby league and this is the way they are going about it. They had better be careful or there will be even fewer members on the Opposition benches after the next State elections. I have said that the Clyde proposal was never on; it is not supported by the Parramatta leagues club, whose members are putting up the funds for this project. The members of the Parramatta leagues club, supported by the directors of the club, would not be so foolish as to suggest that it establish a stadium in a depressed area at Clyde. The area suggested is certainly an environmental disaster, but it will not be improved at the expense of the Parramatta leagues club. The proposed stadium will go ahead at Cumberland Oval and members of the club will be proud of it in the future.

Some reference has been made to open space in the Parramatta area. The Leader of the Opposition, in his brief reference to this matter, displayed his slight knowledge of the issue now being debated. He said that the development of Cumberland Oval would take away from the open space area now available in the Parramatta district. The honourable member for The Hills, with his long experience in local government, would know that the international standard for open space is 2.83 hectares for every 1 000 people. A State Planning Authority survey conducted in 1962 showed that the ratio of open space in Parramatta at that time was 4.21 hectares for every 1000 people. A similar survey in 1972—after a period of more-informed Labor controlled local government—revealed that that proportion had risen to 4.89 hectares

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All within Moore Park.

No parking in golf links or Centennial Park.

No other organized off-street parking within 1.25 krn.

Capacity of ground	60 000 people
Off-street parking ratio	1 car per 11 people
Walking distance from nearest railway station (Central)	2 k m

UNITED STATES STADIUM PARKING SURVEY

(Ref. Miami Study, January, 1979).

	Seating capacity	Total parking within walking distance (including on-street)	Ratio
Miami	75414	9 000	8.4
Atlanta	60 400	10 000	6.0
Cincinatti	56 000	13 000	4.3
Cleveland	80000	12 500	6.4
Denver	75018	13 500	5.6
New Orleans	76 000	20 000	3.8
New York—			
Giants	76 889	22 000	3.5
Shea	60 000	8 000	7.5
Oakland	55 000	15 000	3.7
Philadelphia	66000	15 000	4.4
Pittsburgh	50239	6 300	8.0
St Louis	50 960	13 400	3.8
San Francisco	62 000	15 000	4.1
Seattle	64 400	30 000	2.1
Washington	56 000	13 150	4.3
Average			5.1
Median			4.3

for every 1 000 people. Both sets of figures exclude Panamatta Park. If Parramatta Park were included, the latter figure would rise to 5.51 hectares for every 1000 people.

Of that area, only .76 hectares for every 1 000 people are available for active sport. Less than 15 per cent of the total open space area is available for active sporting pursuits. The figures do not show an abundance of open space for active sporting pursuits—in fact, they show the reverse situation. The figures show that insufficient provision is being made for active sporting pursuits. Australia is supposed to be a sporting nation. It behoves this Parliament to provide sufficient playing fields and recreational areas for those who wish to indulge in sporting activities. We should not be leaving massive areas of land idle or covered with scrub or swamp, as some of the opponents of the present proposal suggest we should be doing. We should be developing large areas for active sporting purposes.

I am pleased that the Government of which I am a supporter has, in the past five years, given millions of dollars to local government to develop sporting facilities for the citizens of the whole of New South Wales, not just the residents of the western metropolitan area. It was interesting to observe how members of the Opposition changed their minds about this issue. Initially the honourable member for The Hills and the Leader of the Opposition went to Parramatta and supported the proposal. Later they turned strongly against it. I have been advised on good authority—though I cannot divulge the source—in the office of the Leader of the Opposition, that he has conceded defeat in Parramatta and in all the other electorates in the western metropolitan area. He is willing to weaken even further the position of the Liberal Party candidates in those electorates in an endeavour to gain votes elsewhere by opposing on spuriuos environmental grounds the building of the proposed stadium. Few genuine environmentalists have been sucked in to the extent of opposing this proposal. It is only a question of rebuilding the stadium and the football oval which has been used for active organized sport for more than **140** years.

The Minister for Lands, Minister for Forests and Minister for Water Resources will not be deceived by the Opposition's ploy. The Leader of the Opposition thinks he will pick up a few votes by adopting his present attitude. Rather than doing that and criticizing the directors of the Parramatta leagues club, he should be supporting the proposal and congratulating the directors of the club, who are not seeking to take public land for private use. Parramatta leagues club is not a rapacious profit-making organization. The present and past directors of the club are dedicated people who have given countless hours in a voluntary capacity to provide a first-class amenity for the citizens of Parramatta and surrounding areas. In twenty-one years they have developed one of the finest licensed clubs in Australia, and they now seek to provide a sports venue of similar standard. Instead of criticizing them, the Leader of the Opposition should be congratulating the directors of the Parramatta leagues club on their proposal to provide a magnificent public sporting facility at no cost to the Government or the people of New South Wales. He should be supporting the Government, which has given such long and careful consideration to this legislation and has taken every care to ensure that the historic features of Parramatta Park are not only preserved but are enhanced. I commend the bill to the House.

Mr CATERSON (The Hills) [7.46]: As the Opposition Whip I sit in the House and listen to many speeches, but I do not think I have heard any honourable member talk as much arrant nonsense as the honourable member for Parramatta indulged in this evening. I do not intend to go through his speech and comment on it, for little of it is worthy of that. However, I shall, from time to time, refer to some of his comments. The bill will remove from Parramatta Park, among other things, lot 951 so that it can be leased for the construction of a sporting complex. There is no doubt

that a reasonable sports ground is needed to cater for the people of the western and northwestern areas of Sydney. As the Leader of the Opposition pointed out, Parramatta is a historic city; its history goes right back to the beginnings of settlement in this country.

At one time in our early history the population of Parramatta was greater than that of Sydney. Today Parramatta is the centre of a vast area, referred to as the outer western area of Sydney, with a population of about 1.25 million. The area extends to the Blue Mountains. The present sporting facilities have been in use for many years. I was interested in what the honourable member for Parramatta said about the early history of that city. It seems that some of the facilities in use today were in use in those early days. Cumberland Oval is the home ground of the Parramatta rugby league team. The Hills electorate has always allied itself with Parramatta and its achievements. Not so long ago residents of The Hills electorate gravitated more to Parramatta than to the city of Sydney, and that can still be said to be the case.

Mr Gordon: That was because they did not like their local member.

Mr CATERSON: I was talking about Parramatta being the business centre for people in my electorate. I make that clear. I am endeavouring to put it in the simplest terms so that the Minister will understand me. Football has been played on this area of Parramatta Park for 100 years or more. Anybody who visits the ground today will see that some of the facilities now being used date from those early days. The facilities are inadequate and antiquated in the extreme.

I do not apologize for saying that the facilities at Cumberland Oval are a disgrace to rugby league and to the city of Parramatta. The honourable member for Parramatta served on the local council for a number of years—indeed he was the mayor of that city. He cannot be proud of the lack of attention given by the council to Cumberland Oval and to Parramatta Park over the years.

Mr Wilde: The area was not taken over when I was mayor.

Mr CATERSON: I accept that. I point out merely that since that time a number of successive Labor councils could have done a good deal to improve the facilities at Cumberland Oval, which is a disgrace. For too long people in the area have had to put up with second best—indeed, I have referred on past occasions to it being the twenty-second best. People who attend Cumberland Oval in their thousands should not have to put up with the poor facilities now available. What strikes one when visiting the ground is the lack of spectator facilities, the poor seating and the inadequacy and low standard of the toilet facilities. There is a complete lack of shelter. Moreover the food outlets at this ground, which week after week caters for between 10 000 and 20 000 people, leave a great deal to be desired. Furthermore, the facilities at the ground are hardly any better for the players. The players' dressing rooms are a disgrace. Surely the people of Parramatta and the western suburbs in general deserve a better deal—indeed, they are entitled to it. They should be given a well-constructed, multipurpose sporting complex containing decent facilities for players and spectators.

I took the opportunity, along with the Leader of the Opposition, to inspect Cumberland Oval and to examine the detailed proposals for the area. The Leader of the Opposition and the honourable member for Parramatta spoke at some length about our visit to the oval. On a previous occasion the Minister spoke about a meal of lobster that was alleged to have been supplied to us. However, I was delighted to have a cup of tea and a biscuit with those I met at the club, and that was quite sufficient. The concept envisaged by the promoters is good. I commend the far-sighted committee and those responsible for the proposed design. However, the Opposition believes that before Cumberland Oval is alienated from Parramatta Park a public

inquiry should be held into whether the site is a right and proper one. The honourable member for Parramatta gave a number of statistics. Those figures and other matters could all go before a public inquiry. Such an inquiry should investigate questions of traffic management at this or at some other site. It should examine also the parking arrangements for the many thousands of people who will enjoy football and other sports—and possibly other activities, including entertainment—at the proposed complex.

In 1976 the Premier and Treasurer, who was then Leader of the Opposition, said that confrontation with people was a dead letter and promised that he would discuss problems with people and listen to what they had to say. Certainly that process has not been adopted in the case of Cumberland Oval. The same argument applied to Parklea, which is at the extremity of my electorate. In that case also the wishes of the people were not considered. That seems to be one of the hallmarks of Labor governments. The Labor Party's great benefactor and one-time leader, Gough Whitlam, said at Castle Hill that an airport would be established at Galston. A similar attitude was adopted in respect of Parklea. The honourable member for Parramatta says that, whether the people in the area want this scheme or not, they will get it. I deplore that attitude as do the people of Parramatta. The people of Parramatta and those who do not wish to see the area destroyed as a natural park are entitled to put forward their views at a public inquiry. Great concern was expressed following previous alienations of the park.

Those of us who have lived in the area for a long time have viewed with concern the situation that has developed there over many years. Many persons who live in the city of Parramatta as well as residents of Merrylands and Guildford—for example the Deputy Premier, Minister for Public Works and Minister for Ports—residents of The Hills area and people who reside in other western areas regard Parramatta Park as an important part of their heritage. They should be given the opportunity to put forward their views on what should happen to the park. The Labor Party, as on so many issues, is divided on this proposal. It seldom speaks with one voice. The local parliamentary representatives, including the honourable member for Parramatta in this House and his counterpart in the federal Parliament, Mr J. J. Brown, have given outright support for the complex to be built at Cumberland Oval without any public inquiry being held.

Mr Gordon: A study was carried out two and a half years ago.

Mr GATERSON: I shall deal with the environmental impact study in a moment. Perhaps the honourable member for Parramatta should have mentioned that study, which is regarded by so many people who are interested in the welfare of Parramatta Park as totally inadequate and in some ways inaccurate. That study did not cover many of the issues that have been mentioned in the past two and a half years.

Parking and traffic management through Parramatta are not dealt with in the report. Those are the issues that a public inquiry should explore and upon which the Government should have expert advice before making a determination. Before I was interrupted I was saying that the supporters of the Labor Party are as divided on this issue as pugilists: in the right corner we have the two members for Parramatta, State and federal, and in the left corner we have the Hon. T. Uren, who is totally opposed to building a sports complex on the Parramatta Park site. Mr Uren has some distinguished Labor Party members to support him. Irrespective of what the honourable member for Parramatta has said about the National Trust of Australia, it is an important and influential organization that has done a great deal to protect our heritage in New South Wales. The honourable member spoke also about the Friends of Parramatta Park, which is another excellent organization. He played down completely the value of

that body. I was surprised to hear him say that it does not do a great deal. Of course it does. The honourable member should apologize to the Friends of Parramatta Park and withdraw his remarks. I said that Mr Uren was in good company. He has the support of the Deputy Premier, Minister for Public Works and Minister for Ports.

Mr Wilde: We shall see which way the Deputy Premier votes.

Mr CATERSON: He will probably vote in exactly the same way as all Government supporters. When they are told to do something, they do it. The honourable member for Illawarra said that he could not do anything about the Chairman's ruling, for he would be kicked out of the Labor Party if he moved dissent. He made that remark in the House. The honourable member for Parramatta knows that the same rules apply to him and to other Government supporters. Though he will vote with the Government, the Deputy Premier, Minister for Public Works and Minister for Ports has said that he is strongly opposed to the building of the sports complex at the Parramatta Park site. The Opposition considers that all views—the views of the honourable member for Parramatta, the Minister for Lands, Minister for Forests and Minister for Water Resources, Mr Uren, the National Trust of Australia, the Friends of Parramatta Park, the police, the traffic authorities and all other authorities—should go before an independent inquiry.

Mr Gordon: They have been heard already.

Mr CATERSON: Evidence and statements should be put to the test before an independent inquiry. It is useless for the Minister to say that it has already happened. It has not occurred. An environmental impact statement has been prepared.

Mr Gordon: The honourable member for The Hills did not know that the statement had been printed.

Mr CATERSON: I knew that the statement had been printed, for I had read criticism of the report and had heard much about its shortcomings. It is not true to say that the environmental impact study provides the correct answer to the problem. The matters put to those who prepared the statement have not been tested publicly. That is the vital issue. The Minister must have known of that on 29th April when he answered a question upon notice asked by the Leader of the Opposition. The Minister said that the environmental impact study will—in the future—among other matters deal specifically with the parking problems associated with a major stadium proposal and its possible effects on Parramatta Park. The Minister had discarded the environmental impact statement that he had in his possession at that time and spoke about what he expected to receive in the future. Perhaps he has been railroaded in Cabinet; his views might not have been accepted.

The proposal for Parramatta Park has created considerable public interest in Parramatta and nearby areas. Local newspapers have given a good deal of space to the subject in their columns and in editorials and have allowed citizens who are in favour or against the complex to express their views fully and openly. The editors of the ***Parramatta Advertiser*** and the ***Mercury*** are to be congratulated on the debate they have generated. No matter how much interest has been created through the press or how many straw votes have been taken by the newspapers concerned, or by others, they are no substitute for a public inquiry. That is the burden of the Opposition's argument. Public debate in newspapers is no substitute for a full and open public inquiry. People who live in the vicinity of Parramatta Park deserve to have their views considered. The honourable member for Parramatta said that the Opposition has not taken into account the parking that is available round the area in front of people's homes. Are not those persons entitled to be considered? People will park in the streets round the complex, as the honourable member well knows.

Mr Gordon: The people do not own the streets.

Mr CATERSON: Of course they do not own the streets, but they are entitled to have their amenity protected. The Minister would want that, and so do I. In my years in local government I have endeavoured to protect the quality of life of the citizens who live in my district. I am amazed that the Minister should say that people are not entitled to have their amenity protected. He has suggested that it does not matter if the streets are parked out and local residents do not have free movement to and from their homes. The Minister should be ashamed of himself. People who live in the area deserve an opportunity to tell an inquiry the effects that the proposed sports complex would have on their amenity.

People who live in The Hills district, including me, would like an opportunity to put their views on the traffic congestion that such a complex will bring to the area. I do not know whether the Minister has been in Parramatta when a rugby league match has been held at Cumberland Oval, and a traffic tangle occurs. People should be entitled to put their views to someone and have those views given proper weight and consideration.

The Government is steamrollering the public and saying that it is not interested in whether people are delayed as they travel through Parramatta. The Government intends to build the complex and the people can like it or lump it. Those who use the park should be able to put their views to a public inquiry. The honourable member for Parramatta referred to statistics. From long experience I know that many people make use of Parramatta Park. Recently I visited the park with my family. I have used the park over a period of many years—longer than most Government supporters—and I know the value of the park. It is time that the honourable member for Parramatta understood its value to the people of Parramatta and surrounding areas. The Government is to be condemned for rejecting the call for an inquiry.

I was surprised that the Parramatta council did not ask for a public inquiry, but as a result of a caucus decision, dictated by the Government, the council meekly passed it off and did nothing about it. Apart from all the matters of which I have spoken, I am disturbed about the additional land that the Government proposes to alienate. The Opposition was told that only the ground known as Cumberland Oval would be used. When Opposition members looked at the plan, they learned that more land would be taken.

Mr Gordon: The honourable member did not read the environmental impact statement.

Mr CATERSON: The Minister said that some of the easements and leases will be handed back. Clause 4 (2) (b) (ii) provides for pedestrian or vehicular access. When one looks at the plan one will see that a large section of the eastern frontage of the park along O'Connell Street would appear to be alienated. The Opposition is not aware of what is likely to be handed back.

