

Legislative Assembly

Thursday, 23 August, 1984

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 provide strict controls over video cassettes with the open sale of only G-, NRC- and M-rated video cassettes so that R-rated films can only be viewed in an adult theatre by persons over 18 years of age. We totally reject the concept of X-rated video cassettes which would allow the legal sale of hard-core pornographic films for screening in the homes of our nation.
- (2) 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, video cassette, 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.

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

Petitions, lodged by Mr Arkell, Mr Carr, Mr Fahey, Mr Fischer, Mr Hills, Mr Irwin, Mr Neilly, Mr West and Mr Wilde, received.

Moral Standards

The Petition of citizens of Australia, New South Wales, respectfully sheweth:

That there is great concern because of the spread of moral pollution and the increase in violence in our State. We call upon the Government to introduce legislation immediately to provide strict controls over video cassettes with the sale or hire only of G-, NRC- and M-rated video cassettes, and the total prohibition of the sale of R-rated video cassettes. We totally reject the concept of X-rated video cassettes.

We call upon the Government to tighten up the standards used by the respective State Government agencies so as to include the total prohibition of any pornographic publication, video cassette or film containing child pornography.

Your Petitioners, therefore, humbly pray:

That your honourable House will protect our society, especially children, from moral pollution and its harmful effects.

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

Petition, lodged by Mr Mair, received.

DISTINGUISHED VISITOR

Mr SPEAKER: Order! I draw the attention of the House to the presence in the gallery of His Excellency, Major General Dastgir, High Commissioner for Bangladesh.

COUNCIL OF THE SHIRE OF MERRIWA

Ministerial Statement

Mr STEWART: I lay upon the table of the House the inspection report of Merriwa shire council pursuant to section 212 (3) of the Local Government Act, 1919, and I wish to make a statement. In December last year the Merriwa Shire Council took the decision to retrench three of its staff on the ground that council did not have sufficient funds to maintain their employment. The month before this action was taken by the council the Government had decided that the maximum amount by which rates could be increased in 1984 would be set at 8 per cent. This promoted antagonism in local government circles, with councils throughout the State being critical of the Government's decision individually and through their associations, both of which threatened retrenchments as a result of the Government's action. As a result of this antagonism the Premier made a statement to the effect that the Government would not tolerate any retrenchments or reduction in services, because of the high level of funding that local government was receiving from its direct share of federal tax revenue, which had increased by nearly 500 per cent since 1975-76.

However, the Merriwa shire council decided to retrench three employees, in the face of the Government request that this sort of action was not necessary, and in the Premier's words "totally reprehensible", following a secret report to the council on 13th December, 1983. There the matter may have rested except information was received which showed that the retrenchments had been unnecessary due to the sound financial position of the council. As a result of this information, I ordered my department to carry out a full inquiry of the council's actions and the result is the report

that I am tabling here today. In summary the report by the Acting Chief Inspector of the Department of Local Government, Mr Le Page, has found that the council had adequate funds to carry out its business without recourse to retrenchments; the Shire Clerk, Mr Tiley, misled the council as to the financial position of the council by underestimating its true financial position; and that the council had resolved to reduce its deficit by \$83,478, retrench three employees and not to approach the Minister for Local Government with an application to increase the rates by more than 8 per cent for 1984.

The report found that overall the council was and is in a sound financial position but that this sound financial position had been understated by Mr Tiley in his secret report to council on 13th December, 1983, by inconsistent treatment of payments from the Council Employees' Leave Entitlement Reserve; understating of some income components in the September quarterly budget report for 1983; and inadequate estimating procedures. On 13th December, 1983, Mr Tiley reported to the council that council would have an accumulated working funds surplus of \$108,000 when in fact the actual audited result was an accumulated surplus of \$188,595.

There are a number of aspects of Mr Tiley's report which give cause for concern. They are that the decision to retrench was made by the council in camera and in the face of a government request that this sort of action should not be taken. Indeed, the shire clerk's report was prefaced by the statements:

The following information was not included in the previous report because it was not considered desirable to have the information herein become available to the Local Government Office on the assumption that the office could have adopted a number of suggested options in order to prevent the council from increasing rates above 8 per cent and at the same time, effectively financially ruining Merriwa Council.

The retrenchment was done using deception and with three employees who would then have to fend for themselves on a job market already overloaded with people seeking work. In addition none of them had been guilty of any wrongdoing or had been subject to any criticism of their work performance. More importantly from this council's point of view, two of them had less than twelve months' service so they could be retrenched easily, as the Local Government Act only allows for appeals after twelve months' service. So for at least three citizens of Merriwa and their dependants it was not a Merry Christmas in 1983. Indicative of the Shire Clerk's concern for staff generally is summarized in an extract from his report to council on 13th December, 1983:

The cost factor in effecting early retirement for the six oldest servants is prohibitive if union requirements which incorporate four weeks annual leave for each year of service and payment of all sick leave, were acceded to.

However, on a voluntary retirement basis (possibly with a small party and a reasonable presentation) it might be possible to obtain a couple of early resignations.

It is apparent from the report that the Merriwa shire council has created a misleading impression of its true financial position, that it has retrenched three employees unnecessarily, and blamed the State Government's rate pegging for the retrenchments. The report also concludes that the reasons for the understatement of council's financial position include a desire by the shire clerk to protect the council's accumulation of working funds; a desire by the shire clerk to maintain a pool of "spare" funds to be invested in order to maximize interest income; a desire by the shire clerk to have council increase its rates by more than the permitted 8 per cent; and inadequate estimate procedures, such as not taking into account the net effect between payments and leave accruals.

I am unable to ascertain with certainty that the shire council was party to any deception, and I have asked the Department of Local Government to advise me what steps should be taken to have presented to councils quarterly financial statements that are entirely comprehensible. I have today forwarded copies of the report to Merriwa shire council with a letter requesting it to advise me what action it intends to take. I might add that during this inquiry the deputy shire clerk has been under suspension by council, and as he is availing himself of his rights and privileges under the Local Government Act I shall make no comment concerning his position. I lay the report on the table of the House.