Mr Gordon: I shall tell the honourable member later.

Mr CATERSON: I hope the Minister does tell me. He has not told the Opposition of any such plans as yet. As a matter of fact, he has not told us anything about the proposal. It would seem to me that if pedestrian or vehicular access is to be given, the road that now provides access through the park and across the weir is likely to be lost for all time. If I am wrong in that presumption I should be glad if the Minister would tell me so. I should be glad for the public to know that my fear is unfounded.

Mr Gordon: The honourable member for The Hills could have read the environmental impact statement and found out about that matter.

Mr CATERSON: It is all very well for the Minister, in parrot-like fashion, to talk about an environmental impact statement when that statement is completely inadequate and has been totally rejected.

Mr Gordon: By whom?

Mr CATERSON: By those who are not supporting the Government view, which is a large section of the population.

Mr Gordon: About 10 per cent.

Mr CATERSON: It may be 10 per cent, but those persons are entitled to put their views in a dispassionate and proper way. The Government is denying them that right.

Mr Gordon: We have allowed them to put their views.

Mr CATERSON: You have not. It may well be that as a result of a public inquiry it is concluded that Parramatta Park is the proper place on which to construct the sports complex, but the people are entitled to put forward their views on that matter. The Premier and Treasurer gave such a promise in 1976. He has repeated that promise on more than one occasion, but he has broken it on an equal number of occasions.

Mr Gordon: That is incorrect.

Mr CATERSON: The Premier and Treasurer has certainly broken his promises in respect of the Parklea gaol and Cumberland Oval. It is useless for the Minister to shake his head and suggest that it is not correct. I join with the Leader of the Opposition in calling on the Government to allow the legislation to lie on the table for six months so that the Minister for Lands, Minister for Forests and Minister for Water Resources might do the right thing by the people of Parramatta, the western suburbs and all citizens of New South Wales, who regard Parramatta Park as an essential part of our history and heritage.

I support completely the amendment proposed by the Leader of the Opposition. I hope the Minister will accept it, thereby acknowledging the fact that more time and consideration ought to be given to the views of the people in the area and to the holding of an impartial public inquiry into this issue. Such an inquiry would not take a great deal of time. The period of six months suggested by the Leader of the Opposition would be quite sufficient for such an inquiry. I plead with the Minister, instead of taking the adamant attitude that he and his colleagues take from time to time, to heed what is being put to him and to accept it as the best solution in the circumstances.

Mr BARRACLOUGH (Bligh) [8.14]: I speak in this debate as an Australian who has a high regard for the history of our very young country. Australia has not yet celebrated its 200th anniversary. However, it has many historic sites dear to the nation. One such site is at Farm Cove and another is at Sydney Cove. They have been preserved for all time. Yet another is historic Parramatta Park. A controversy has arisen because it is proposed to build a sporting complex on this historic oval. As a person who has had a long association with Rugby football I am rather distressed that some famous Rugby players who have played for Australia and are Government supporters have not voiced their opinion of the bill. What we are discussing is proposed legislation about a ground that will help the future of Rugby. When I talk about Rugby I think of the great game of Rugby League and the equally great game of Rugby

Union. So, when we discuss a proposed Rugby League ground, I hope we are discussing also an area where rugby union may also be played. Recently I have been told that Parramatta rugby union club may not be able to use this ground. I wonder what that club's view is of the Government's proposal.

The famous young Cronulla-Sutherland club was a little unlucky in its encounter last Saturday with the Eastern Suburbs club. As a consequence of the enthusiasm of its executive, members and players, the Cronulla-Sutherland club established its own ground at Endeavour field. Eastwood Rugby Union Club is one of the most recent clubs to come into the rugby union competition. Thanks to Colonel Milner, that great rugby ground, the T. S. Milner field, was established at Eastwood. It is now an historic ground. I recall the Cronulla-Sutherland Club well, for in 1975, when I was Minister for Sport and Recreation, that club was faced with economic ruin. It was experiencing problems over the sale of its club premises.

Mr Wilde: The honourable member for Coogee did something about that.

Mr BARRACLOUGH: He did not.

Mr Wilde: The honourable member for Coogee saved the club.

Mr BARRACLOUGH: He did not. That shows the ignorance of the honourable member for Parramatta. He may be joking when he interjects, but the existence of that club is not due in any measure to the efforts of the honourable member for Coogee, who, I hasten to point out, is a good friend of mine. The Cronulla-Sutherland club was in dire financial difficulties. Thanks to the support of the former member for Parramatta, the former member for Wollondilly and the efforts of Mr Don Dovey and myself as Minister for Sport and Recreation, that club was saved. We were able to make arrangements with the Rural Bank to enable the club to overcome its financial problems. I am concerned about the Government's proposal for Parramatta Park as I have high regard for the Parramatta rugby leagues club, which has come close to winning a grand final.

Mr Caterson: They will win this year.

Mr BARRACLOUGH: I hope the honourable member for The Hills is not right for I support Easts. Nevertheless, I have great regard for the Parramatta club which, by sheer hard work and determination, has done great things for rugby league. But is this the best site to create an oval? I give them every support for what they wnnt to do, to create a sports complex where the spectators will have splendid facilities available to them. Consider where that team has been playing over the past few years. It has been a disgrace to all followers of rugby league and rugby union. I went to Parramatta one Sunday with a friend to watch Easts play Parramatta. The ground was a disgrace. I have much regard for what the club is trying to do, but is this old historic area the right site for the playing ground?

The Minister knows, for he has read it in the newspapers, that there is to be a rally next Sunday. When one sees such responsible groups as the National Trust of Australia, the Friends of Parramatta Park, the Parramatta Trust, the Parramatta Park Conservation Committee and the Save the Park Campaign joining in a rally, much concern must be felt. This Government has not acted responsibly in trying to help the Parramatta rugby leagues club. I am sure the Minister could have found that club an area for a ground and large numbers of people would not have been tom apart on the issue. I was involved in a similar matter in 1968. Paddington, which I then represented in this place, was under threat. Certain developers were going to destroy the character of the district. A former Minister for Local Government, the Hon.

P. Morton, set up a committee under the late Walter Bunning, a distinguished architect, to look into the problem of how to save Paddington. This Government has not set up a committee to make an adequate inquiry into how it can help the Parramatta rugby leagues club.

I should like to see the right thing done by the Parramatta rugby leagues club and the Parramatta rugby union club. They deserve a good ground and facilities for the public. The concept they have brought forward is magnificent, but the problem is the siting of the ground. The community is split on the issue. The honourable member for Parramatta must know the problems that are being stirred up in his electorate. Why do I, as the member for Bligh, representing Kings Cross with all its problems created by this Government, receive nearly every day a letter from someone in the Parramatta area objecting to the creation of the proposed oval? I receive even letters to the effect that the honourable member for Parramatta will not reply to correspondence in opposition to the plan. That is a disgrace.

Everyone has a right to have his view put forward by the person who represents him in the Parliament. Sometimes I put forward in this Parliament views with which I disagree. I do it because I realize that, as a responsible member of Parliament, it is my duty to bring forward those views. This has become a most unhappy issue. Consider how much Parramatta rugby leagues club has had to spend on a public relations exercise. I do not think the Government has done the right thing by that club. The Parramatta rugby leagues club has a wonderful clubhouse. I have been in it. Why should that club be virtually dragged on to the footpath, almost into the gutters, over this issue? I have heard Miss Caroline Jones speaking on the issue on the radio.

Mr Wilde: Who?

Mr BARRACLOUGH: I am speaking of Miss Caroline Jones. The honourable member for Parramatta made an insulting remark about her face being disfigured.

Mr Wilde: That is not true.

Mr BARRACLOUGH: That is what the honourable member said as she sat in the public gallery. I should not interject if I were the honourable member.

Mr Wilde: It is not true.

Mr BARRACLOUGH: If the honourable member disagrees with me he should take a point of order and seek a withdrawal of what I have put. I notice that he is not taking up the invitation. The Opposition supports this great club. The Leader of the Opposition, in leading for the Opposition on this measure, expressed that clearly. Does the Minister propose to go to the meeting on Sunday? I think he should.

Mr Gordon: I thank the honourable member for Bligh very much for the invitation. Perhaps he would like to see my diary of appointments.

Mr BARRACLOUGH: The Minister is well paid for what he does. I do not know what the Minister is doing at the weekend but he should appear at that meeting to give his views and to try to resolve the position. By siting that oval as he has done, the Minister has led the Parramatta rugby leagues club into a great deal of criticism. It does not deserve it. All it wants to do is to get the right ground in the right position. The Minister knows the present siting will cause problems. The other day I heard a doctor speak on the Caroline Jones programme.

Mr Gordon: What sort of doctor? Was he a witch doctor?

Mr BARRACLOUGH: A medical doctor. The Minister's remark does him no credit. If someone appears on the Caroline Jones programme and says he is a doctor I do not think one would expect him to be a witch doctor. Once more this Government is attacking Caroline Jones. We heard an attack from the honourable member for Parramatta and now from the Minister. The doctor on that programme expressed his concern about the noise that may take place, about the parking problems and other things. As a great supporter of rugby all I can say is that this Government has conferred no credit on itself by trying to help the Parrarnatta rugby leagues club. The name of Mr Tom Uren has been mentioned in the debate. He is a well respected parliamentarian of longstanding in the federal House. As a former Minister his views are always well received. When one gets a man of his standing expressing such concern, one must pay regard to his views. I am not blaming the Parramatta rugby leagues club; I am blaming the Government. The Minister must have known, when he sited that ground, of the opposition that would be raised by the public.

At the meeting on Sunday representatives of worthy conservation groups will be present. One of them will be from the National Trust of Australia, an organization held in great respect by members on both sides of the House. I should like to see the best thing done for rugby in this country. In a few months' time we shall have here the French rugby league and rugby union teams. Although these international players will be coming here, the only good ground upon which they will play, apart from Endeavour field, will be the Sydney Cricket Ground. I want to see the great Parramatta rugby leagues club, for which I have the greatest admiration and which has been almost a grand finalist on a couple of occasions, provided with a ground suitable for its purposes. My complaint as a rugby follower is that I do not think the Minister has taken into account the future of the Parramatta Rugby Union Club. That also is a great football club. Last Sunday, Nick Martin, one of the constituents of the honourable member for Parramatta, scored four times against a most distinguished New Zealand side. When I spoke to him later he said to me, "John, we do not think we have any future because the Minister does not propose to allow us to use the new ground." The Minister knows he cannot railroad this thing through.

By all means, the Parramatta rugby leagues club is entitled to a proper ground, but siting it as is proposed by this measure has led to a great deal of opposition and even to arguments among families and friends. There should be a public inquiry. Why has the Minister let things come to this pass, when he knows of the opposition within the community? I am sure the Parramatta rugby leagues club is embarrassed by the Minister's action. The members of that club live among the community. I believe most strongly that over the years we in this State, and probably some members on our side of politics, have contributed to the problems of the Parramatta club by not establishing a better playing ground, better grandstands and improved facilities for the crowds. Sports complexes should be utilized more fully. Their use should not be restricted merely to Saturdays and Sundays. Though I know that many members on the Government side are concerned about the proposal in the bill, my principal concern is that the Government has steamrollered all opposition to the measure. It has gone over the top; it has not listened to the views of those opposing the proposal. As well, the Government has embarrassed the Parramatta rugby leagues club.

Mr Gordon: Did the club tell you to say that on its behalf?

Mr BARRACLOUGH: In answer to the Minister's interjection, I have had no discussion with any member of the Parramatta rugby leagues club on this issue,

Mr Gordon: I should say it is quite obvious.

Mr BARRACLOUGH: It might be obvious to the Minister, but I am expressing a view on behalf of the community. The community wants better grounds.

Mr Gordon: Well, do not express these views on behalf of the Parramatta Rugby League Club.

Mr BARRACLOUGH: I am not expressing any views on behalf of the club. The Minister has let the club down. He has put it into an arena where it has attracted criticism. It has been blasted in the press, on the radio and on television. The club did not deserve that criticism.

Mr Gordon: It has been praised, as well.

Mr BARRACLOUGH: Frequently when the Minister was called on for a comment he would not make one in the club's defence. The club needs defence.

Mr Gordon: I have always defended the club.

Mr BARRACLOUGH: That is not correct. Did the Minister appear on the Caroline Jones show?

Mr Gordon: Yes.

Mr BARRACLOUGH: On how many occasions?

Mr Gordon: Once was enough.

Mr BARRACLOUGH: I should say the score was Caroline Jones 35, the Minister nil, He would not have even scored. But he has a sense of humour.

Mr Mason: Give him full marks for that.

Mr DEPUTY-SPEAKER: Order!

Mr BARRACLOUGH: I am sorry that the effect of the legislation has been to put the club into the arena. Any club these days, whether it be an Australian rules, soccer, rugby league or rugby union club, wants its playing field as near as possible to its licensed club. In Newcastle an international standard oval was built away from the Newcastle Leagues Club. The club did not want it. A club's playing field must be as near as possible to its licensed premises. I know there are members on the Government side of the House who are concerned about the siting of the field on historical land. They are concerned about parking problems and the effect that such a project may have on the Westmead Hospital. The Minister must know these things but it seems to me that he and the Government have steamrollered objections. They refused to listen. As I have said previously, club members keep the club going. Tens of thousands of their dollars are being spent on a public relations exercise. They should not have been put in that position. The Minister should have acted properly from the start and offered to find the club a suitable ground. The Minister knows that Parramatta Park is historic land. People do not want public land to be alienated for exclusive use by anyone.

When the Minister for Local Government and Minister for Roads, a former lord mayor of Sydney, wanted to turn Centennial Park into a Tivoli gardens, I knocked on doors in Paddington. We published brochures asking whether local residents wanted Centennial Park turned into a Tivoli gardens. If that had been done, blood would have flowed in the gutters. Thank God for the conservationists of today. I have a high regard for rugby league in this country. The players who represent their clubs are good players and they give a great deal of enjoyment to thousands of spectators on Saturdays and Sundays. Many young men go overseas to represent Australia. I have always said that the best representatives of this country ere the sportsmen. Second are the business

people. I shall not say to the honourable member for Cronulla where members of Parliament lie. Good sportsmen bring great credit to their country. Therefore they deserve the best grounds that can be provided for them. So do the public who go through the turnstiles and pay their $3 or $5 to watch a match.

The Minister has steamrollered any opposition raised to the Government's proposal. He has been ably assisted by the honourable member for Parramatta. How will the Minister answer Mr Uren? Whatever others may think of him, I have a high regard for Mr Uren who is expressing concern over this issue. The Minister should give the Parramatta rugby leagues club the right area for its purpose. Instead, the Minister is permitting the stadium to be built on some of the most historic land in this country. We have little of historical significance left, and we should preserve it.

Mr Egan: What about rugby union?

Mr BARRACLOUGH: The Minister knows what will happen to rugby union. He will kick it out.

Mr Gordon: We are talking about Cumberland Oval.

Mr BARRACLOUGH: I also am talking about Cumberland Oval. I have expressed a view in support of the concept of giving the Parramatta rugby leagues club the best ground in the western suburbs.

Mr Gordon: Where do you want to give it to them? At Broken Hill?

Mr BARRACLOUGH: That is the Minister's problem. He should not have sited it on historic land. The Minister knows that as well as I do.

Mr Gordon: It has been there for ninety years.

Mr BARRACLOUGH: It is part of Australia's history because it was the site of old Government House. What has John Norris of the National Trust had to say on this matter? Surely the Minister has discussed it with him. Mr Norris has told the Minister he does not approve of the site. The Minister knows that.

Mr Gordon: Big deal for John Norris. There are others to be pleased besides him.

Mr DEPUTY-SPEAKER: Order!

Mr BARRACLOUGH: Mr Norris represents a large number of people of different views in the community. They believe that our heritage should be preserved. The Minister is giving exctusive use of this area to a section of the community? He realizes there is a good deal of opposition to the proposal. My criticism of the Government is that it has put the Parramatta rugby leagues club into an embarrassing position. The matter will not end with the passing of this legislation. People will continue to complain about the proposal. The Minister must site the stadium away from this historic area.

I am not an attacker all the time. I do not see only bad in what the Government does. At times I see a lot of good in the Government's actions. However, I am sorry that the House has not heard the views of the honourable member for Coogee or the honourable member for Hurstville. Tonight I read in the Sun newspaper that the St George Leagues Club has a problem in relation to siting a grandstand. It is a pity that those two great sportsmen, Michael Cleary and Kevin Ryan, who have represented their country in rugby union and rugby league, have not been heard in this debate on an issue that has split the western suburbs and conservationists in that area and all over New South Wales. Those two gentlemen could have put arguments for and against the Government's proposal. By all means, let us help the Parramatta rugby leagues club

and the Parramatta Rugby Union Club, but the Minister knows in his heart that the siting of the stadium will cause a great deal of controversy. There will be a repetition of what went on over Parklea. I do not approve of the actions of the Builders Labourers Federation, but that organization will be brought into the matter.

Mr Gordon: The honourable member is inciting them at the moment.

Mr BARRACLOUGH: That is not so. I do not care what the Builders Labourers Federation did over Parklea. I did not agree with the siting of a prison at Parklea but I do not condone threats. If similar threats are made over the Cumberland Oval scheme, the responsibility will rest with the Minister. The Minister could have handled the matter in a better way. He should have given this great club its stadium, but not on the proposed site. The Minister should attend the meeting that has been mentioned. I am sure the honourable member for Parramatta will be there. Will the Minister attend?

Mr Gordon: No. I have a prior commitment to go to Oberon.

Mr BARRACLOUGH: I wonder what the Minister will be doing at Oberon. I bet he will not be helping the local rugby league club. Will he?

Mr Gordon: No.

Mr BARRACLOUGH: The people of Oberon would understand if the Minister were to say, "I am sorry but I must decline your invitation. I shall have to go to the rally at Parramatta and hear what these people say about this most important matter".

Mr Gordon: Thank you very much.

Mr BARRACLOUGH: The Minister should go. He is a decision maker. The Parramatta rugby leagues club would expect the Minister to be out there to make a decision and defend that decision. I wonder who the Minister will send out there to represent him. I am sure the Minister has an invitation.

Mr Gordon: I am sure I do not have one.

Mr BARRACLOUGH: The Minister should not send the honourable member for Parramatta; he will be there in his own right. The Minister should send some responsible Minister—maybe he should send the Minister for Planning and Environment. In fact, the Minister should be there himself to hear what people have to say on both sides on this very important issue.

Mr Gordon: Anyone would think the honourable member for Bligh was the Premier, judging from the way he is talking.

Mr BARRACLOUGH: I might be one day. I have spoken in this debate because I have a high regard for the great game of rugby in this country. The strength of rugby league and rugby union is evident throughout New South Wales and in the State's clubs. The Minister for Lands, Minister for Forests and Minister for Water Resources and his ministerial colleagues have made a mistake. These clubs should be given the grants and the assistance they deserve. At the same time the Minister made the wrong decision about the siting for this oval. The people want open land. The people of New South Wales want land, to enable them to turn areas like Centennial Park into a Tivoli gardens. The Premier and Treasurer has taken a great interest in Centennial Park. Honourable members should have been in Centennial Park yesterday, which was Mother's Day, and seen the jogging race round the park. The park was full of people.

Parramatta Park should remain available for the people who want to kick a ball about; children should be free to throw a tennis ball round in the park. Areas like this should not be restricted for exclusive use. The people of this State must have full use of historical areas. In the next twenty years our country will grow dramatically* Australia will be a big nation. The population of Australia is 14 million. However, in the next twenty years it may grow to 17 million or 18 million. Most people want to live in New South Wales because of its climate, not because of its Government. At the same time the green areas must be protected. The children of today demand these areas and the children who will be born in the future would wish for these areas to be preserved.

Mr HATTON (South Coast) [8.42]: I have been disappointed in several aspects of this debate. I wish to bring the debate back to where it ought to be with a brief contribution. This debate is about the deep significance of Parramatta Park in our history. This debate is about an obligation on Government. This debate is about sound planning principles. This debate is about respect of groups in the community and respect for individuals and the community. It is a debate about law and it is a debate about vision. The historical aspects of Parramatta Park have been well covered and I do not intend to refer to them again. Australians must feel the deep significance of Parramatta Park with its links with the colony and the birthplace of our nation, If there are persons in this Parliament who cannot see that as a vision, who do not feel that in their own hearts, they have no right, in my opinion, to be in this House. To me it has deep significance, and I do not live in the area; I have never done so, and probably never will.

This is not a debate for or against footballers and their supporters. It is not a debate for or against the citizens of Parramatta. It is not a debate for or against any special interest groups, or any political party. This debate is about the responsibilities of government in preserving a national asset for the people of Australia, and the people of New South Wales in particular. This is why the debate has engendered so much heat and interest. If it were just any park anywhere in New South Wales this level of interest would not be shown. However, the Government has not seen its obligation, which is quite clear, that because of the interest and the significance of the park the Government has an obligation to give this particular park special treatment. If it were a dedicated park anywhere in New South Wales, it would be important.

If my years in public life, particularly as a councillor in a large coastal shire, have taught me anything, it has been that our most precious assets are whittled away little by little. All the time in my electorate I fight battles against persons who seek to whittle away small portions of the waterfront. They say, "We want to put in an oyster shed", or they wish to do this or that. In the end there would be no waterfront left for public use. If it were any park, it would be covered by an Act of Parliament and one cannot take away a dedicated area without specific provisions. In this case it has required a special Act of Parliament. If the change were of minor significance, a special bill would not be necessary to look at a special area in a special park with special significance to the birth of our colony in New South Wales. If this is not an important enough subject upon which to hold a public inquiry, I have never seen anything that is.

It is the obligation of the Minister and his officers to fight tooth and nail to maintain every bit of dedicated public area in this State to ensure that it is not whittled away little by little by all the special interest groups that always have reasons why the land should be given to them for a bowling club, a football stadium, or whatever purpose happens to be popular at that time. The Minister has not honoured his obligations; his officers may well have done so in their reports, but I have not seen them. We are talking about preservation of a public asset for the whole of New South

Wales. Would somebody think about Centennial Park or Sydney Harbour being in any other form? I suggest the importance of this place is no less than those places to which I have just referred.

This debate is about sound planning principles. One of the reasons for misunderstandings in planning is because some planners have the view that one does not bother consulting the public with a view to their education. According to them the public is supposed to find out after the decision is made. The horrendous consequences of the decision are then realized by large sections of the public. One of the things in which I participated as a shire councillor was the calling of public meetings to discuss formulation of town plans. This is done in the Shoalhaven area, which is to the council's credit. This is a long and difficult process. It is an argumentative process but is creative and valuable.

One of the techniques of sound planning principles is the education of the people about the principles involved. On many occasions people come away from public meetings and, if they are honest, and if they are genuinely seeking an improvement in the community, they say, "I have changed my mind about that; I have learnt a lot tonight. Many issues were aired tonight that I had not realized". This is what section 119 and section 120 of the Environmental Planning and Assessment Act are all about. However, the New South Wales Government is bringing in a bill without public inquiry. I wish to speak about a respect for the law and the principle of the law. I refer to the law passed by this Government in 1979 which had a specific provision that when major decisions are in dispute a commission of inquiry will be set up to advise the Minister.

Mr Wilde: On a point of order. The honourable member for South Coast has condemned the Government throughout his contribution to the debate. The thrust and tenor of his argument have been directed against the Government's proposal. It would be more appropriate if, instead of speaking from the Government side of the House, he inoved to the end of the table or to the Opposition side of the Chamber and delivered his remarks from that position. I ask that he be directed to deliver the remaining part of his contribution from a more appropriate part of the Chamber.

Mr DEPUTY-SPEAKER: Order! There is nothing in standing orders that enables me to direct any member as to the side of the Chamber from which he should deliver his contribution. That is a matter for individual members.

Mr HATTON: The honourable member for Parramatta referred to statistics and spoke about 11 800 car parking spaces. That is only one parking space to each 3.3 persons. We are speaking about 40 000 people. Surely that must have an impact. We are speaking about 11 800 cars and they must have an impact on the environment. That figure does not include cars that will already be parked in the streets. What about the noise that will be generated, the loss of the amenity, traffic management, and the medical problems that might be created? What about listening to the traffic authorities, the police and having those persons express their views? What about the aged in the community? What about those who would like to express a viewpoint but who may not be able to express themselves well at a public meeting and, as is provided for under the Act, would prefer to put in a written submission?

I should like to spend a short time to deal with a provision that has been put aside blithely by the Government saying that we should not have an inquiry, we should not give the Heritage Council or the National Trust an opportunity to put their views in a proper forum. Officers from the Department of Lands, the Department of

Public Works, the Police Department and other bodies will not be given an opportunity to express their views. Section 119 of the Environmental Planning and Assessment Act, which deals with public inquiries and settlement of disputes, provides:

> (2) Where, pursuant to subsection (1) or section 49 (1), 101 (5) or 118 (3), an inquiry is directed to be held, the Minister may appoint one or more Commissioners of Inquiry to constitute a Commission of Inquiry to hold the inquiry and may appoint one or more persons to assist such a Commission.

Under section 120 the following provision is made:

> An inquiry . . . shall be held in public and evidence in the inquiry shall be taken in public . . .

There are provisions for evidence to be given *in camera.* The section continues:

> . . . and may be required to be taken on oath or affirmation.

That is important to ensure as far as is possible that people tell the truth at the inquiry, to find out whether matters are being hidden, whether there are special influences on Government that should not be there, and if they are, to what degree they are affecting the decision against the public interest. Before a commission of inquiry commences to hold an inquiry it shall give reasonable notice by advertisement in the *Government Gazette* and such newspapers as it thinks necessary. A commission of inquiry may in writing signed by the commissioner summon a person to appear before the commission at a time and place specified in the summons, to give evidence and to produce such books and documents as are referred to in the summons. That is important to this issue. It would be interesting to know who pays for what; one would like to know about the lease arrangements and what were the lease arrangements in the past, and what the public will get in return for the loss of this valuable public asset.

It should not be forgotten that books and documents can be called for by a summons and that a person may be summoned to appear as a witness and shall not without reasonable cause fail to attend, as required by the summons, or fail to appear and report from day to day unless excused or released from further attendance by or on behalf of the commission, with a penalty of $1,000 being provided for any breach. If we had such a commission it would allay the public fears. I shall not mention any names in this forum, for it would not be proper to do so, but members of the community have expressed concern to me that persons who have special favour with the Government are enabled to exert leverage against the public interest. It would be good to know that such persons can be summoned before a commission and put under oath, and that a penalty of $1,000 is provided if they fail to appear.

The way to clear up any problem is to bring the whole matter out into the light of day so that all persons concerned will be able to return home with the knowledge that a full and open public inquiry has been conducted. An inquiry has its own safeguards. The commissioners may hear evidence, examine legal documents and hear legal submisions *in camera,* so that particular groups will not be prejudiced. That is what has been so blithely turned down. The Government has rejected a commission of inquiry that could do all of those things. As representatives of the public of New South Wales, we are entitled to ask, why?

Question—That the word stand—put.

The House divided.

Ayes, 54

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

Noes, 31

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

Question so resolved in the affirmative.

Amendment negatived.

Question—That the bill be now read a second time—proposed.

Mr GORDON (Murrumbidgee), Minister for Lands, Minister for Forests and Minister for Water Resources [9.5], in reply: The Leader of the Opposition seemed to make a two-pronged attack on the Government. On the one hand he accuses the Government of hurrying a decision on this measure, and on the other he says the Government has taken two and a half years to introduce the legislation. In addition, he called for a public inquiry. It is no wonder that schoolchildren who are asked, "Who is the Leader of the New South Wales State Opposition?' answer "Tom Uren". The Leader of the Opposition was Minister for Lands for about six weeks. He should have read the environmental impact statement or, better still, allowed the shadow minister for lands, the honourable member for Bathurst, to lead for the Opposition. If he had done so he would have avoided getting into his present difficulties. The Government has followed the dictates of the Planning and Environment Assessment Act. It has decided there is no need for a public inquiry.

The situation simply stated is that all submissions relating to the environmental impact statement were so concise that the Director of Planning and Environment decided there was no need for a public inquiry. The number of environmental impact statements received by the director made it obvious that public inquiries cannot become the order of the day. The Leader of the Opposition should know what is involved in a public inquiry. Recently, an inquiry into the logging of the rainforest at Terania Creek was concluded after a 15-month slinging match, from which the participants have not emerged unscathed. The honourable member for South Coast suggested that it was nice to have had that inquiry, although those with whom he had sided failed to win the day. He now says, "Never mind, we did have our say." I can assure the honourable member for South Coast that the people involved in a donnybrook do not walk away from it without bearing grudges; they emerge full of hate, licking their wounds, and wondering when they will get a return match.

The Leader of the Opposition asks whether the Government has something to hide. The person who could answer that question is the Director of Planning and Environment, who decided whether a public inquiry should be undertaken. The Government is acting on that decision, which it has to do. The Leader of the Opposition referred also to a question he asked me in August last year. That question was:

> (1) Was a steering committee, made up of representatives of the Heritage Council, Parramatta City Council and the Department of Lands, established in 1979 to accelerate the preparation of a comprehensive plan of management for Parramatta Park?
>
> (2) If so,
>
> (a) when will this plan be finalized and ready for public exhibition; and
>
> (b) will the plan deal with proposals for improvement of the parking situation at Parramatta Park?

I answered the question as follows:

> Yes—not only to accelerate the plan of management, but also to assist the consultant in the preparation of the plan.

The plan of management was to be prepared from a draft plan, and that is what is being done. I shall not read my complete answer to the question. I said that the environmental impact statement will, among other matters, deal specifically with the parking problems associated with the major stadium proposal and its possible effects on Parramatta Park. The Leader of the Opposition is quibbling. I apologize to the Leader of the Opposition for the lapse of time between his question and my answer.

By an oversight in my department, or elsewhere, the answer to the question was delayed but that does not justify a witch hunt. If the Leader of the Opposition had been conversant with the details, he would have known the study was on display from 8th December until 30th January. He said in his speech that he had not seen the study. If he felt there was any false representation involved, he should have made that claim. It was a simple matter of a document being displaced.

Mr Mason: It was misleading.

Mr GORDON: It should not have been misleading to a person in the position of Leader of the Opposition. I congratulate the honourable member for Parramatta on his support of the bill and his continuing interest in rugby league. I have no doubt that the electors of Parramatta will take notice of that and show their support at the next election. The Leader of the Opposition, by his attitude to this development as evidenced in this debate, has classified the Parramatta seat as unwinnable by his party in the next State election. He should consider the interests of rugby league followers,

including those in Dubbo. Doubtless they will take notice of his lack of support for rugby league. I was in Dubbo last Sunday when an important match was being played there. I spoke to many rugby league supporters in that city. They told me they wished they were having a stadium built in Dubbo, or that at least they could have some improvements at the Dubbo oval. I might be able to arrange for some of the expertise from Parramatta to be transferred to Dubbo. The Leader of the Opposition should show some interest in improving the facilities for rugby league followers there.

[Interruption]

Mr DEPUTY-SPEAKER: Order! There have been far too many interjections during this debate. The Minister has the call and he will be heard in reasonable silence.

Mr GORDON: The Leader of the Opposition does have some problems with rugby league followers in Dubbo.

Mr J. H. Brown: Are there no troubles in the Murrumbidgee electorate?

Mr GORDON: The only trouble in the Murrumbidgee electorate is that we have not had enough rain.

Mr DEPUTY-SPEAKER: Order! I give a second exhortation for order. The Minister has the call.

Mr GORDON: The Leader of the Opposition said there were two camps in the Labor Party. In fact there are more than two camps and more than two opinions. One expression of opinion was given by Tom Uren and his supporters on this issue. I do not know whether they support him on every issue. There was certainly a difference of opinion between myself and the members for Parramatta—State and federal—but those differences have been resolved. The State Executive decided that the Government should go ahead with the proposed stadium. I have no doubt that those people on the losing side on this issue will accept the decision. As for a public inquiry, those who have expressed views on that have included the State Traffic Authority, the Friends of Parramatta Park, the Police Department and the Department of Main Roads. Those views have been considered and some difficulties were brought forward. The Leader of the Opposition cannot tell me there are no difficulties about the oval at Dubbo. That oval is on the Newell Highway. Would the Leader of the Opposition suggest that the oval at Dubbo should be closed down?