Mr GREINER: The House will be both pleased and not surprised to know that I am not familiar with the intimate details of the running of Merriwa shire council.

Mr Walker: The honourable member should not spend so much time in the western suburbs.

Mr GREINER: I will come to the Minister shortly on a subject affecting the western suburbs.

[*Interruption*]

Mr SPEAKER: Order! The Leader of the Opposition has the call. While the Minister for Local Government delivered his ministerial statement members on the Opposition benches remained silent. I ask members on the Government benches to pay the Leader of the Opposition the same courtesy.

Mr GREINER: I am obviously not aware of the details of the matter the subject of the ministerial statement. My colleagues the honourable member for Barwon and the honourable member for Upper Hunter, in whose electorate the Merriwa council is, will undoubtedly look at the Minister's statement in detail. Briefly, as to the introductory remarks in the Minister's statement, I hark back to the Premier's suggestion that the council has been getting a wonderful deal in terms of financial assistance from Canberra and that therefore the State Government would not tolerate any sackings, or this, that or the other. That is blatant hypocrisy. The Minister knows better than anyone in the House that although there has been extra funding for councils as a result of the income tax sharing arrangements introduced some years ago, the New South Wales Government has gone about taking away from councils any increase in funding from Canberra. It has gone about doing that by getting rid of the local government assistance fund, and by changing the arrangements with respect to the payment of pensioner rebates or the State Government's contribution to it. Of course, the Government has failed to honour the Premier's promise, made eight years ago and repeated several times since, with respect to alleviating the pressure on councils over the fire insurance levy.

It is quite obvious that what the Government has done has been to pass the buck to the federal Government and to local government. At the same time it has reduced substantially the amount of financial assistance given to councils or, alternatively, it has placed great burdens on councils at the same time as it has adopted its policy on across the board rate pegging. I am not familiar with the details of the Merriwa council case, but the Opposition will review it. I am sure the Opposition spokesman on local government and the local member will make appropriate comments on the matter.

QUESTIONS WITHOUT NOTICE

LANDCOM

Mr GREINER: My question without notice is addressed to the Minister for Housing. Has the Minister repeatedly told this House that as a result of Landcom's policies, buyers have been paying between \$3,000 and \$5,000 less per block than true market value? In the case of the Landcom Glenhaven estate at Baulkham Hills, has the total cost of land purchase and development been between \$30,000 and \$35,000 a block? Are those same blocks selling to the public for between \$50,000 and \$60,000, and has Landcom made a profit on those sales of between \$15,000 and \$30,000 per block? Are the criteria in marking up these blocks set to ensure that only a certain class of people will be able to buy them?

Mr WALKER: I thank the Leader of the Opposition for his question. It only goes to show that paying one of my public servants a huge sum of money to come on to his personal staff has finally enabled him to get some facts that he can put before the House. I congratulate him on the choice of that public servant. Nevertheless, I have to answer the honourable member's question in these terms. The facts are basically spot on and correct, given that the public servant who was mainly responsible for the work in that subdivision gave him the information.

Mr Greiner: That is not true.

Mr SPEAKER: Order! There is no point in the Leader of the Opposition asking a question if he already knows the answer to it. The Minister should be heard in silence.

Mr WALKER: One fact that the Leader of the Opposition did not give to the House is public knowledge. If one reads the reports of the Land Commission of the past few years and the statements of the Minister for Housing, it would be realized that the Land Commission has a policy of cross-subsidization. That policy involves selling land in the upper market areas of the land market at market prices—top market prices, I might add. The Land Commission has been most successful in the Baulkham Hills area in making huge profits from selling prime land at the top of the market. The commission used the profits from those sales to subsidize low income earners in the western suburbs of Sydney. The fact of the matter is that I did say that over the years the Land Commission has been selling blocks of land at between \$3,000 and \$5,000 below the market price; at the moment the figure is closer to \$8,000 below the market price for land in the western suburbs. Young home buyers have been receiving a tremendous advantage. In fact, if the Land Commission was not selling land at that price, some 30 000 young potential home buyers would be forced out of the market and on to the Housing Commission waiting list.

I make no apology for the Land Commission's policy of cross-subsidization. The commission has proved that in the private enterprise market it is more successful, it is a better producer of land, and it is a better marketer of land than any of its competitors. It has managed to do extremely well in the Baulkham Hills area and its profits have been passed on to the deserving and the needy. Just as important, the profits have been passed on to the builders of this State who have managed to keep their small businesses afloat in these hard times. This is evidence of a caring, considerate Labor Government that is fully supportive of the right of small business to survive in our society. All these extra homes that have been built because of this policy have not only kept the small businesses going, but also have kept tens of thousands of building workers and workers in associated industries in employment.

The Opposition should be proud of the contribution of the Land Commission, its entrepreneurial skills and its policy of cross-subsidization. The Leader of the Opposition has shown his pride in this top marketing and land producing organization by picking one of its leading young executives to join his personal staff. I congratulate the Leader of the Opposition on his perspicacity.

THE JUDICIARY: ALLEGED MINISTERIAL INTERFERENCE

Mr LANGTON: My question without notice is directed to the Attorney General. Is the Attorney General aware of an allegation that two Ministers of the former Liberal Party—Country Party Government approached a Supreme Court judge in an attempt to influence the outcome of court cases? Who were the two Ministers and what action has been taken with respect to their attempts to influence the outcome of those cases?

Mr LANDA: I am aware of the allegations reported in the media that a Supreme Court judge was approached by two former Liberal Ministers in two attempts to clearly influence the outcome of a court case, or the deliberations of a Supreme Court judge. The allegations were handled, in my absence overseas, by the Premier, who communicated with the Chief Justice of the Supreme Court of New South Wales. I have seen that communication from the Chief Justice and have accepted His Honour's statements as correct. As to any further information, that is properly addressed to the Premier.

Mr Greiner: That is a non-aswer, if ever there was one.

Mr LANDA: The Leader of the Opposition knows the names of the Ministers, so why does he wish me to tell him?

RETAIL TRADING HOURS

Mr PUNCH: I direct my question without notice to the Minister for Industrial Relations. Is it a fact that legislation permitting extended trading hours in New South Wales made it voluntary for stores to decide whether or not to trade in the extended hours? Is the Minister aware that some shopkeepers trading within large shopping complexes are being forced to trade against their wishes because of the conditions of their leases? Will the Minister take action to negate this unfair and anomalous situation, which contravenes the provisions of the legislation and is causing severe financial strain to many shopkeepers?

Mr HILLS: In answer to the Leader of the National Party, the whole thrust of the extension of hours is based on a voluntary decision by shopkeepers as to whether they propose to open. I am aware that there are certain conditions in some leases, particularly in large shopping complexes, that allow those organizations that own the shopping complexes, and sublease them to smaller shopkeepers, to have a tremendous influence over those small shopkeepers. It is a matter which is giving me some concern, although I have no direct complaints made to me as Minister for Industrial Relations about the question. Nevertheless, I am aware that there is a fear by small shopkeepers that they will be forced to open. I assure the Leader of the National Party and the Parliament that I am keeping this matter under review. If necessary I will be making recommendations to the Government so that these small shopkeepers can be protected.

BIG BROTHER MOVEMENT LIMITED

Mr WADE: My question is directed to the Minister for Youth and Community Services in his capacity as Minister responsible for youth migration in New South Wales and, in particular, unattached minors. Is he aware of a racist fund-raising political campaign being mounted by the Big Brother Movement Limited? Is this campaign being organized by leading figures in the Liberal Party? Can he assure the House that the Royal and Vice-Regal patrons of the organization are unaware of the blatantly anti-Labor Party political propaganda that is currently being circulated by this organization?

Mr WALKER: I am aware of the matter referred to by the honourable member for Newcastle. As the Minister responsible for immigration in this State, it has come to my attention that the Big Brother Movement Limited is pursuing a campaign against the federal Government's immigration policies. A letter to 165 000 citizens from the Big Brother Movement Limited inserted in the *Reveille*, the newspaper published by the Returned Services League, has called for donations to "fight the Government, boots and all". This is obviously just one further step taken by the Liberal Party to whip up racial tension. The mail-out claims that current immigration policies are anti-British. Its sentiments fall within the ambit of the racist attacks by Mr Peacock and Mr Greiner. It is interesting that the president of the Big Brother Movement Limited is none other than Sir John Pagan, who of course we all know is the former president of the New South Wales Liberal Party, a former Liberal Party parliamentarian who is now one of the most senior Liberal Party politicians and strategists in this country.

[*Interruption*]

Mr WALKER: Honourable members opposite want to deny Sir John Pagan. Oh dear! Not only is he engineering the racist campaign against the Government's family reunion immigration policies; he is using a letter as a means to raise funds for the conservatives' campaign. Citizens who received the letter are asked to donate to the campaign. It is fascinating to note that last year Mr Greiner, the Leader of the Opposition, used a similar mail-out tactic to raise funds for the Liberal Party. Certainly it is no surprise.

[*Interruption*]

Mr WALKER: Just wait; everything comes in good time. It is no surprise that the Big Brother movement has used exactly the same marketing team as Mr Greiner used in his deceptive mail-out campaign last year. In fact, the format is almost identical. This should be no surprise, because the person in charge of that works for the Liberal Party; he is an employed worker for the Liberal Party. It is no surprise that his document is identical in format and terminology to that sent by Mr Greiner in the last election campaign.

Mr Greiner: Which person is that?

Mr WALKER: His name is Werner, as if you do not already know. Of course the Leader of the Opposition knows who he is. What appals me is this political racist campaign directed at the federal Labor Government. If Opposition members do not think it is racist, and they have probably read it already, I should say that certainly the document is full of quotations.

[*Interruption*]

Mr SPEAKER: Order!

Mr WALKER: They are the same sort of quotations that one finds in *National Action* and all of this other racist material that is coming out about white Anglo-Saxons, and all those sorts of emphases that are placed on it. The copy I received in this mail-out had "Dear Frank" on the top of it. It did not have "Dear Nick", but "Dear Frank". I did not feel very dear about it at all. The point I was going to make, and the point that the honourable member for Newcastle makes in his question, is that this racist and blatant political campaign directed at the federal Labor Government and organized by a senior figure in the Liberal Party and employees of the Liberal Party will cause unnecessary embarrassment to the Royal and Vice-Regal patrons of the Big Brother Movement Limited. With one recent and very tragic exception—and that was the biased political interference of John Kerr—there has been a scrupulous tradition in the Westminster system, particularly in the United Kingdom and Australia, for royalty and its representatives not to be involved in party political matters. There is also a scrupulous requirement that those responsible for organizations do not unnecessarily embarrass either the Vice-Regal or Royal patrons in that particular matter.

[Interruption]

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

Mr WALKER: It is shameful that the Liberal Party and their fronts have got involved in this particular exercise. It is unfortunate also that the RSL has been manipulated in this racist political campaign. Honourable members all know about the Victorian RSL, which is an adjunct of the neo-Nazis in many of its policies, but it is unfortunate that the RSL in New South Wales has lent its magazine *Reveille* to the purposes of this campaign. In a multicultural Australia there is no room for political campaigns by the Liberal Party that use race as a vehicle for political gain and are full of references to the need for a white Anglo-Saxon Australia. We live in a multicultural society and even the Leader of the Liberal Party should not be associating with such campaigns, given his background. It is a disgrace that he is involved in such a campaign.