Mr Freudenstein: It is not an historic site.

Mr GORDON: Who suggests it is not an historic site? The people of Dubbo certainly think it is. The Leader of the Opposition asked me whether I had ever been to Parramatta to attend a football match. I have been there three or four times and on each occasion the Parramatta team has won. The honourable member for Bligh described Parramatta Park as an historic place. Many people regard Parramatta Park as historic. But why can a football oval not be historic when the first rugby league match was played there ninety years ago. Apparently some people claim that a football field cannot be historic. I do not know whether the honourable member for Bligh got a few splinters in his pants from the old seats at the oval. Had he done so, perhaps that would have made the site historic. The honourable member waffled and tried to save something from the wreck caused by the Leader of the Opposition. The honourable member for Bligh says that the Parramatta rugby leagues club is doing a wonderful job. He has one foot on the club and he is trying to kick it with the other foot.

The honourable member for Bligh took me to task because apparently he felt there was some sanctity in the term doctor. He said I spoke of doctors with disrespect. Many of my friends are doctors—in fact some of my relatives are medical practitioners and doctors of philosophy. For the life of me, I cannot see how the opinions of seventeen doctors about noise problems would have more weight than those of seventeen stewards at Parramatta rugby leagues club or the same number of construction workers at Parklea gaol. A friend of mine is a medical specialist. On one occasion I thought I would ask him for some advice, but he told me I would need to have a broken bone before he would examine me. I do not think he would have given an opinion about the proposed stadium at Parramatta Park. Apparently the Friends of Parramatta Park, in their desperation, wrote to about 200 doctors and got replies from 17 practitioners who said they were against the proposal. That organization has used the replies it got from these doctors.

The honourable member for Bligh trotted out a remark about the Clyde showground. The Clyde showground keeps coming up as a possible site for the Parramatta rugby leagues club. It has been said that Clyde is a good site. However, many persons say it is a bad site because a stormwater easement goes through it. Nine separate bodies already use that area. To make way for the Westmead Hospital the agricultural society moved to the Clyde showground. Is the Leader of the Opposition suggesting that the Parramatta rugby leagues club should be moved and made share the Clyde showground with eight or nine other users? There is no proposal to build a stadium at the Clyde showground. That matter should not have been raised at all.

Constant reference has been made to the exclusive use of Parramatta Park. The proposed Cumberland stadium will cater for a crowd averaging 20 000 people. On any day of the week one would not find more than 300 or 400 persons in the whole 204 acres. Those 300 or 400 people will not be disadvantaged by the contruction of the proposed Cumberland stadium. The only exclusive use I have noticed in the park concerns the National Trust's use of the old Government House. The trust always leaves open the gate on Macarthur Street. Three other gates under the Trust's control are closed. On the O'Connell Street side the gates are always locked. People from Parramaita rugby leagues club do not have access to the park after 6 o'clock, that is, after the park has been closed. The National Trust is being unfair in respect of its exclusive use of the area.

The National Trust and the Friends of Parramatta Park have been critical of the wear that occurs to the grass near Cumberland Oval. National Trust members use buses and cars that are parked on the lawns in the trust's area. When I was out there fifty or sixty cars were parked on the lawns and wearing out the grass. What was happening is exactly what the National Trust and the Friends of Parramatta Park are complaining the footballers will do. Apparently they consider that a footballer is a lesser type of person. One of the upper crust, a member of the National Trust, pays $2 entrance fee and has all the comforts he wishes, but a football fan goes to the other side of the ground, pays his $2 and stands up while watching the match.

The invitation extended by the honourable member for Bligh was amusing. He is anxious that I should go to Cumberland Oval next Sunday. I do not know why. He is so keen that he must have something in store for me. For that reason, I shall go to Oberon next Sunday, to the electorate of my friend the honourable member for Blue Mountains, as his guest. I could not quite make out what the honourable member for South Coast was talking about. Evidently he is a greenie. He talked about sound planning principles and said that Parramatta Park has links with our colonial

past and should be preserved. I say to the honourable member that there are other parks out there. The first cricket club, the first bowling club and one of the first football clubs formed in Australia have used Parramatta Park. I assure the honourable member that his fears are groundless.

The Leader of the Opposition contended that some areas would be alienated. We thought something was being put over him because the map of Parramatta Park and adjoining areas had not been displayed. In fact, it was displayed clearly in the environmental impact statement, which he did not see—in fact, he was not aware of it. The plan was deposited at the Registrar General's Departmment where anyone could have seen it. There was no secrecy about it. The Leader of the Opposition came out in print alleging that something else was being done. He alleged that I had said the Government was taking only the area of Cumberland Oval. I shall tell honourable members what is happening in regard to some small lots.

Lot 952 will be required for relocation of soil. At present it is within the swimming pool area and it will go back to that area. Lot 954 will be used during construction. It will give pedestrian access to the southern end of the oval. Lot 955 is used for parking by police and ambulance vehicles and those of the news media. That has always been done and it will continue to be done. It is obvious that facilities must be provided for those vehicles. Lot 956 is used for parking. The area will be landscaped and parking will not be allowed on it in the future. Lot 957 is simply a stormwater easement, and it will remain so. Lot 958 is at present used for parking and as a stormwater easement. The easement will remain but parking will not be allowed.

Lot 961 is used for parking at present. It is to be landscaped and parking will not be permitted on it in future. Lot 962 is a road and it will remain a road after alignment and landscaping. Lot 963 is used for parking of cars. Cars will not be allowed on it in future. It is a pedestrian access and it provides access also for water, sewerage, telephone and power lines. The environment will be improved further by the removal of the substation. Lot 964 is part of a training field. It will be landscaped and will continue to be used as a training field. Lot 965 is a footbridge. One member was critical of that. It will become part of the park management.

I have a good deal more information but I shall not weary honourable members with it. However, I must mention parking. This was dealt with by the honourable member for Parramatta, who was critical of the fact that Parramatta stadium will accommodate 40 000 people and provide 11 000 or 12 000 spaces for car parking. I shall tell honourable members how that accommodation compares with the facilities at some other grounds. Belmore Sports Ground has a capacity of approximately 30 000 and parking for 1 000 cars. Brookvale has a capacity of 25 000 and parking spaces for 500 cars.

Honourable members should examine the figures, for parking at the proposed stadium has been the main basis of criticism. Penrith Park has accommodation for 25 000 spectators in the ground and 1 000 car spaces. In deference to the Minister for Industrial Relations and Minister for Energy, I mention that Redfern Oval has a capacity of 25 000 and parking spaces for 200 vehicles. Jubilee Oval has a capacity of 25 000 and parking accommodation for 1 000 cars. Cumberland Oval was set aside 100 years ago. The Government has adopted a plan that increases car parking to 11 000 spaces for a crowd of 40 000. Many persons walk to the park, but if one assumes that they all arrive in cars, the ratio will be about 3.3 persons

to a car. Not many people travel by car anyway. The Government is updating the car parking accommodation. Spaces for 11 000 cars is much better than having 1000 spaces.

Motion agreed to.

Bill read a second time.

In Committee

[*Interruption*]

The TEMPORARY CHAIRMAN (Mr O'Connell): I call the honourable member for Raleigh to order.

New clause 2

Mr MASON (Dubbo), Leader of the Opposition [9.31]: I move:

That the following clause be inserted:

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the ***Gazette*** following upon the determination by a public inquiry that an area of land known as Cumberland Oval be withdrawn from Parramatta Park.

The simple purpose of the amendment is to emphasize once again the fact that the Opposition believes that there must be a public inquiry and that unless the Government and the Minister accede to this request, another promise made by the Government at the last elections, as part of its election philosophy, will be broken. The Premier and Treasurer has continually promised people concerned with the environment that he will not ride roughshod over them and he will give them a hearing. It is part of the present requirement and philosophy of planning and protection of the environment that this will be done. Many groups and organizations want to have their say at such an inquiry; they want to put their views. The Opposition believes that the Government has an obligation to hold such an inquiry. Its failure to do so will condemn it in the eyes of the community as a government that disregards the public, refuses to give people an opportunity to have a say, and ruthlessly and relentlessly uses its numbers in this House thereby disregarding the normal procedures whereby the people whom honourable members are supposed to represent and to understand are ignored and are ridden roughshod over.

In the course of the debate at the second reading stage it became obvious that the plan of management has not been concluded, is not on public display and lacks detail of such difficult matters as parking. Surely there cannot be a full understanding of this matter until all of that sort of information is available. There should be public scrutiny of it and the public should then have an opportunity to put its view to an independent inquiry. Justice must be seen to be done. The Government is failing in its duty by forcing this legislation through and not facing up to the need for an open public inquiry. Once more the Opposition asks the Government to reconsider the matter and to hold a public inquiry. It may delay the matter a short while, but not for long. This can be done expeditiously without protracted delay. Why cannot such an inquiry be held? Why is the Government unwilling to let this matter run the course that the Government requires so many other similar controversial questions affecting land use to run? Why not hold a public inquiry on the matter so that the public will feel that they are being given an opportunity to have their say?

Mr Einfeld: They have had 23 years.

Mr MASON: That may be because the Minister is not as careful and fastidious a Minister of the Crown as is the Minister for Consumer Affairs. It may have been delayed and held up by the Minister for Lands, Minister for Forests and Minister for Water Resources. The Minister has had to apologize to me already about the delay in answering a question that I asked last year.

Mr Gordon: I dealt with that. Why bring it up again?

Mr MASON: The Minister should not spoil his apology. I was happy to get it.

Mr K. J. Stewart: The Leader of the Opposition did not apologize to the ambulancemen who wrote to him the other day.

Mr MASON: They received an answer. The Opposition believes that the Minister has an obligation to let the public have an inquiry. The Opposition wishes commonsense to prevail in the matter. The Government should not permit itself to be steamrollered by strong forces into taking action. The Government should do the right thing. The Minister should go down in the records as one who has allowed the proper and right thing to happen.

Mr GORDON (Murrumbidgee), Minister for Lands, Minister for Forests and Minister for Water Resources [9.35]: I certainly do not want to go down in the record——

Mr Cameron: If the Minister is to have the use of a microphone, let the Opposition have one too.

Mr GORDON: How does the honourable member for Northcott know that?

Mr Cameron: If the Minister is going to have a microphone, let the Opposition have one too.

Mr GORDON: I shall disregard that inept interjection. The amendment is not acceptable to the Government. The discussion about Cumberland Oval has been going on for about 2½ years. Many groups have already made written submissions over an interval of time. The job has escalated in that period by about $1.5 million. The submissions made by people have been considered by the officers of the Department of Planning and Environment. The department has gained all the information it wishes from the written submissions. I do not see what purpose would be served by having another slanging match at an open inquiry, where all the concerned people would confront one another and make the same submissions that have already come forward. The Leader of the Opposition mentioned a plan of management for the park. The plan for the rest of the park is progressing favourably.

Mr Mason: We on this side have not seen it.

Mr GORDON: It is not complete. A draft plan of management is available and has been published. If the Leader of the Opposition does not have a copy, he should get one. If the Leader of the Opposition reminds me tomorrow, I shall give him one. The Leader of the Opposition does not even have an environmental impact statement. He could have had a copy of it on 8th December last when it was made public. It is not my fault that he does not have it. Had the Leader of the Opposition asked me for one, I should have done him the courtesy of making one available to him. A copy of the environmental impact statement is in the Parliamentary Library. I think that a copy of the plan of management is in the library also. Mad the Leader of the Opposition asked for these documents, they would have been made available to him. These documents are distributed to various points

throughout the State, particularly throughout the area that is involved, such as to the Parramatta City Council, the Parramatta Library and the Parramatta rugby leagues club. If the Leader of the Opposition did not receive one, he should not blame me for it. The amendment is not acceptable to the Government.

Mr CATERSON (The Hills) [9.38]: Mr Temporary Chairman——

Mr Cameron: Pass the Premier's special microphone over to the honourable member for the Hills so he can use it too, as the Minister did.

The TEMPORARY CHAIRMAN (Mr O'Connell): Order! I call the honourable member for Northcott to order.

Mr CATERSON: I support the amendment moved by the Leader of the Opposition. I was disappointed to hear the Minister say that he will not consider holding a public inquiry even at this late stage. I have always regarded the Minister as a kind, benevolent person, a man concerned about the people. When the Minister talks about not being interested in public inquiries, I am afraid that I must say that I have been wrong in my estimation of him. It is so much garbage to talk about 2½ years of public debate on this important matter. It has been a public debate outside the realm of the Minister and of this Parliament.

Now is the time to hold a public inquiry so that an independent person can sift through the submissions that will be made, examine the environmental impact statement that the Minister has in his possession and hear the views of those who regard the environmental impact statement as inaccurate and inadequate. That can be done only by holding a public inquiry. It is useless to suggest that line of action to the Minister or the Government, for the decisions have been made already. As I suggested at the second reading stage, the Minister for Lands, Minister for Forests and Minister for Water Resources seems to admit that he has been rolled on the issue. The state member for Parramatta and the federal member for Parramatta disagreed with him and have won the day.

The Minister, even at this late stage, should again put to Cabinet or to caucus a request that the Government holds a public inquiry so that the effects of the scheme on people who live in the area can be considered dispassionately and so that the traffic management problems can be assessed also. There are many problems relating to traffic and many more will occur as increasing numbers of people use the proposed sports complex. The Minister knows as well as I do that the Department of Main Roads, the police and the traffic authorities have expressed views against the construction of the complex at the Parramatta Park site. The people of Parramatta and of The Hills district who have to travel through Parramatta to get to the city, to the south of Parramatta, and at times to the west of Parramatta, should have an opportunity to put forward their views.

Mr Durick: People do not travel through Parramatta to the city.

Mr CATERSON: Some people do. The honourable member for Lakemba does not know the area. Those people should have an opportunity to put their views to an independent authority. I listened with a great deal of interest to the figures quoted by the Minister for Lands, Minister for Forests and Minister for Water Resources and by the honourable member for Parramatta. The truth is that in the immediate vicinity of the proposed complex little parking will be available. The parking about which the Minister has spoken is in the Grace Bros shopping complex, the David Jones shopping complex and at other commercial centres of Parramatta. Those places are nowhere near the site of the proposed sports stadium. I assure the House that people attending sporting fixtures and other functions to be held at the complex will not use the parking facilities about which Government supporters have bragged tonight.

They will use the streets in the immediate vicinity of the complex. Those matters should be brought forward at an independent inquiry. A dispassionate judgment could be made rather than an emotional decision, such as that made by the Government or by caucus, brought about as a result of pressure from the federal and state members for Parramatta.

Mr MASON (Dubbo), Leader of the Opposition [9.45]: I want to make certain that the Minister for Lands, Minister for Forests and Minister for Water Resources understands the significance of the precedent that he will create by refusing to hold a public inquiry.

Mr Gordon: It was not my decision. The decision was made by the Department of Environment and Planning.

Mr MASON: The Opposition is concerned about the timber industry on the North Coast and has been wondering about the attitude that the Government will take when it has to deal with another controversial matter in that district. Will the Minister say that there is no need for a public inquiry into it?

Mr Einfeld: On a point of order. I do not want to spoil the debate, though it is a wearying and tiring one that has no logic to it. I could make no sense of the contributions of the Leader of the Opposition and the honourable member for The Hills. That part of the debate was nonsensical. The Leader of the Opposition is now speaking about the timber industry on the North Coast. I fail to understand what that has to do with Cumberland Oval. Would you, Mr Temporary Chairman ask the Leader of the Opposition to speak about Cumberland Oval? He makes no sense when he does speak about that subject, but at least he would then be within the order of leave of the bill.

The TEMPORARY CHAIRMAN (Mr O'Connell): The Leader of the Opposition is referring to the timber industry on the North Coast as an analogy. I am sure that is relevant to the question before the Chair.