Mr Pickard: Racist slurs—

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

Mr WALKER: Those associated with him in this campaign are endeavouring to win cheap political votes. Attempts to manipulate deep down racist tendencies to win votes and money from Australian citizens threaten the very basis of our multicultural society. Sir John Pagan and the Leader of the Opposition have fallen into that trap. Opportunism using racism as a means to gain political advantage must be halted in our great nation. To continue such campaigns potentially could tear apart the very fabric of our harmonious society. I am sure that the recipients of the letter from the Big Brother Movement Limited will reject out of hand this devious Liberal Party campaign to exacerbate racial tension and obtain money for racist political purposes, using fraudulent misrepresentation.

GOLDEN WEST REGIONAL TOURISM COMMITTEE

Mr WEST: Has the attention of the Minister for Sport and Recreation and Minister for Tourism been drawn to the fact that the Golden West Regional Tourism Committee has not yet formulated its 1984 regional marketing plan? Is that committee chaired by an employee of the Department of Leisure Sport and Tourism who is serving as a regional manager? Are the tourist associations in that promotional

area unable to formulate their own promotional budgets or plan any subregional promotional campaigns as a result of this failure? I ask the Minister to instigate an investigation immediately and ascertain why this plan has not been formulated.

Mr CLEARY: I have received correspondence from the Orange visitors centre complaining that the Golden West promotional committee has not as yet formulated a regional marketing plan. It is true that this might cause difficulty for individual tourist associations within the region as they would not be able to formulate their own advertising and promotional budgets. I have asked officers of my department to investigate the complaint. They will be talking to my department's regional officer, Mr Andrew Harvey, who is the chairman of the Golden West promotional committee. Members of that committee represent tourist interests within the region. It may be that they should have brought this matter to my attention a lot earlier than a fortnight ago. Investigations are being carried out. If there is substance in the matter raised by the honourable member I shall look at tourist industry funding for the various associations so they will not be unduly affected by difficulties surrounding the formulation of a budget.

The Government is conducting a vigorous campaign to promote tourism within New South Wales, interstate and overseas. The figures available to me at the moment reveal some success in tourism in New South Wales following a heavy marketing approach. This success is apparent particularly in branches of the Government Travel Centre. I have before me the figures for 1983–84 for Sydney, Melbourne and Brisbane where branches of the Government Travel Centre are marketing tourism, selling New South Wales, and wholesaling on behalf of our new company, New Tours. Back in 1981–82 the Government Travel Centre in Sydney was writing about \$5.7 million worth of business. In 1983–84 that figure grew to \$8.24 million—a 30.7 per cent increase. Over the same period in the Melbourne branch the figure rose to \$1.1 million, a 31.3 per cent increase; and in Brisbane to \$1 million, a 34 per cent increase. This result can be attributed to the dedication of the staffs in these offices, the “Take a look around” campaign now appearing on television, the marketing approach and higher profile adopted in New South Wales. I am concerned that seven or eight months have passed and a marketing strategy has not yet been formulated. However, I am aware that the individual tourist associations have their funding ready. When they promote they like to promote in conjunction with the regional area so that they might co-ordinate the campaign and get better value for the money spent. I am investigating the complaint. I will give the honourable member more information when I have it.

66 DARLINGHURST ROAD, KINGS CROSS

Mr AMERY: I direct my question without notice to the Minister for Police and Emergency Services. Yesterday, did the Minister, in answer to a question, refer to premises at 66 Darlinghurst Road, Kings Cross? Will the Minister inform me and the House who conducts the business at 66 Darlinghurst Road, and what is the nature of the business?

Mr ANDERSON: The honourable member for Riverstone, as a former police officer, shares the concern of many in this House about certain events which have been taking place and continue to take place with regard to certain matters. It is true that in my answer yesterday I mentioned premises at 66 Darlinghurst Road. I am able to inform the honourable member and the House of certain matters regarding those premises. On the information available to me those premises were previously operated by a man named Peter Farr, also known as Farrugia, allegedly in association with one Abraham Saffron. It is understood that at the present time the premises are

run by Farr and James McCartney Anderson. The downstairs portion of the premises is operated as a coffee lounge, but the upstairs portion is used for the playing of Chinese dominoes and is conducted by Frank Hing. It is understood that the honourable member for Lane Cove plays Chinese dominoes at those premises with considerable success.

I understand also that in recent weeks Mr Hing, in the company of the honourable gentleman, attended another establishment in Dixon Street where Chinese dominoes were played. It is absolutely laughable for the honourable member for Lane Cove to suggest, as he did on a radio station yesterday, and I understand at other venues, that Mr Hing is not involved in what is going on in Chinatown. It is clear that much of the trouble has been caused by Hing wanting to take over all of the Chinese games in Sydney. This involves, as was revealed in the press this morning, the 14K triad, and Mr Hing is the reputed leader. The 14K triad and its associates are causing considerable concern and distress to the many decent and honourable members of the Chinese community by the attempts of that triad to plunder that community and stand over the people who comprise it. I take great exception to some of the remarks made yesterday by the honourable member for Lane Cove. I shall deal with those in a moment.

The honourable member for Lane Cove told the House yesterday that he had received a message shortly after 1 a.m. on the relevant morning and that that message was received on his paging system. I pose this question: how is it that a person such as Hing has the paging system telephone number of the honourable member? I might also ask the honourable gentleman to deny Hing's involvement in 66 Darlinghurst Road, to deny that Hing owns the Goulburn Club building, and to deny that Hing has a number of interests in other questionable establishments in Sydney. Yesterday afternoon, in an attempt to justify his actions, the honourable member for Lane Cove referred to remarks I had made as an appalling racist attack upon the Chinese community. I do not have to say much about my relationship with members of the Chinese community in New South Wales.

Mr Dowd: You would get into strife if you did that.

Mr ANDERSON: If the honourable member wants to ask me a question he should get to his feet and ask it, as I have never done anything of which I am ashamed or about which I am not willing to tell this House. I will tell the honourable member what I have not done.

[Interruption]

Mr ANDERSON: The honourable member for Lane Cove should get to his feet and ask me the question. We will then see how much ticker he has. If he gets to his feet and asks me that question I will give him the answer.

[Interruption]

Mr ANDERSON: I find it absolutely amazing that the Leader of the Opposition even opens his mouth while I am giving my answer. He and the honourable member for Lane Cove have done the Bib and Bub Act for ten weeks. Every time they appear on television they sit together and help each other out. Yesterday the Leader of the Opposition could not be found, even by a police search party; he was not to be seen. When the matter was raised with the honourable member for Lane Cove this morning, what was the answer we heard? That the honourable member for Lane Cove knew more about Parliament than did the Leader of the Opposition; and, that is the truth. If the honourable gentleman were to talk to any of the decent and honourable members of the Chinese community—

Mr Wran: That is most of them.

Mr ANDERSON: That is most of them: I agree with the Premier. An honourable member laughs. The history of the conduct of the Chinese community in Australia since members of that community first came here, has been one of decency and hard work. They form probably one of the most industrious groups in the community. I do not intend, as Minister for Police, to allow to be defended a person who has brought fear to those decent people. The honourable member for Lane Cove shakes his head. If he has contacts with decent, honourable people in the Chinese community he should ask them how they feel about the 14K triad and how they feel about other people who are attempting to stand over them. That is what the Chinese people are concerned about. They are concerned about the activities of the triad and this man who has considerable influence over it and the activities that are taking place.

Mr Wran: And over the honourable member for Lane Cove.

Mr ANDERSON: As it is pointed out, obviously he has influence also over the honourable member for Lane Cove. That is the very reason that I posed the questions I did.

Mr Wran: The Opposition has lost its leaders. They do not want to hear any more.

Mr ANDERSON: For the second day in a row the Leader of the Opposition, to use the colloquialism, has hit the toe. Here, he is coming back. Someone told him he should come back in.

[*Interruption*]

Mr Greiner: Do not get excited, Neville. Do not get excited.

Mr ANDERSON: I reject totally any suggestion that yesterday or today or on any other occasion I have attacked anybody in the Chinese community, as a member of that community. But I will respond to attempts by the Opposition to malign the New South Wales police force—whenever they do it—with regard to particular individuals. And I do not care what their background is. If that is the way you want to play it, that is the way you will get it back. That is what happened so far as Sunday and the ensuing—

Mr Caterson: This is a ministerial statement.

Mr ANDERSON: Oh, there is a lot more to come, Fred; just take it easy. The situation quite clearly—

[*Interruption*]

Mr ANDERSON: It did not stop me; it just gave me time to think of more things. The situation quite clearly since early June when there was a bashing in Chinatown—and he ought to ask his friend Mr Hing all about that—is that there have been incidents which have concerned the decent honest members of the Chinese community.

Mr Wran: And the police.

Mr ANDERSON: And the police, as the Premier points out. Because the police are undertaking, and have been for some considerable period of time, action in accordance with their lawful responsibilities. That action is continuing to be taken. As late as this morning I discussed the matter with the Commissioner, and he has had discussions with his operational chiefs with regard to certain matters. What has to be

clearly understood in this situation is that it is not, as portrayed by the honourable member for Lane Cove, simply a matter of one group of bad people doing something to some totally innocent other person. It is two groups of bad people who are doing very serious things so far as our community is concerned, and more particularly the Chinese community. They reject totally the attempts that are being made to portray this man as something he is not. I cannot understand, if the honourable member for Lane Cove has the contacts that he alleges he has in the Chinese community, how he in any way could misunderstand what is taking place in Chinatown at the present time.

Mr Brereton: Because he has been winning at dominoes.

Mr SPEAKER: Order!

Mr ANDERSON: What has to be kept in mind is that with regard to the man Hing, he does have substantial interests. If the honourable member is not aware of them—if he is not aware of what has been taking place and the involvement of Hing and of the 14K triad—then he is not as smart as I happen to think he is. But if he does know, then it raises much more serious questions. But whatever the answer to that question is, quite clearly he is being used by Hing, because Hing knows exactly what he is doing; he knows what the triads are doing—and there is a considerable involvement between the two groups of individuals. I would suggest that the honourable member seriously think about his involvement with Hing and with the other people—see where the relationships are, see who is involved and take appropriate action.

CASTLE HILL LAND DEVELOPMENT

Mr CATERSON: I direct a question without notice to the Minister for Youth and Community Services and Minister for Housing. In view of the admitted large profits being made on land being developed and sold by Landcom at Castle Hill in the Glenhaven release area, will the Minister instruct the commission to accept the standards of development required by the Baulkham Hills shire council, which apply to every other developer and were agreed to by a previous chairman of the commission, Mr Henry Wardlaw?

Mr WALKER: I thank the honourable member for his question. I shall make several points about this matter. First, the Baulkham Hills shire council has said, to put it in a nutshell, that the cul-de-sac radii proposed by Landcom are dangerous and that is the reason those cul-de-sacs are not wanted. The facts are quite simple and the council's claims do not stand up to any critical analysis. In eight years of land development the commission has produced 15 000 residential allotments with road standards exactly the same or similar to that proposed in Baulkham Hills. Extensive experience with the commission's standard cul-de-sac in many council areas shows that it is perfectly safe and provides an excellent residential amenity. Some experts say that the council standard is less safe, as larger turning heads encourage vehicles to negotiate turns at far greater speeds. The council told Landcom that cul-de-sac heads are desirable playing areas.