Mr MASON: Thank you, Mr Temporary Chairman. We feel for the poor old member for Waverley. This is an extremely serious matter of principle that has far-reaching implications and effects. The Minister should understand what he will do by refusing the public pressure and request for a public inquiry on this issue. He has compelled the timber industry to hold a public inquiry. He is a Minister in a government that has seen public inquiries into aluminium smelters. Is this to be a new policy of the Government? Will the Minister now give credence to this new policy and say that he will not worry about public inquiries, that if someone down the line says that it is not necessary to have a public inquiry, the Government will not require that such an inquiry be held? Will the Government ignore public pressure and take no notice of public controversy surrounding the matter? Let us have some consistency. The Minister will be making a real break with the stand that his Government has tried to present to the public of New South Wales. This proposed legislation will make a clean break between the Minister for Lands, Minister for Forests and Minister for Water Resources and those who are concerned about the environment. If the Government proceeds with the legislation and refuses to accept the Opposition's amendment, it will be saying something loud and clear to the public of New South Wales, who will judge the Government on it.

Question—That the words be inserted—put.

The Committee divided.

[In Division]

[Interruption]

The TEMPORARY CHAIRMAN (Mr O'Connell): Order! I call Government supporters to order.

[Interruption]

The TEMPORARY CHAIRMAN: Order! I call Government supporters to order for the second time. Some of them might soon be required to leave the Chamber.

Mr Cameron: On a point of order. Mr Temporary Chairman, a number of Government supporters have been singing "La Marseillaise" in French to the strain of the "Internationale". I understand that it is an established rule that proceedings in the Chamber must be in English.

Mr Cavalier: On the point of order. In view of the point of order taken by the honourable member for Northcott, it is relevant for the Chair to ask the honourable member to **explain** how the alleged process of renewal occurring throughout the western world came to a glorious finale.

The TEMPORARY CHAIRMAN: Order! I am sure Government supporters would sing "La Marseillaise" in English if they knew the English version of it.

Ayes, **31**

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

Noes, 53

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 Hills	Mr Ramsay
Mr Brereton	Mr Hunter	Mr Robb
Mr Britt	Mr Jensen	Mr Rogan
Mr Cavalier	Mr Johnstone	Mr Ryan
Mr Cleary	Mr Keane	Mr Sheahan
Mr R. J. Clough	Mr Knott	Mr A. G. Stewart
Mr Cox	Mr McCarthy	Mr K. J. Stewart
Mr Curran	Mr McGowan	Mr Webster
Mr Day	Mr McIlwaine	Mr Whelan
Mr Degen	Mr Maher	Mr Wilde
Mr Durick	Mr Mair	Mr Wran
Mr Egan	Mr Mallam	***Tellers,***
Mr Einfeld	Mr Mochalski	Mr Flaherty
Mr Face	Mr Neilly	Mr Wade

The TEMPORARY CHAIRMAN: Order! Ayes, trente et un, which is thirty-one; noes, cinquante trois, which is fifty-three. I declare the question resolved in the negative.

New clause negatived.

Adoption of Report

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

Third Reading

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

NORTHERN RIVERS COUNTY COUNCIL (UNDERTAKING ACQUISITION) BILL

Second Reading

Debate resumed (from 15th April, *vide* page 5977) on motion by Mr Hills:

That this bill be now read a second time.

Mr BOYD (Byron) [10.0]: The main thrust of this bill is towards providing protection for employees of the South East Queensland Electricity Board. Basically the Opposition has no complaint about that at all. In that respect we welcome the terms of the bill. With this type of amalgamation many employees are placed at risk. It is only reasonable to ensure that when something is thrust upon workers, not by popular decision but by a decision by bureaucrats and politicians, Ministers should not see them disadvantaged in any way. Therefore we welcome the bill in that respect. I say that advisedly, as there have been occasions when certain amalgamations have taken place and that has not happened. I relate specifically to a situation that happened when an amalgamation took place between Northern Rivers County Council and the adjoining electricity undertaking, the Mullumbimby Electricity Authority. Similar undertakings were given verbally that no employee would be disadvantaged. So far the employees have felt secure that their positions would not be jeopardized in future and that they would continue in employment at least without disadvantage. We watched that experiment, that trial and error situation, with a great deal of interest to see what would happen.

I have a lengthy letter from one of my constituents who was involved in that transfer. He suffered enormous disadvantage. Not only has he been disadvantaged but also he has been victimized, as it were, by the amalgamation, even though he was given verbal assurances that he would not suffer. As a senior executive in the authority that ran the electricity undertaking, as a senior executive officer in the Mullumbimby municipal council, he has been virtually thrown out of the service, losing superannuation benefits. He has ben thrown to the wolves. He is finding it difficult to get employment in his profession despite the fact that it had been said no employee would be disadvantaged. Employees were told that their future would be safeguarded and that they would have at least two years secure employment with the new organization that took over. I ask the Minister for Industrial Relations and Minister for Energy to take a look at this file to see if he can do something for Mr Brown. That man has committed no crime. He has been a good and loyal servant of local government in the Mullumbimby municipal council. He has served them and the public well but finds himself the victim of an amalgamation.

In the face of this experience we in the Opposition feel that it is good to see legislation being provided to ensure this sort of thing does not happen again. It is not only distressing to the individual concerned but to all fair-minded people in the community who see this sort of thing happen. 1 shall make that letter available to the Minister so that he can give it his personal attention. The Minister for Local Government and Minister for Roads has looked at it twice but has not been able to do anything for this particular individual. It seems a great pity. No one should be victimized because of decisions made by people in authority to bring about amalgamations that are not asked for or sought, but forced upon people and employees so that someone must suffer. That letter is available to the Minister at any time he wants it and I request him to do something about Mr Brown in the name of humanity, decency and commonsense.

The Minister will recall that it was his decision, and his alone, that virtually brought about the amalgamation of the Mullumbimby municipal council and the Byron shire. He brought that into effect when he decided that the Mullumbimby electricity undertaking which was run by the Mullumbimby municipal council would be abolished and taken over by the Northern Rivers County Council. In so doing he paved the way for the amalgamation of Byron shire and the Mullumbimby municipal council. I am sure he will accept responsibility for his actions by looking after this particular individual. It is interesting to see what happened with the takeover of the Mullumbimby Electricity Authority by the Northern Rivers County Council. Once again we had assurances from the Minister on that occasion that no one would be disadvantaged, least of all the staff, and that the people there would get a better service and cheaper electricity.

It is interesting to examine the experience there for it gives us some lead as to what might happen as the result of the impact of this bill on the people of the Tweed shire. I received a letter two or three days ago addressed to me, as the local member, by a person named Mrs Rhonda Browning. She runs a little store at a place called New Brighton. It is a nice little village suffering much from beach erosion, or it did until the local residents made it a little more secure by a great deal of time and effort. They are waiting for some assistance to be provided by the State Government to help them in their fight to retain their place in the world. It is a lovely little village with many nice people. What has happened to the village with one post office store in New Brighton? Accounts were received by Mrs Browning at her unpretentious little store for the three months ended April 1980 for the sum of $406.50, which was not a bad figure, but in the twelve months since the amalgamation of the Mullumbimby electricity undertaking and the Northern Rivers County Council her account rose to $759.97.

A fairly massive increase of over 50 per cent in twelve months was the result of the amalgamation forced by the Minister to provide cheaper electricity. Mrs Browning is perhaps a little cynical. She does not see what is being achieved. I do not doubt that many people in the community can provide similar figures. I have had many complaints but this is the first time I have had one specifically in writing. One wonders why the cost has doubled. I should like the Minister to investigate this case. The woman did not come up with an answer. There may be a simple answer but this woman, paying this extra amount, is not convinced that amalgamation has done anything for her. She says, in effect, that she will have to sell a lot of iceblocks to pay for the extra electricity. Her letter is available for the Minister. I believe he should investigate it to find out why she paid so much. She is a woman who provides great service to a small community and is being disadvantaged by a decision the Minister made personally.

That was not the Minister's intention but it was the end result. It concerns many people. If the Minister makes decisions, he must accept responsibility for them. He should give guarantees that his reasons for making those decisions can be justified

and supported, not by his sympathy but by finance. In his second reading speech the Minister referred to the history of the electricity supply to the Tweed shire by the Queensland electricity undertaking. He said that all this happened since 1958. That was not quite correct.

The Minister missed the point or was ill advised about what happened in the Tweed shire over the supply of electricity. If he had been better informed he would know that the Queensland authority first moved across the border into New South Wales when there was no other source of bulk supply. The Queensland authority supplied electricity to segments of the Tweed shire for many years prior to World War II. In 1947 the authority built a 33 000 volt transmission line to Murwillumbah and set out to reticulate the whole of the Tweed shire and provide country districts in the shire with electricity.

The Queensland authority did a good job and all of this was achieved by about 1957. By that time there was scarcely a section of the shire that did not have electricity. Most people appreciated what happened because there was no other source of electricity. No interest was shown by New South Wales—certainly not by the Northern Rivers County Council—to do the job. The average fair-minded person in the Tweed valley would be content to say that when the shire needed electricity, the Queensland authority did the job and did it well. That should be placed on record.

The Minister said that this was the only feasible arrangement that could be entered into at the time. I think he said that in his second reading speech. Of course, that is basic. At that stage the New South Wales Government was not interested in supplying the area. A certain amount of pioneering work had to be done. The South East Queensland Electricity Board or its predecessor recognized that and asked the Tweed shire to agree to a franchise in the event that at some time in the future it was asked to withdraw from its undertaking. In that event it desired to seek compensation for the assets that were left in the Tweed shire.

The Tweed shire council agreed. Obviously, at that stage the Minister also agreed to the proposal because it would have had to be ratified by him. An arrangement was entered into that the Queensland authority would continue to supply the area for as long as practicable and if it decided to withdraw or if it were asked to withdraw, it would require two years notice and would be entitled to compensation for the assets left in the shire. That is how the situation developed.

Renewal of the franchise was due for consideration on 1st July, 1979. That allowed two years for either party to give notice that it intended to continue or discontinue the franchise. Because of experience of and its sasitfaction with the quality of the service provided by the SEQEB and its predecessor, the Tweed shire council wanted to renew the franchise. It wrote to the Minister submitting a draft of renewal. The shire wanted renewal and so did the SEQEB. Therefore, it was felt that no problem should arise and that the franchise should be renewed. That was the situation when the Minister decided to go overseas and leave this matter up in the air. At that stage he had not replied to any correspondence from the Tweed shire. He was quite content to leave the country and abrogate his obligations to the Tweed shire.

Mr Hills: All this took two years.

Mr BOYD: The Minister had not replied to the council in those two years.

Mr Hills: The period does not expire until July of this year.

Mr BOYD: The Minister did not reply in those two years. It was not until his colleague the Minister for Local Government and Minister for Roads, acting on behalf of the Minister for Industrial Relations and Minister for Energy, a few days before the date of the notification of the discontinuation or extension of the franchise, let the bombshell drop. It was decided that the franchise would not be renewed. The Minisier had so directed. This caused some consternation in the shire. People wondered why such a decision had been made. There had been no public clamour for discontinuation of the franchise. On the contrary, the people of the shire had been well served by the SEQEB.

As a consumer of the SEQEB I place the following commendation on record. In flood time I have seen employees of the board working across a flood plain where conditions were not good, seeking out a transformer that may have been damaged during a cyclone. They worked not in 6 inches or 6 yards of water but through miles of water up to their neck, going from pole to pole with tedious regularity on a cold day trying to find the fault so that the people would be able to have their electricity reconnected. One does not forget those things. The board's employees showed a remarkable dedication, which should be placed on record.

It came as a surprise when the Minister's edict was known. He said, "This franchise will not be renewed because I say so. I am the Minister and therefore I insist that the franchise be discontinued". The people I represent are fairly humble but they are proud. They are not stirrers or agitators. But they like a fair go. They suggested that the Minister should return from overseas and talk to them with a view to giving them an understanding of the reason for his decision.

The Minister returned to this country. He met the shire council and discussed the matter with them. I have a transcript of what occurred at the meeting. The Minister made a number of promises. He said he could have allowed the franchise to be continued but he wanted the people in the district to have the advantage of more economical power generation and distribution rather than pay more than their neighbours. I wonder whether he was talking about the little store in New Brighton or about some other area. If the people I represent are faced with a fifty per cent increase in charges for electricity in 12 months, I am sure they will not thank the Minister for it.

Mr Hills: They will not be faced with such an increase, and you know it.

Mr BOYD: Do not get excited.

Mr Hills: Do not come into this House and tell lies.

Mr BOYD: I have here some interesting figures. The Minister wants to play God and decide what people should have in this life. He wants to give them what he thinks is good for them and ram it down their throat whether they want it or not. There is no question of sitting round a table and talking about a problem. Let the Minister play God if he wishes, but if he does, he must accept the responsibility for so doing. Let him put his money where his mouth is. Let him give guarantees of financial support if he is proved to be wrong. It is a great privilege to be an expert and tell people what they must have, provided that one is not asked to pay for it. I suggest to the Minister that the only real expert is the man who pays for his mistakes. If the Minister wants to be an expert, if he is so certain that what he is doing is right, he should give a personal assurance that he or the Government will

pay for it to ensure that the people of the Tweed Shire are not disadvantaged. If the Minister is not willing to do that, he should not be trying to play God. The Minister should be a normal Minister of the Crown and relate his thoughts to the people, confer with them and be guided by their wishes. If he does that, he will be a much better Minister.

Mr Hills: Thank you for the advice; the honourable member for Byron is a great help.

Mr BOYD: I shall give the Minister some more advice. The Minister stated that he would make available copies of the legislation that was intended to be moved before it went to Cabinet. That evening I listened to the Minister say that he would confer with the people concerned and would give them copies of the legislation before it went to Cabinet. I thought that was rather strange as I had never heard it said before. The Minister was adamant, "You will be able to tell me whether you like the legislation or you do not". The Minister was not only saying it to employees of the Tweed shire council, but to members of the union. They went away and said that the Minister was a pretty good bloke. I said to myself that it was unusual, but he is a senior Minister and he ought to know what he is doing. What happened after that? Those persons did not see a copy of the legislation, even after it went to Cabinet. Never at any stage has the Minister attempted to honour his promise and provide them with a copy of the proposed legislation. The legislation came to this House and went straight through.

If the Minister lied about his undertaking, it is possible that he could have lied also about savings. It is possible that he could have done that because he pointed out that the savings could be substantial. On that occasion he said, "Let us go along quietly on this and it will save $450,000 a year for the people of the Tweed shire." It is possible that the Minister lied about that, or he could have made a genuine mistake. Time will tell. The bill provides in clause 3 for authority for the Northern Rivers County Council to acquire property and to act in Queensland to acquire property. The reason for this is because across the border in Queensland the South East Queensland Electricity Board has built a modern depot, with a great deal of pride, on the firm understanding that it will continue to serve the Tweed shire for a number of years. A substation is provided also by the South East Queensland Electricity Board to assist it to meet its obligations in the supply of electricity to the Tweed shire.

It seems that as the negotiations for changeover have taken place, these two properties will be acquired by the Northern Rivers County Council to enable it to continue the supply. They are not much use to the South East Queensland Electricity Board because they are retreating. The properties that will be critical will be further back in Queensland. It is reasonable that they should be acquired by the Northern Rivers County Council. However, they are in Queensland and it is obvious there must be some provision made in the bill to cover the situation. The Opposition has no objection to that in detail, but there is some principle involved about which the Opposition would wish to speak.

The Opposition will oppose the bill on those principles, not on the provisions contained in the bill and the protection it provides for the workers of the South East Queensland Electricity Board who have been taken over by the Northern Rivers County Council, though most of them are electing to stay in Queensland rather than come to New South Wales. Recently an advertisement appeared in the media seeking people to work for the Northern Rivers County Council. The bulk of the people intend to remain with the South East Queensland Electricity Board. Whatever they decide to do

is all right; it is only a matter of electing where they wish to serve and with whom. It is understandable that many would wish to remain with the older firm because of their longstanding connection, and perhaps they owe that firm some loyalty.