Landcom's position is supported by many councils in the Sydney area, in fact until recently it was supported by the Baulkham Hills shire council. A comparison of current council standards for curve radii in cul-de-sacs shows an almost unanimous support for the Landcom position and demonstrates how unreasonable and excessive are the requirements of the Baulkham Hills shire council. Landcom's position is

supported, indeed, by that august organization the Local Government and Shires Association of New South Wales. Landcom's standard for curve radii of cul-de-sacs is in line with the recommendations made in the residential standard manual produced by that association. The private sector supports rationalization of development standards. Indeed, the Premier and I were recently discussing this very matter with members of the organization that represents developers in this State, who were putting it most strongly to the Government—

[*Interruption*]

Mr WALKER: —and they were mates of the Leader of the Opposition, very close friends of his. I can assure honourable members that they in no way support the stand of the Baulkham Hills shire council or of the honourable member for The Hills. In the newsletter of the New South Wales division of the Urban Development Institute of Australia the following statement was made:

The plain facts are that cost increases go on and on. Council standards increase to the point of absurdity. Requirements of statutory authorities in respect of contributions and payments and other matters are increasing by leaps and bounds, and consequently the costs to the consumer are becoming ever greater.

That was not a quote from a member of the Labor Party or from a trade unionist; it was from an employers' organization which, in the past, has shown strong links with the Liberal Party. I put it to honourable members that, if they take that point of view, should the Baulkham Hills shire council be one out in New South Wales on this particular matter? Landcom can see no reason why standards that are acceptable in other council areas in Sydney should not be implemented also in the Baulkham Hills shire purely because the council or the residents in that area perceive themselves as silvertails deserving of standards at variance with those being implemented in most other areas of Sydney.

Mr Greiner: Tell us what the savings are.

Mr SPEAKER: Order!

Mr WALKER: Landcom gives priority to people rather than motor vehicles.

Mr Greiner: Come on, tell us what the savings are.

Mr WALKER: The institute claims that the savings will be quite—

Mr Greiner: No. Tell us what the savings will be in Baulkham Hills.

Mr SPEAKER: Order! The Leader of the Opposition has already had his priority in seeking the call. If he is seeking another call I will give him that opportunity after this question has been answered.

Mr WALKER: I suggest that the Leader of the Opposition have a word to Mark Gell who will give him precise figures on the savings in the subdivision.

Mr Greiner: It is about \$170 a block.

Mr SPEAKER: Order!

Mr WALKER: In a heavily treed area such as Glenhaven, any increase in the dimensions of a cul-de-sac would mean a consequent loss of trees in the environment of the estate. Landcom sees the maintenance of the existing trees as a high priority in creating a satisfactory residential environment. Aside from that, it makes profit for

Landcom. The extra trees make the land far more marketable and profitable in that area. For that reason, and for the other reasons I have stated, Landcom and I, as Minister, are opposed to any standards that would cause excessive damage to the environment.

SPLIT ROCK DAM

Mr BECKROGE: My question without notice is addressed to the Minister for Natural Resources. Will the Minister advise me, and the House, of the present situation concerning expenditure on the Split Rock Dam?

Mrs CROSIO: I thank the honourable member for Broken Hill for his question, for he and everyone else in this House realize that the people of New England have been waiting for the past fourteen years for a final decision on the go-ahead for Split Rock Dam. Today I will announce the successful tenderer for the \$15 million main dam and associated works—a \$15 million contract that will put to an end claims by the National Party that the dam would not be built by a Labor government. The dam is being built, and it will be completed a year before the promised completion date of the bicentenary in 1988 as originally proposed. The dam is yet another tangible piece of evidence that the Wran Labor Government is a government for all people in the State of New South Wales. The Labor Government is getting on with the job in rural New South Wales. I defy honourable members opposite to name one major water conservation project in this State for which they have been responsible.

Perhaps I should name a few, beginning with Lostock Dam on the Paterson River. Members of the Opposition must be proud that they constructed this dam, a dam that would remain filled in one of the worst droughts we experienced, not because that dam is well sited or that it is on a continuing babbling brook, but because it is so small and so undersize that it is insignificant in our overall water conservation plan in the Hunter Valley.

Mr Wran: It sounds as though Leon Punch built it.

Mrs CROSIO: I shall get to that next. I would be too embarrassed to even mention the Jack Beale fishponds, Toonumbar and Pindari in the north of the State, and that great monolith of a dam, Brogo Dam in the south of the State. In fact, looking round some of the facilities that we have in this House, a minor fish tank would hold more water than that dam does. I must admit that the Liberal Party–National Party coalition Government tried to retrieve its position by announcing that Split Rock Dam would be in the bicentennial water resources scheme. The federal member for New England—I do not have to mention his name, but I should because he is a well-known handwriting expert—Mr Sinclair, begged the Prime Minister at the time for the money to get on with Split Rock Dam. It is easy to promise, but it takes a real commitment to the people of New South Wales to get things done—the sort of real commitment that the Labor Government of New South Wales is showing now and has shown time and time again.

It must be easy to represent the people of the country, particularly if you live in a high-class townhouse in Darling Point, but the fact is that the National Party has abandoned the people of New South Wales. The Labor Government recognized the Fraser Government's offer to fund the Split Rock Dam as a sham, and a sham it was. It was typical of the promises of the day from that federal Government—promises to the people of New South Wales and Australia—false promises. The Minister for Water Resources at that time, my colleague the Hon. P. F. P. Whelan, recognized that that particular offer, given out then by the Fraser Government, was hollow and without substance. They are like their dams. They promised to build the dam, as I

said, as a bicentennial project. The Wran Labor Government is funding the dam itself and it will be finished in November a year before the bicentennial. There is no cheap electioneering by this Government in rural New South Wales, but a strong commitment to continued growth and prosperity for the people in the bush.

This Government has spent \$9.5 million on Split Rock Dam up to the end of June 1984. By the end of this financial year almost \$20 million will have been spent and invested in this project by this Government. As I said I would, today I announce that the contract for the major works worth \$14,995,697.07 has been awarded to Abignano, which is a top-line New South Wales company. This \$14,995,697.07 contract will be for the construction of the main wall of Split Rock Dam and associated works. Works will start almost immediately and, as I have said, will be completed in November 1987—just in time to show the voters of Tamworth electorate what a New South Wales Labor government can do for them, that it is concerned for them and what is happening there, and will put its promises into action. I am sure the people of Tamworth and New England will show their confidence in the Labor Government when they oust the National Party leader at the coming federal election.

Before I end I would like to point out that the successful tenderer for the Split Rock contract is also the major contractor on the almost complete Windamere Dam at Mudgee. The Premier, I am proud to announce in this House for the information of the honourable members who would care to inquire or would like to know what is happening, will open the Windamere Dam on 9th November.

[Interruption]

Mrs CROSIO: The honourable member for Gordon should not talk. He was in my electorate last week as the Opposition spokesman on planning and environment, discussing with his cronies out there what has happened with the water board. Why does not the honourable member ring me and tell me what is happening with it? It may be all right when the honourable member for Gordon misinforms his electorate, but he should not come out and misinform my electorate because the people there are used to being given the facts.

Mr T. J. Moore: The Minister would not know what is going on.

Mrs CROSIO: I do know what is going on. I also know that the Leader of the Opposition rang my electoral office to inform me, very courteously, that he was coming into my electorate. I thought that is marvellous because the people do appreciate this sort of thing. He was coming to visit a Buddhist temple. I am going to send him a map of the electorates because the temple he intended to visit is in the electorate of Cabramatta. I can assure the House I passed the message on and just said that I thought the Leader of the Opposition has his roads crossed as well as his electoral boundaries. The Premier will open the Windamere Dam on 9th November, marking yet another milestone in our Labor Government's support for the people of rural New South Wales.

CRIMINAL INJURIES COMPENSATION

Mr ZAMMIT: I direct my question without notice to the Attorney General. Was the so-called eastern suburbs rapist, James Jeffrey Leahy, sentenced this year to eighteen years' gaol, and were awards totalling \$92,000 made to some of his victims? Has your department advised solicitors for the victims that payments have been delayed pending an appeal by Leahy against severity of sentence? Will you immediately review the administration of the criminal injuries compensation scheme to ensure that such payments are made promptly?

Mr LANDA: The procedure in relation to awards of damages under the criminal injuries compensation scheme is such that following the verdict by the jury or judge the judge is at liberty then, upon application, to make the appropriate award or, failing that, an application can be made to the department for an award to be dealt with administratively. In relation to the question of appeal, when there is an appeal from that award or an appeal against sentence or conviction, that sometimes does mean a stay of proceedings in relation to the dispensation of the damages. In some cases where there is inordinate delay contemplated because of the nature of the appeal or the listing of the hearing of the appeal before the court, application is made to my department for the matter to be dealt with administratively in the interim and there have been occasions when the moneys have been dispensed. I am not aware of any such application having been made to the department for an application for funds under that scheme by the people referred to by the honourable member. If such an application has been made or is about to be made, I assure the honourable member and the House that I propose to treat that application identically with others, and that is with as much sympathy and understanding of the victims' plights as is humanly possible.

THE JUDICIARY: ALLEGED MINISTERIAL INTERFERENCE

Ministerial Statement

Mr WRAN: Arising out of the question directed to the Attorney General by the honourable member for Kogarah, I wish to make a short ministerial statement. An article appeared in the *Sydney Morning Herald* on 23rd June this year reporting that a senior New South Wales Supreme Court judge had alleged that two ministers in a previous Liberal Party–Country Party government had approached him in an attempt to influence the outcome of a court case. The judge is reported as saying that one of the approaches was made by letter and the other by telephone. In the first case, the judge is quoted as saying:

“I received a letter from a Minister. The letter was explicit in its request. He is an arrogant man. Most people respect judicial independence but he thought he was above the law.”

The approach was made for political reasons, the judge said. He had to step down from the case because of the letter. The case was heard by another judge. Further;

“The other case was when a Minister rang me. Fortunately, I had already written my judgment and it was reserved. Fortunately, it was against the interests of those interests the Minister rang about. He was not as confident as the other Minister and his approach was not as explicit, but his motive was obvious. He was ringing on behalf of friends.”

Following that I was approached by the news media in relation to this article in the *Sydney Morning Herald*, and subsequently I took the matter up with the Chief Justice. The Chief Justice also wrote to me in relation to the matter in a letter in which he provided me with the judge's identity and with the judge's concurrence that it be communicated to me with the intention that I should be free at my discretion to make public the judge's identity and the terms of this letter. I might add that I have not been furnished with the identity of the two former Liberal Party–Country Party coalition ministers. I have not revealed the judge's identity, and I do not propose

to do so today. I have not revealed the terms of the Chief Justice's letter, and I do not propose to do so today. I can add, however, that the judge took the view that in all the circumstances he did not consider the approach to him by telephone warranted any further action and, in the instance involving the letter, the judge proceeded no further with the hearing of the case, having produced the letter and read it out in open court.

In the light of the fact that this matter has been raised again, I will certainly give some thought to the situation between now and the resumption of Parliament. I am loath to embellish the facts and reluctant to make this matter the subject of a political exercise. In this State, in recent times, the Leader of the Opposition and a few around him have decided that the way to hurt the Government is to hurt the judiciary. They will deny that, of course, and say they are doing their duty in making these false accusations that they do, and that if respect for the judiciary is undermined in the process, that is bad luck. I do not think it is a matter of luck on the part of the Leader of the Opposition, but a matter of design and, in some cases, reckless indifference to the consequences. The Supreme Court judge in question here is one who commands the widest respect, and I for one intend to do nothing that will in any way diminish the respect and, for many, the affection in which he is held.