The Opposition objects to the fact that there is confusion about what is right and what is wrong, despite attempts to get some facts together about how it is to be financed and who will pay for it. There has been complete confusion. Last week the Minister was in Grafton and could have conferred with the Northern Rivers County Council representatives. The Minister should be able to inform the House tonight that some agreement has been reached. The confusion is exemplified by the appalling situation that on 9th September, 1980, I asked the Minister a question about the takeover. I had raised that matter eighteen months before that in an attempt to satisfy the demands of members of my electorate who wished to know what was happening. The Minister did not reply to this question until 7th April last. The Minister had ample time to consider the matter and come up with answers. The Minister's reply is recorded in answer to question 274 in the parliamentary documents. He stated that the value of the assets of the South East Queensland Electricity Board in New South Wales was $6.25 million. The interest rate for the takeover would be 13.4 per cent. Repayments would be at the rate of $900,000 a year for twenty years, which by simple arithmetic, makes a total repayment of $18 million. The Minister answered that question early in April. It was reasonable to inform the people of the Tweed shire and the Byron electorate that this was the deal.

I felt that when the Minister put his signature to a document that I could quote it with some authority. I did that because I thought that any answer I received from the Minister, who had been a member of this House for a long time, could be quoted with certainty. I was surprised when the county clerk of the Northern Rivers County Council, Mr Beattie, took me to task in the media. He said I was talking a load of hogwash. This was not true. He said that the value of assets was $9.7 million; that the interest rate would be 10.7 per cent; the repayments would be at the rate of $1.54 million a year over a period of ten years, making a total repayment of $15.4 million. One can drive a horse and cart through that discrepancy.

It is incredible that a responsible Minister, who knows the problems and the doubts in the minds of the people in my electorate, should be so careless and could mislead the Parliament and the people I represent by quoting wrong figures. It puts the Minister's credibility at great strain. I could not see why Mr Beattie should want to be wrong. He was a bit closer to the work force than the Minister. The Minister misled this Parliament and the people I represent by making these statements and he then had the gall to say to those persons, "I am your friend".

We should consider the figures in detail. Should the people believe Mr Beattie or the Minister for Industrial Relations and Minister for Energy? The challenge I make in this debate is for the Minister to bring forward a set of figures that are accurate, that the people can believe and on which the Minister and Mr Beattie agree. In his reply to the debate, the Minister will have an opportunity to refer to the figures. Perhaps then he will quote the correct figures. If he agrees with the figures given by Mr Beattie, at least there will be some agreement. If the Minister disagrees with Mr Beattie, he should give his reasons and tell the House where Mr Beattie is wrong. It is important that people should have an understanding of where they are going in respect of this major change that was forced upon them by the Government's firm decision that it would be good for them. It is like giving a person a shot of arsenic and telling him that it is good for him, that he will not live much longer but once he is dead he will have no need to worry. Perhaps that is the Minister's attitude. The people of the Tweed district are being asked to accept the Government's decisions and that they have the Minister's reassurance that they will not suffer because of the change.

I was intrigued to learn from the Minister's reply on 7th April that a tariff comparison had taken place and that consumers in the Tweed shire would be saved $500,000 a year. The Minister did not say but must know—and he was totally unscrupulous about this—that the tariff comparison was based on the South East Queensland Electricity Board's figures for 1980 and the Northern Rivers County Council's figures for 1980. One might say that is all right, except that the Minister used the December figures. The Minister for Industrial Relations and Minister for Energy knows that the SEQEB usually reviews its tariffs on 1st July each year. The NRCC reviews its tariffs on 1st January. On 1st January, 1981, the SEQEB increased its tariff by 20 per cent. How can one make a legitimate comparison when one has the figures out of order? The way to have made a fair comparison would have been to review the tariffs on 1st January, 1981. Even that comparison would be under severe challenge as it would be out of balance. If the Minister wanted to make a reasonable comparison and to justify his stipulation about being reasonably accurate when he referred to the saving that would be made by the people of Tweed shire, he should have given tariff rates that were closer together and made sure that they were not completely out of balance. If he did that, the people would have a better understanding of the situation and the Minister would not appear to be such a villain.

It is no good leading people up the garden path with untruths. As a senior Minister of the Government who has been involved in public life for many years, the Minister for Industrial Relations and Minister for Energy should know that the best way to treat people is to tell them the truth. According to the old adage, you may fool all the people some of the time; you can even fool some of the people all the time; but you cannot fool all of the people all the time. Why not tell the public the truth? That is a simple straightforward process that makes life easier, and it saves all this humbug. The Minister should have said that the NRCC tariffs had increased by 20 per cent; that would have given a more reasonable comparison. He could have taken it further and said that SEQEB tariffs will be increased as at 1st July, 1981. It is sheer humbug for the Minister to make a flagrant statement suggesting that on a comparison of tariffs towards the latter end of 1980 there would be a saving of about $500,000. The Minister should have been a lot more truthful and helpful.

When one examines the details of the takeover, one wonders why it was necessary—unless it was because the Minister had said on several occasions that the Government had to have a takeover because a surplus of electricity was being generated in New South Wales and a further market was needed. The Government said that it wanted to make sure that all electricity generated in New South Wales could be sold, and that there was no point in providing a market in New South Wales for a Queensland electricity undertaking. That is good flag-waving stuff, and initially I would be inclined to agree with it. However, when I visited the Liddell power station and examined the situation there I was told by officers of the Electricity Commission that the Bayswater power station would be put on cycle about eighteen months or two years ahead of the original schedule because of the shortage of electricity in New South Wales. I was told that there is no surplus; that Bayswater will be brought on line two years ahead of schedule to try to meet the shortage. One wonders why we go from the position in Queensland, where there is no apparent shortage of power being generated, to the position in New South Wales where, according to senior officers of the Electricity Commission of New South Wales, there is a shortage of generating power, so much so that Bayswater must be brought on stream two years early to overcome the problem. That is where the truth lies, and that is obvious from some of the things that have been said in the House.

It has been suggested that the Electricity Commission of New South Wales will subsidize the bulk supply that will come to the Northern Rivers County Council from the Queensland Electricity Commission, to the tune of $1 million, to achieve

some parity in electricity charges. Though the distribution of electricity in New South Wales will be taken over by the Northern Rivers County Council the bulk supply will continue to come from Queensland. To meet the problem of the differential between Queensland bulk supply rates and the bulk supply rates in New South Wales, it has been said—though not by the Minister for Industrial Relations and Minister for Energy—that there will be a subsidy of about $1 million from the Electricity Commission of New South Wales to the Queensland Electricity Commission to provide bulk tariff rates to the Northern Rivers County Council comparable to the rates in city areas.

Mr Hills: Is the honourable member for Byron saying that?

Mr BOYD: Yes, I am saying that.

Mr Hills: Is the honourable member saying that people in the Tweed shire will be paying less for electricity?

Mr BOYD: No, I am not saying that. The Minister has not heard all the figures and is jumping to conclusions. That is why he is in such a mess. I am asking the Minister to confirm what I have been told. I said that had not been said by the Minister. It was what I had been told by some Government supporters, who suggested that the Government will provide $1 million through the Electricity Commission of New South Wales to the Queensland Electricity Commission to subsidize bulk rates, to bring them into line with the bulk rates being paid in New South Wales. That would be fine, except that the $1 million is a subsidy of about 11 per cent to consumers.

The total turnover of electricity costs in the Tweed shire would be less than $10 million a year. I do not have the exact figures, because for obvious reasons the SEQEB is not willing to reveal them to the public. The $1 million subsidy will bring a reduction of 10 per cent in electricity charges. One might say that is great, and certainly if it is the case it will build up the Minister's credibility appreciably. No doubt the Minister will confirm that fact in his reply. The subsidy could be given to the SEQEB, and it could carry on with the distribution. Why is it necessary to get rid of the SEQEB as a distributing authority? The Government says that its aim is to provide cheaper electricity to the people in the Tweed shire. The Minister has said that is what the exercise is about. The Minister might explain why the SEQEB should not be paid a subsidy and be allowed to fix bulk electricity rates similar to those that will be set by the Northern Rivers County Council.

The Minister claims he is trying to help the citizens of New South Wales, and in particular the residents of the Tweed shire. But if the Government can provide a subsidy for one distribution authority—the NRCC—it may have been able to supply subsidized electricity to the SEQEB. When one examines this franchise and the nitty gritty of the figures, one finds that in the Tweed shire a residual of assets and some debts will be taken over by the new authority. However, the residual assets have not been specified by the Minister. The original franchise was explicit; it stated that the NRCC would be entitled to compensation for residual assets in New South Wales. Initially, the Minister said that the value of those residual assets was *$6.25* million. Obviously the debts of the SEQEB will be taken over by the new authority. But there is a basic value or written down value in the assets left behind by the SEQEB. If one assumes that there is a written down value of assets, one should accept the fact that those assets have been paid for by the consumers in the Tweed shire by way of tariffs accrued over a number of years. It would seem that a proportion of those assets will be paid for again by those consumers. It is a matter of wonder that a service or commodity in any field of endeavour is supplied at a cheap rate when consumers have to pay twice for the assets of the supplier.

The Minister will probably explain away this argument by saying there is no residual value in the assets left by the SEQEB. All SEQEB will leave in Tweed shire will be the assets it has paid for and compensation will not be paid for any of those assets. It is probable that they will be transferred to the NRCC, which will take over debts that remain on any assets. I should be pleased if the Minister were to state the facts for at least the shire would then have some clarification on a matter that has been so far left unclear. The Government has not been willing to make a public statement about it, and neither the SEQEB nor the NRCC is keen to make statements about it. This matter is of concern to many people. They are entitled to a clear statement, as whatever arrangements are made will have some impact on tariffs.

On the figures quoted by Mr Beattie, which I shall accept for the purpose of this discussion, in the first year, in addition to the normal tariffs, $2 million will have to be found to meet debts that will accrue because of the changeover. So that, in addition to normal running costs, an extra $2 million will have to be found—that is, $1 million for redemptions and $1 million in interest. That $2 million must be raised by tariffs. If that $2 million is added to the running costs, an increase of 20 per cent in tariffs will be necessary to pay for the cost of transfers, otherwise the NRCC will start to feel the pinch. The NRCC has been complaining for some time that it is having difficulty meeting the entire cost of the pensioner concessions forced on it by the Government, I can recall the county council being quoted many times in the media as saying, "If we are compelled to meet the pensioner concessions foisted on us by the Minister and the Government, we will be in serious financial difficulty".

It is reasonable to expect that the NRCC will not be able to absorb the new cost by the use of accumulated assets. It will have to pass on the cost to the consumers, unless the Government and the Minister are willing to do the right thing and say, "We foisted this problem on to the NRCC and the people of Tweed shire, therefore we will accept the financial responsibility for our decision and will subsidize, certainly for five or six years, the interest to be paid on the loans and redemptions to help you get out of trouble".

Perhaps the Minister could tell the Tweed shire and its consumers about the true intentions of the Government on this matter, on which the Minister has been silent. It is certainly unfair that consumers should pay a considerably increased price for electricity simply at the whim of a Minister. The Minister was not in Australia when the decision not to renew the franchise was made. He should have been present to explain what the Government was doing and why it was doing it. He left that task to another Minister. He did not even bother to notify the Tweed shire council about what was happening. That council was working on the assumption that the Minister would be reasonable. However, it had not heard from the Minister since it wrote to him nine months ago. They thought the Minister was in agreement with the proposal to renew the franchise. Having treated this matter in such cavalier fashion, it is only reasonable that the Minister should be willing to be explicit about the circumstances of the takeover, who is to meet the financial burden, who will have to pay and what are the residual factors. The Minister ought to be able to see why this matter is so important.

I have many letters from the little people to whom the Minister often refers, who suddenly find their electricity charges will increase from $468.50 to $759.97 in a matter of twelve months. Small business people, who have to make enough money to pay for the extra impost forced upon them by the Government's insistence, ought to have a clear statement on this matter. I should like to know who will have to pay for the increased charges. Will it be the Electricity Commission of New South Wales, the people of this State or the consumers of electricity supplied by the NRCC? Will the charge be spread over the whole of the NRCC consumer area, or will it be

Mr Boyd]

included in the tariffs for the Tweed shire? The Minister should tell the House what will happen; he should be explicit. The Minister made these decisions upon a whim. Therefore he has the responsibility to tell the people what is going on. This matter might be a bore to the Minister, but it is not so to the people I represent.

I have received a multitude of letters such as the one to which I have referred. Many persons on fixed incomes want to know how they will manage with the sharp increase in electricity tariffs foisted upon them without consultation, proper understanding or adequate explanation. That is the challenge I put to the Minister. The real expert, the real professional, pays for the mistakes he makes. The Minister should give a guarantee in simple verbiage, not in the loose terms he used when he told council and unions he would make available to them copies of this legislation before it went to Cabinet. He should say in the House that if there is any substantial increase in electricity charges, such as the bill would allow, the Government will pay for it.

I have been told by the Whips that, as other legislation is to be passed by the House tonight, I should not dwell upon this matter. That seems a tragedy for, although the matter affects only a small part of New South Wales, it is an important part of the State. I want to make sure that the legislation does not become a victim of the malfunctioning administration of this Government by not being sufficiently debated, by being swept aside to allow for the inadequacies of proper planning of the legislative programme. I hope the Minister can give satisfactory assurances and replies at the Committee stage. If he does not, I should have to go back to the people and tell them, "I am sorry, the Minister and the Government were not interested in this matter because it was being debated at a late hour in the evening and other legislation had to go through the House". The Whips have said that I should not take too much time on this matter as other important legislation is to be debated tonight.

I have enormous sympathy for the Government Whips and I know they have a job to do. My job is to make sure that the people I represent get a fair go. How can they get a fair go when the credibility of the Minister is already in tatters? The Minister's reputation is in tatters because he made assurances to some of his fellow unionists that he would provide them with a copy of the legislation before it went to Cabinet. He said they would be able to comment on it. I knew—and the Minister knew—that his statement was a lot of hogwash. It was because they were working people who believed the Minister that I became so angry. I have no time for people who do not tell the truth. Why did the Minister not say to those people that he could not let them look at the legislation until it had been approved by Cabinet? The Minister misled those people. If his reputation is already in tatters I cannot be blamed for it; the Minister must blame himself. He should not make false promises.

This bill poses the question as to why the legislation is necessary at all. It would not be necessary except that the Minister wants to impose his great concept of selling New South Wales electricity in this State. He wants to get rid of all the so-called Queensland slickers. He says that they cannot supply electricity to the people of New South Wales, that they are like foreign instrumentalities. I was amazed when the Minister answered a question today and said that we are all Australians, that we take electricity from the Snowy scheme, as the Victorians do; and that we work together across both sides of the border. Now the Minister wants to get rid of the Queensland authority. Apparently its crime is that it supplied the people of Tweed shire with electricity when the New South Wales instrumentality could not do so. Now New South Wales is in a position to supply the electricity, the Minister wants to kick the Queensland supply authority across the border. The Minister needs an excuse to do that; he cannot be honest and say why he is taking that action. His excuse is that New South Wales will provide cheaper electricity.

How can cheaper electricity be provided when, in this case, it is necessary to obtain $18 million, according to the Minister, over a 20-year period, and according to Mr Beattie $15.4 million over a 10-year period? Since the SEQEB became aware it was to be kicked across the border there has been some run-down in the provision of new facilities. I warn the Minister that on the day NRCC takes over there will be enormous costs to be met by upgrading equipment that should have been taken care of in the normal process within the past two years. That equipment has not been upgraded as efficiently as it should have been. We have had a run-down period where some equipment has not been serviced; it has not been maintained as well as it might have been. That will add to the cost of electricity.

There has been no need for this disruption; there was no justification for it. Any decision made by the Minister must have public acceptability, particularly in view of his own performance. The takeover did not arise from public clamour or discontent. There was never discontent on the part of the people of the Tweed shire. There were never any complaints through me, as the local member, or from any authority, about the efficiency of the SEQEB. There were no complaints about price. This all happened like a bombshell. The Minister had the whim that he would play Cod. He said that the SEQEB should go back across the border and the Northern Rivers County Council would move up to the border.

Mr O'Connell: On a point of order. The whole concept of unlimited time for a member leading a debate is destroyed when the honourable member for Byron continually repeats himself over a lengthy period. I can understand a member repeating something two or three times for emphasis, but when the same speech is gone over ten times in 45 minutes it becomes boring. I suggest that the honourable member be called to order for tedious repetition.

Mr DEPUTY-SPEAKER: Order! I am concerned at the repetition in the honourable member's speech. I ask him to continue with his speech without indulging in further repetition.

Mr BOYD: Mr Deputy-Speaker, I am close to finishing my speech. It was not because the SEQEB did not perform efficiently that the Northern Rivers County Council was pushed up to the border; it performed exceptionally well. It arose because there was a so-called surplus of power generated in New South Wales. I say to the Minister that if that is his only reason for the takeover, and he cannot produce sufficient evidence to the contrary, the New South Wales Government should accept full responsibility for any extra increase in charges that occur as a result of this decision.

Mr HILLS (Phillip), Minister for Industrial Relations and Minister for Energy [10.57], in reply: Briefly, there will be no increase in charges. In a full year there will be a saving of $500,000. That takes into account the variable increase in tariffs by New South Wales county councils as against the SEQEB. It is clear there will be a saving of $500,000. The honourable member for Byron, leading for the Opposition, mentioned small businesses. Allowing for the fact that the SEQEB will increase its charges on 1st July next, the charges for small consumers and small businessmen in Queensland under this present scheme will be higher than those for a small businessman in New South Wales despite the increases made by the Northern Rivers County Council as from 1st January, 1981.

What the honourable member for Byron has said is the greatest lot of rubbish and rot I have ever listened to since I have been a Minister associated with electricity distribution. The honourable member condemns himself out of his own mouth when he says that what we are seeking to do is to ensure that the same bulk supply tariffs apply to the distribution authority in northern New South Wales as apply in the

western and southern parts of the State as well as in Sydney, Newcastle and Wollongong. For a short time we will be taking electricity from Queensland so as to ensure that the bulk supply tariff is charged to the distributing authority in the Tweed shire. We will ensure also that the same bulk supply tariff is charged by the SEQEB during the interim period. It will be necessary for the Electricity Commission of New South Wales to subsidize that rate. The honourable member admitted that if there was not a subsidy paid, the distributing authority in the Tweed shire could not charge rates less than, or equal to, those charged by the Northern Rivers County Council. I ask the House to support the bill.

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

The House divided.

Ayes, 55

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

Noes, 29

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 Toms
Mr Cameron	Mr Mason	Mr West
Mr Dowd	Mr Murray	Mr Wotton
Mr Duncan.	Mr Osborne	*Tellers,*
Mr Fischer	Mr Park	Mr Caterson
Mr Fisher	Mr Pickard	Mr Taylor

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

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

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION (AMENDMENT) BILL

Second Reading

Debate resumed (from 28th April, *vide* page 6118) on motion by Mr Booth:

That this bill be now read a second time.

Mr MASON (Dubbo), Leader of the Opposition [11.7]: The legislation will adjust anomalies and correct injustices that have been apparent in the superannuation scheme applying to members of this Parliament. The Opposition is pleased that the Government has chosen to correct problems confronted by members who have left the Parliament and, because of the shortness of the parliamentary session, have missed out on an entitlement by a few months. Honourable members will recall that the former member for Wakehurst served for three short Parliaments but missed out by about a month on entitlement to superannuation benefits. That was most unfortunate for him.

The Opposition notes with pleasure that provision will be made for superannuation benefits for children who are left orphaned or with one parent. I should like the Government to give consideration to a rare problem that could arise. I refer to a handicapped child who is completely dependent on its parents, one of whom is an honourable member. It is a pity that the definition of child does not cover the situation. The present definition of a child is of one up to the age of 18 years or of a student child up to age 25. It could happen in a parliamentary family, as it does in any other family, that a member could die and leave a handicapped child who will be dependent for life on the remaining parent. It would be a pity if, while these adjustments are being made, that matter could not be covered also. I am sure all members would like that situation to be covered by the legislation.

Upon maturity that young person would be entitled to receive an invalid pension. This would amount to something like $15 or $20 a week, which would make all the difference for a widow trying to cope with the problems of maintaining that child. The Opposition asks the Government to consider this situation. It would be rare, but it can occur. All honourable members would not wish to think of continuing hardship in such a case. The other provisions of the legislation appear to be reasonable. The proposed measure that will allow honourable members to convert their superannuation to a lump sum is much fairer. The old provision that allowed for the conversion of 75 per cent at 45 years of age but dropped to 50 per cent for everybody over that age, was a little discriminatory. The proposal in the bill is a considerable improvement.

The only suggestion that the Opposition wishes to offer relates to children who by handicap, disability, or disadvantage may be entirely dependent upon a single parent or are orphanned. The Opposition believes that the parliamentary pension scheme should take account of that situation. I ask the responsible Minister to consider that matter in the hope that some provision might be made to cover that unusual circumstance. The Opposition believes that the legislation tidies up anomalies and makes adequate provisions.

Mr DURICK (Lakemba) [11.11]: I speak in this debate because there has been misrepresentation in certain quarters of some of the proposals contained in the bill. These changes have nothing to do with any recent amendments to the federal parliamentary superannuation scheme. The bill merely contains amendment to the New South Wales scheme to bring it into line with modern thinking and, as the Leader of the Opposition said, to remove some anomalies. The base salary is the most important element in calculating a pension entitlement for any member who leaves this House. For the last six months of 1980, New South Wales parliamentarians were the lowest paid of any parliamentarians in Australia. Even in Tasmania, where there are multiple constituencies, a member receives a much greater salary than a member of this House. Honourable members must bear in mind that New South Wales electorates are usually larger in area, and much larger numerically. Some members from remote country areas realize what that means compared with States like Victoria and Tasmania. The present Victorian base salary is $29,926, which is far more than is received by all the backbenchers in this Parliament. Using the Victorian base salary as a comparison, after twenty years' service a member of this Parliament would retire on $1,069 more than he now would under our present scheme. If the calculation is carried through to commutation, if a former member commuted 50 per cent of his pension, he would be entitled, in round figures, to just over $5,000 at the point of commutation.

The main provisions of the legislation cover children, the changes in the commutation and the proposed lump sum payment. The provisions in relation to children are the most important in this legislation. They are 5 per cent where the spouse is alive and 10 per cent for orphans. In Tasmania, where they are more generous, the provision is 20 per cent for orphan children. Some members of the Government who examined the situation in the other States were surprised to find that New South Wales has the only parliamentary superannuation scheme with no provision for the children of former members. In South Australia they have a much better scheme than the one proposed by this legislation. The suggestion of the Leader of the Opposition about handicapped children has great merit. Possibly the Minister in charge of the legislation might consider whether a dependent handicapped child could be covered in certain circumstances, or the trustees could be given a discretion similar to that available to them for other situations.

At present commutation of 75 per cent of the superannuation is available to members younger than forty-five, and then it drops to 50 per cent. It is illogical that a former member younger than forty-five is able to convert 75 per cent of the superannuation entitlement to cash, but the day the member turns forty-five, the ratio drops to 50 per cent. The proposal in this measure is far more logical for it provides for a gradual reduction, at the rate of 1 per cent a year, down to the 50 per cent level. The schemes of the Commonwealth, Victorian, and Queensland Parliaments provide for a 100 per cent commutation. Even this aspect has been subject to some misrepresentation. People outside the Parliament do not understand that the more a former member commutes the less is available as residual pension. If one commutes 100 per cent of one's pension entitlement, one does not have anything left for the future. If one commutes 50 per cent, one has 50 per cent left and it is indexed to the cost of living. The New South Wales scheme following the passage of the legislation will differ from that of the other States. The proposal is to retain the 75 per cent ratio, reducing by 1 per cent a year to the 50 per cent level.

I shall now compare the half service payments under the present Act and the proposed lump sum payments. There is nothing new in the principle. The amendment will bring the New South Wales provisions into line with those adopted by the Commonwealth and some other States. It will mean abandoning the half service

payments provided for in the present Act under which a member is paid at 45 per cent of the base salary for half the period of his service when he has not qualified for a pension. The new provision should encourage more people to contest borderline seats. This may not affect a large number of Government supporters but I suppose it could encourage contenders in the Liberal Party or Country Party to try to win some of the seats that they consider to be borderline. It should bring into this Parliament people with good qualifications.

One of the things that has been completely misrepresented is the question of the 7-year entitlement. Under the Act no member has the right to retire voluntarily with fewer than ten years' service. However, articles published in the media and in other places claim that a member automatically qualifies for a pension after seven years' service. That is not so. The 7-year provision will have effect if, as expected, the 4-year parliamentary term is adopted. Then a member could qualify after two terms. It will not have immediate effect. It is not true, as stated in the Sun on 20th April in an editorial that now that increased lump-sum payments are proposed, members of Parliament would have to be re-elected only once instead of twice to qualify. No member of this House of Parliament who is re-elected at the next elections will qualify automatically for a pension. That person will get a lump-sum payment if he goes out after two terms. So the editorial is wrong. Unfortunately an article on 16th April by Catherine Harper, who is usually a reliable reporter, contained an inaccuracy. The article stated:

> The change is related to a likely introduction of 4-year parliamentary terms, a proposal which will be put to New South Wales voters in the referendum during the State election later this year.

The next paragraph contains this statement:

> It will mean, if adopted, that MP's will have to be re-elected only once to receive a pension instead of the present need to serve three terms.

The bill does not mean that at all. Any honourable member who is re-elected at the next elections will not qualify for a pension, because all honourable members know from the legislation that passed recently through this House that if the referendum is passed it will apply not to the next Parliament but to the succeeding Parliament. The first person who could possibly qualify would be a member elected to the next Parliament who is re-elected to the subsequent Parliament and stays as a member of this House for at least seven years. It is obvious that until a 4-year term is adopted for the Legislative Assembly no member will be able to qualify for a pension unless elected for three terms in the Assembly.

I emphasize again that the most important change that will be made to the Act will be the provision to authorize payments to the dependent children of former members of Parliament. Every day one reads of fatal accidents on the roads or in the air. Honourable members would be living in a dream world if they thought that parliamentarians ase automatically exempt from the casualty figures. It is a fact of life that there are many young aspirants to parliamentary life, and many members of both houses of the Parliament have young families. The changes will not give anything immediately to the dependants of present members, apart from some insurance in the case of a tragedy. The proposed changes might even encourage some of the young unmarried members of Parliament to take the plunge and marry. It should not be overlooked that members pay heavily for the benefits received from the fund. Every member pays 12½ per cent of his salary to the Parliamentary Contributory Superannuation Fund. That is the highest contribution of any parliamentary group in Australia. The norm is 11½ per cent, though in Tasmania members pay 12 per cent. As I said, in some respects the position has been misrepresented. My contribution to the debate is intended to correct some of the misrepresentation.

The only members who could be affected by the proposed changes before the next Parliament is elected, are, first, a member who has served terms spanning ten years, and decided to resign from the Parliament after assent is given to the bill. I know of no one who will be affected in that way. The second type of member who could be affected is a member who alone or with his wife suffers a fatal illness or accident. The children of such a member will receive a benefit that is not available at present. One could scarcely say that is an improvement for the member, if he is deceased.

At the beginning of my contribution, I said that I intended to try to correct some misrepresentations that have been put abroad. I hope I have clarified some of those matters. I understand the point raised by the Leader of the Opposition and I agree that the matter should be given serious consideration. It is the sort of thing that could be left to the discretion of the trustees, who have used their discretion wisely on other occasions.

Mr MURRAY (Barwon), Deputy Leader of the Country Party [11.25]: I support the Leader of the Opposition, who drew attention to the clause covering dependent children and to the plight of disabled dependants. Many country members travel long distances in motor vehicles. Often the member and his wife will travel together on those journeys. It is well known that the more time one spends driving on the road, the greater the risk of accident. That is especially so for country members of Parliament who spend extremely long hours in the House and drive long distances back to their homes.

The provisions of the bill relating to dependent children are welcomed by the Opposition. I support also the proposal that provision be made for handicapped children of members. I invite the Government's attention to the reciprocal arrangements between the state and federal pension funds. No reciprocity is provided for members wishing to transfer from the federal fund to the state fund. The Government should consider amending the scheme to overcome that anomaly. If it is good enough for a member to be able to transfer from the state fund to the federal fund, a similar provision should be made to enable a member to transfer from the federal fund to the state fund. Some federal members of Parliament might want to improve their political careers by transferring to the State. When that matter is being considered, it should be borne in mind that a person who has qualified under the federal parliamentary superannuation scheme and transfers to the State Parliament should be able to bring his pension rights with him. Members who transfer from one fund to another should be able to transfer any unused term that may be needed to qualify for a pension.

Mr BEDFORD (Fairfield), Minister for Planning and Environment [11.27]: The Leader of the Opposition referred to an extension of benefits to cover handicapped children of a member of Parliament. That matter was commented upon by the honourable member for Banvon and the honourable member for Lakemba. My view is that the point should be pursued by the Government. I shall refer the suggestion to my colleague the Minister for Sport and Recreation, Minister for Tourism and Assistant Treasurer. Two solutions are available: either an alteration by amendment in the other place or an extension of the power of the trustees, as suggested by the honourable member for Lakemba, to ensure that if the position arises the trustees will have sufficient discretion to act upon it.

I thank the honourable member for Lakemba for his explanation of the details of the legislation and especially for his comparisons of the superannuation legislation of the other Parliaments. Some fairly morbid points were raised by the honourable member for Banvon, but those matters need to be considered in the context of modern times. Reciprocity is a matter that the Government could consider but my feeling is that it should be dealt with at some future time rather than in the bill.

Motion agreed to.

Bill read a second time.

Thiid Reading

By leave, bill read a third time, on motion by Mr Bedford, on behalf of Mr Booth.

BILLS RETURNED

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

Miscellaneous Acts (State Bank) Repeal and Amendment Bill

State Bank Bill

Statutory and Other Offices Remuneration (State Bank) Amendment Bill

ADJOURNMENT

Vilification of Members

Mr BEDFORD (Fairfield), Minister for Planning and Environment [11.31]: I move:

That this House do now adjourn.

Mr CAMERON (Northcott) [11.31]: I rise to discuss one matter of general interest in conformity with respected rulings which stand in your own name as well as in the name of the late Sir Kevin Ellis. That one matter of general interest is the deplorable, ever-increasing resort to personal vilification of other honourable members and citizens outside this Chamber. This features not argument counter-poised against argument, but the argument ad hominem—the argument directed viciously against the man himself. I claim never to have resorted to that kind of argumentation. At no time can I ever recall you resorting to it, Mr Speaker, either in the days before rising to your present high office, or at any time. Yet, it is heard again and again under privilege in this Chamber, often in such profusion as to allow no easy control.

Even the procedure of the member concerned claiming the matter is offensive to him and demanding a retraction achieves little, for the offensive remarks, once spoken, cannot effectively be unspoken. They stand, in any event, for all to read in *Hansard*. You have rightly observed, Mr Speaker, that 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. None can quibble with that statement as a good working proposition. However, it contemplates the normal varieties of rugged derogatory remarks which are part of the ordinary stock-in-trade of robust debate. But, those are worlds removed from the vicious forms of character assassination to which I advert. For example: attempts slyly to insinuate that one or two of one's political opponents are homosexuals; that others have fallen into disgrace and failure in their professional life; that others have a morbid or diseased interest in poring over pornography and blue movies; that another is a charlatan, a hypocrite and a person of no reputation at all who steals water from his neighbours; that others spend their time creeping around the fleshpots of the city late at night; and that one opponent must be treated indulgently because of not having been the same mentally since having had a serious accident, while still another suffers from some mental disorientation.

Surely we have here a veritable orgy of defamation. If these vicious outpourings—all of them made at large; not a single one of them backed-up by a tittle of supportive evidence—came from a wide range of members, it might be understandable. But, since they all come from the mouth of one individual member, that of the Premier and Treasurer himself, their very extent and nastiness must pose some questions regarding their maker. Is the Premier and Treasurer incapable of responding to argument without resort to vicious vilification *ad hominem*? Does not the consistent occurrence of the same themes in these defamations itself give rise to some thoughts concerning the mind that framed them?

As far back as 6th September, 1978, the ***Sydney Morning Herald*** noted this remarkable gap between the smooth urbane Premier voters see on television and the smear tactics resorted to by him in this Chamber. In a feature article entitled "Mr Wran holds the stage", that newspaper detailed some of these tactics observing——

Mr Maher: On a point of order. The honourable member for Northcott is indulging in a most personal, bitter and vitriolic attack on a member of this House who is not present to defend himself. The honourable member for Northcott is quoting extensively from a newspaper article, which he has not identified, to support arguments about the standard of conduct of a member of this House. I submit that the honourable member's remarks are totally out of order.

Mr Caterson: On the point of order. I invite your attention, Mr Deputy-Speaker, to three rulings of the Chair on this matter. The first was by Speaker Ellis, and appeared in the 1971–72 ***Parliamentary Reports*** at page 1082, and two rulings by Speaker Kelly, reported in the 1976–78 ***Parliamentary Reports*** at pages 1117 and 1804. The rulings are to the effect that members speaking on the adjournment are permitted to discuss any one matter of local or general interest, and go on to other matters. I submit that the honourable member for Northcott is speaking on one matter, that being the practice of the Premier and Treasurer to vilify other members of this Parliament. I put it to you, Mr Deputy-Speaker, that the honourable member is in order.

Mr McIlwaine: On the point of order. This matter is one which, if the honourable member for Northcott has had some difficulty understanding it, should be referred to the Standing Orders Committee for consideration.

Mr Cameron: That would be the first time that has happened in many years.

Mr DEPUTY-SPEAKER: Order!

Mr McIlwaine: I wish to support the remarks of the honourable member for Drummoyne on the point of order. The honourable member for Northcott has singled out one individual. I was the subject of an attack in this Chamber only recently. The Leader of the Opposition said I was in an intoxicated state in this House; earlier the Deputy Leader of the Country Party had said that the honourable member for Hurstville was a man of low moral standing.

Mr Cameron: What is the point of order?

Mr DEPUTY-SPEAKER: Order!

Mr McIlwaine: These are all matters in which we could engage in debate but I do not think that the present matter is appropriately termed as being of local or general interest to be discussed.

Mr DEPUTY-SPEAKER: Order! I have listened to the remarks of various members with regard to the point of order. I invite the attention of the honourable member for The Hills to rulings made by Mr Speaker Ellis and Mr Speaker Kelly

on different occasions in *Parliamentary Debates* 1967–68, *Parliamentary Debates* 1976–*78, Parliamentary Debates* 1965–71 and *Parliamentary Debates* 1976–78. Both those Speakers have ruled that imputations and allegations of improper conduct, charges or inuendoes against another member may be made only on a substantive motion brought for the purpose. Another ruling given by both the Speaker and the former Speaker was that personal attacks may be made only upon substantive motion for a specific purpose. The ruling that was quoted by the honourable member for The Hills concerning a matter of speaking on the adjournment is that members may be permitted to discuss any one matter of local or general interest. That is quite so, and in order. The honourable member for Northcott was in order until he directed his remarks to the Premier and Treasurer. At that stage he was out of order. I must ask him to return to general remarks or resume his seat.

Mr CAMERON: I shall make no reference at all to any particular member. I shall simply address my mind and my remarks to this appalling tendency to attack opponents personally and individually, never to address oneself to the arguments that are used but always to attack the man himself. I want to put it strongly that these matters have gone from bad to worse until today they have become plainly disgraceful. It is all the more so in that many of these remarks bear a familiar and consistent pattern. If a member in particular is associated with any part of institutional Christianity, if he is in any way associated with the church then he comes under an immediate, special and vicious sort of attack. He is referred to as the defrocked member for Hornsby, or as the defrocked member for Dubbo, or is referred to in such terms as a self-confessed breast-fed Christian. We hear this kind of retort, and it is directed at not only individual members of the House but also outside citizens. One who has especially come under attack has been a highly respected and dedicated member of the community, the Reverend Fred Nile.

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

Mr BEDFORD (Fairfield), Minister for Planning and Environment [11.41, in reply: I have listened to the honourable member for Northcott ——

Mr Cameron: The Premier and Treasurer said it all.

The DEPUTY-SPEAKER: Order! I have already ruled on a point of order, and I direct the honourable member for Northcott to withdraw those remarks.

Mr Cameron: In conformity with your ruling, Mr Deputy-Speaker, I withdraw those remarks.

Mr BEDFORD: I listened to the honourable member for Northcott begin his address tonight. Prior to the point of order he made specific reference to a particular member of this House, but following the point of order he refrained from mentioning that person. I regret that the honourable member chose not to advise the member concerned that he proposed to speak on this matter tonight, for I believe that it is improper for a Minister to be expected to answer the criticisms that he raised in relation to one of his colleagues. I believe the honourable member for Northcott might have shown a bit of courtesy to the honourable member concerned, by revealing that he was going to raise a matter of some concern to him in this Chamber, because his remarks are now enshrined in *Hansard.*

When it comes to smear tactics, perhaps an old adage might be applied to the honourable member for Northcott—people who live in glass houses should not throw stones. I am sure honourable members will agree that I have not resorted to

this type of activity, but I have sat in this House and heard colleagues of mine smeared unmercifully in regard to the subject of drugs. I believe that those smear tactics were one of the most disgraceful things that I have heard in this House.

I was interested to observe that while the honourable member for Northcott was making his complaints, though he might have been quite restrained, there is no doubt that he was digging in the barbs as hard as he could. Indeed, he was doing the very thing he was accusing another honourable member of this House of doing. I believe that in the thrust and parry of debate—and this has been referred to by you tonight, Mr Deputy-Speaker, and previous Speakers in their rulings—it is a case of a member taking as good as he gives. That is to say, if a member wants to dish it out he should be willing to accept it in return. I have heard interjections in the House that refer in derogatory terms to the honourable member mentioned here tonight. Because of the honourable member's ability with the English language and to marshall his arguments, he always gives back double what he takes. If an honourable member wants to lead with his chin, someone will belt him on it.

It is through interjection in this House that certain comments are hurled across the Chamber, but I believe that the appropriate place to raise this matter is not in this Chamber, especially if the person being accused is not present. Should the honourable member for Northcott believe there is something lacking in the standing orders to ensure that this sort of thing may not happen, the appropriate place to raise it is at a meeting of the Standing Orders Committee of this House. In that way the matter can be debated by the committee that has been appointed to look into these matters. I conclude by mentioning that I regret having to hear what I heard in this Chamber tonight.

Motion agreed to.

House adjourned, on motion by Mr Bedford, at 11.44 p.m. until 10.30 a.m., Tuesday.

QUESTIONS UPON NOTICE

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

WAITARA PRIMARY SCHOOL

Mr PICKARD asked the Minister for Planning and Environment—

(1) Is the Minister for Education aware of the dangerous health hazard at Waitara Primary school, caused by the overflow of toilet refuse across the grounds during wet weather?

(2) Despite the fact that new toilets have been promised, when can this work be expected to be undertaken?

Answer—

(1) There were problems with sewer blockages at Waitara Primary School, but this situation has now been rectified at a cost in excess of $4,700.00.

(2) The Department of Public Works has been requested to provide plans for the upgrading of the toilets.

MEADOWBANK PARKING

Mr McILWAINE asked the Minister for Planning and Environment—

(1) Is the Department of Technical and Further Education aware of the serious car-parking problem of an evening in the vicinity of the Meadowbank Technical College?

(2) What action can be taken to provide additional car-parking spaces?

Answer—

(1) Despite the fact that the Meadowbauk Technical College has three car-parking areas in the College grounds, one off Constitution Avenue and two off See Street, and is well served by adjacent rail and bus services, there are some car-parking problems in the immediate vicinity of the College especially in the evening. These problems reflect the conflicting priorities of commuters wishing to park near the Meadowbank Railway Station and the needs of students and staff attending the College. This situation is exacerbated on Monday, Tuesday, Wednesday and Thursday nights when the College uses up to **23** classrooms at the adjoining Meadowbank Boys' High School.

(2) A major capital works development is proposed for the College. In the main, this project is designed to replace inadequate educational facilities in the South East corner of the College site. This development will also provide for an improvement in car-parking facilities within the College grounds. Discussions in this matter have been held between officers of the Department of Technical and Further Education, the Government Architects Branch of the Department of Public Works and an officer of the Public Transport Commission. It is understood that consideration is being given by the Public Transport Commission to the development of cornmuter car-parking facilities at or adjacent to Meadowbank Railway Station.

SPECIAL CLASSES FOR MODERATELY INTELLECTUALLY HANDICAPPED CHILDREN

Mr PICKARD asked the Minister for Planning and Environment—

(1) How many special classes for the moderately intellectually-handicapped are conducted at regular schools?

(2) What are the names of the schools?

(3) Where do part-integration programmes for pupils of schools for the moderatelv intellectually-handicapped operate near regular schools?

Answer—

(1) 31.

(2) St Andrews, Busby West, Riverstone, Homebush West, Gilgandra, Lithgow, Mudgee, Redfem, Hornsby South, Asquith, Epping West, Moruya, Berinba, Moree, Carlton South, Cromer, Glen Innes, Homebush, Napier Street, Picton, Baulkham Hills.

(3) Such programmes operate at a local level, often informally, according to individual need, and records, therefore, are not kept. It is policy, however,

in siting new schools for intellectually-handicapped children, to place them, where possible, in positions which would facilitate such integration.

COLLEGES OF ADVANCED EDUCATION

Mr DUNCAN asked the Minister for Planning and Environment—

(1) Did the Chairman of the New South Wales Higher Education Board, Mr Parry, advise Colleges of Advanced Education in 1979 they must contain expenditure within the funds available to them and that there was absolutely no prospect of additional funds being provided to assist those in financial difficulties?

(2) Does the 1979–80 Auditor General's Report show that additional funds were provided to Ku-ring-gai College of Advanced Education, Mitchell College of Advanced Education, Sydney College of The Arts, and Alexander Mackie College of Advanced Education to the order of $190,000, $68,000, $30,000 and $20,000 respectively?

(3) Did these colleges finish the year with reserve funds of $555,166, $377,084, $241,177 and $424,600 respectively?

(4) If so, on what grounds did these colleges receive these additional amounts when holding substantial non-Act funds?

Answer—

(1) Yes.

(2) No.

(3) The amounts shown were included in the 1979–80 Auditor General's Report. These figures are correct except for Sydney College of The Arts which was shown to have a reserve of $92,028.00.

(4) The Higher Education Board's recommendations for the distribution of funds took into account a wide range of factors. For instance, the additional grant to Sydney College of The Arts was to assist with a substantial increase in rental commitments and paid regard to the rising costs of art consumables; the grant to Alexander Mackie College was to assist with cost associated with the relocation of its School of Teacher Education to new facilities at Oatley (this College also incurs high costs for consumables). The amounts provided for Ku-ring-gai and Mitchell Colleges were to meet a part of the cost of retaining tenured staff who were expected to be surplus to requirements.

PORT HACKING DREDGING

Mr SMITH asked the Deputy Premier, Minister for Public Works and Minister for Ports—

(1) Is a dredging programme to begin in Port Hacking?

(2) If so, how much sand will be won from this programme?

(3) Will the sand won be used for beach nourishment?

(4) If not, why not?

Answer—

(1) Yes. Work has already begun.

(2) 30 000 cubic metres.

(3) A considerable quantity of the dredged sand will be used for beach nourishment on Hordern's Beach, Bundeena. The rest will be pumped ashore at Deeban Spit.

(4) It is not economically feasible to utilize the whole of the dredged sand on beach nourishment.

MINING UNIONS' LEVIES

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

(1) Is there a widespread practice in the northern coal fields know as "The Stump"?

(2) If so, is every employee at individual mines required to make a donation to the Combined Mining Unions?

(3) Is this sum demanded whether the employees are at work, on strike or away for any reason?

(4) If so, do employees pay this sum whether they wish to or not?

(5) Are the proceeds used for the benefit of the Australian Labor Party?

(6) If so, does this apply whether the employee supports the Australian Labor Party or not?

(7) Will he investigate the legality under industrial law of this imposed collection.

Answer—

(1) "The Stump" is a practice which applies throughout the Australian Coal Mining Industry.

(2) No; the practice is peculiar to the Australian Coal and Shale Employees' Federation.

(3) Payment can be waived by rank and file decision in cases of illness or other absence from work.

(4) Payments are obligatory where authorized by majority decision of rank and file membership and in accordance with the Federation's rules.

(5) Funds raised in this way are used for administration of the Federation, donation to charity, social activities and other purposes determined by the Federation's Membership. Donations have been made to various political parties including the Australian Labor Party.

(6) See (5).

(7) No. The district branches of the Australian Coal and Shale Employee's Federation are registered under the Trade Union Act, 1881, and the Industrial Arbitration Act, 1940. The unions' registered rules clearly state that:

"Each member shall pay such other fines, fees, levies and/or dues as may be prescribed from time to time by these rules, or which may be imposed by the Council or Executive or Management Board."

HIGH SCHOOL FOR CUDGEN

Mr BOYD asked the Minister for Planning and Environment—

(1) Is there objection to the resumption of farming land adjoining the Cudgen village for the construction of a new high school?

(2) If so, are alternate sites available for the construction of the school?

(3) Are some of these sites on (a) Crown land and (b) freehold sites?

Answer—

(1) Yes.

(2) Yes.

(3) All land in question is privately owned.

DOON DOON DAM

Mr BOYD asked the Deputy Premier, Minister for Public Works and Minister for Ports—

What is (a) the cost of the work to date on the Doon Doon Dam and (b) the projected date for the completion?

Answer—

(a) $2.4 million.

(b) Mid-1983.

NEWRYBAR DRAINAGE UNION

Mr BOYD asked the Deputy Premier, Minister for Public Works and Minister for Ports—

(1) Does a dispute exist amongst members of the Newrybar Drainage Union?

(2) Does the Drainage Act provide for such disputes to be dealt with by the Land and Environment Court?

(3) If so, will he refer this dispute to that court for determination?

Answer—

(1) Yes.

(2) No.

(3) For a period of time a dispute has existed concerning the alteration of flow patterns within the Swamp caused by the construction and subsequent alteration of various embankments.

I understand that the alterations that have been made and which have caused a change in drainage patterns, are not in accordance with the Drainage Act. The Act requires a majority vote of union members before a work can be undertaken, and it also makes provision for those disadvantaged by the work to be compensated, if appropriate. It is only on the question of compensation matters following the construction of works that a Lands Board hearing may be convened.

I am informed that the question that has now arisen is one related to the internal workings of the union. On the advice of my engineers, I propose to advise the Board to convene a General Meeting at the earliest possible date to resolve the differences, in accordance with the Act. I would point out that it may be necessary for the union to seek the advice of an engineering consultant.

FOREIGN-BORN PRISONERS

Mr SMITH asked the Minister for Corrective Services—

What is the breakdown of ethnic background of inmates of the State prison system?

Answer—

Up to date statistics on the ethnic background of inmates are not available at this time. A computer system is being developed which will be able to produce detailed data of this kind but this system is not yet operational.

The most recent survey of the number of persons in custody of non-English, speaking nationalities was conducted in May 1980.

This survey revealed that of the total prison population of 3 577 the following numbers of inmates were born in the non-English speaking countries indicated.

Country of Birth	No. of Inmates	Percentage of Prison Population
Yugoslavia	47	1.31
Lebanon	23	.64
Italy	28	.78
Germany	17	.48
Greece	14	.39
Poland	9	.25
Turkey	10	.28
Holland	5	.14
Malta	5	.14
India	4	.11
Portugal	3	.08
Czechoslovakia	3	.08
Argentina	3	.08
Hungary	3	.08
Russia	3	.08
Spain	3	.08
Philippines	2	.05
Finland	2	.05
Chile	3	.08
Other	15	.41

PUBLICATION *YOUNG, GAY AND PROUD*

Mr MOORE asked the Minister for Planning and Environment—

(1) Is a publication entitled ***Young,*** Gay ***and Proud*** circulated and available in certain State schools?

(2) If so, why is this permitted and what instruction has he issued to prevent further circulation?

Answer—

(1) Official inquiries have not brought to light any circulation to schools of the publication, ***Young, Gay and Proud*** and no reports have been received by the Department of Education of its availability in any New South Wales schools.

(2) Not applicable.

MOUNT COLAH SCHOOL

Mr PICKARD asked the Minister for Planning and Environment—

(1) Is the Deputy Infants' Mistress being withdrawn from Mount Colah School?

(2) If so, will he investigate the situation as a matter of urgency?

Answer—

(1) No.

(2) Not applicable.