The identity of the Ministers, as I have said, is not known to me, although by the ordinary canons of ethical behaviour, their approach to the judge is to be deplored and condemned. I suppose I could ask the judge through the Chief Justice to name the two coalition Ministers, and no doubt by having them named some obscure purpose might be served. I suppose I could reasonably expect a call in some quarters for a Royal commission, or a special commission of inquiry, although I must say in respect of this allegation the Leader of the Opposition has been strangely silent in this regard.

Mr Greiner: That is not true. That is absolutely untrue.

Mr SPEAKER: Order!

Mr Greiner: It is not true.

Mr SPEAKER: Order!

Mr WRAN: If, upon reflection, it is decided to take the matter further——

[*Interruption*]

Mr WRAN: Are you suggesting you want a Royal commission into these two coalition Ministers?

[*Interruption*]

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

Mr WRAN: Do you want a Royal commission into the two coalition Ministers?

[*Interruption*]

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

Mr WRAN: If, upon reflection, it is decided to take the matter further in any way, it will be in the confidence that His Honour acted with propriety and in accordance with the highest traditions of the judiciary. I think the public has had enough of hearing the knocking of its judges and its institutions daily by the Greiners and

Punches of this world. This daily knocking serves no purpose other than in the judgment of the Leader of the Opposition and the Leader of the National Party to further their questionable political objectives. I repeat, I will give the matter some thought between now and the resumption of Parliament.

Mr GREINER: That really was the most pathetic effort I could imagine from the Premier, even given that he was reading in a fairly pathetic way from prepared notes. Everyone in this House can see that the reality of what has happened today is that the Government twice over, firstly in a non-event pathetic Dorothy Dixier to the Attorney General—which of course, typically, he did not answer—and then in this shabby and meaningless effort by the Premier to follow it up, the Government has done exactly what it accuses other people of doing; the Government has sought to raise the issue but not raise it. It really is a joke. Let me say for the benefit of the Premier that he knows he was telling categoric lies with regard to my attitude in this affair. I have said publicly—and it is reported on all the television stations, with the normal accuracy—I said at the first time this was raised in the *Sydney Morning Herald*, that as far as anyone on this side of the House is concerned, we believe exactly the same standards apply to this case, which supposedly concerns two coalition Ministers, as applies to the other side. But we all know what the standards on that side are.

[*Interruption*]

Mr SPEAKER: Order!

Mr Wran: Do you want a Royal commission?

Mr SPEAKER: Order!

Mr Wran: Do you want a Royal commission?

Mr GREINER: We all know what the standards on that side of the House are.

Mr Wran: What do you want?

Mr SPEAKER: Order!

Mr GREINER: Let me repeat for the benefit of the House what I said on the day this matter was raised; we believe exactly the same standard should apply to all members of this Parliament regardless of their political leanings.

Mr Wran: Do you want a Royal commission?

Mr GREINER: We believe that exactly the same standards should apply. If the information warrants—

Mr Wran: No guts. No guts. I have had enough.

Mr GREINER: Off you go.

[*Interruption*]

Mr SPEAKER: Order!

Mr GREINER: That action shows exactly the standards applied by this Premier. Nothing epitomizes better the gutlessness and the double standards that the Government continually imposes. Everyone in this House knows exactly what this effort today has failed to achieve; it has failed to achieve any slur at all on any previous National Party, Liberal Party or coalition Minister. I will say once more that I have no knowledge of this matter other than that which has been contained in the *Sydney Morning Herald*. If the information justifies a special commission of inquiry or a

Commissioner of Public Complaints inquiry, it ought to be conducted. In fact, I said at the time that we were prepared to move amendments to the Commissioner of Public Complaints legislation to remove the absurd ban on retrospective investigations. If the judge concerned or anyone on that side of the House wishes to make a complaint against any previous Liberal Party Minister or National Party Minister, let them do so. This is absolutely a complete farce. It is a hollow farce. It goes exactly nowhere. Let me deal briefly with the defence that has come regularly from the Premier and the Attorney General about how we are attacking the judiciary.

Mr Sheahan: Can you read it?

Mr SPEAKER: Order!

Mr GREINER: We believe that every thinking person in this State believes that the hurt that has come to the judiciary and the magistracy in this State comes purely and simply from the failure of the Government to respond to allegations—that have not come from this side of the House—but the failure of the Government to act with common decency, with any sort of zeal that might be associated with innocence. That is the reason that any damage may have been done, probably has been done, to the reputation of this State. In no way at all have the allegations come from this side of the House in any of these matters. But, by all means, let us have Royal commissions and Commissioner of Public Complaints inquiries, but let us have them across the board on both sides of the House. Let us have them into the early release matter, let us have them into the Briese and Asia Dairy affairs, as every media group, including News Limited, has asked for. There is no doubt that the Government's double standard have been exposed.

Mr SPEAKER: Order! The Leader of the Opposition has exhausted his time.

BIG BROTHER MOVEMENT LIMITED

Personal Explanation

Mr Greiner: I wish to make a personal explanation.

Mr SPEAKER: Order! The Leader of the Opposition should inform me of the nature of the matter upon which he seeks to make a personal explanation before I seek the indulgence of the House for him to do so.

Mr Greiner: During question time the Minister for Youth and Community Services claimed that I was associated with a racist campaign. That claim clearly reflects on me and I wish to make a personal explanation about it.

Mr SPEAKER: Order! Has the Leader of the Opposition the indulgence of the House to make a personal explanation? There being no dissent, the Leader of the Opposition may proceed.

Mr Greiner: I simply wish to say that any suggestion that I am associated with the campaign that has been outlined today by the Minister is unmitigated nonsense and totally untrue. I had absolutely no knowledge of the campaign until today.

Mr Sheahan: How did the Leader of the Opposition know about it? Does he intend to dissociate himself from it?

Mr Greiner: I should have thought my views on immigration were made clear in this House at the expense of 40 minutes of patience of honourable members. My views on this matter are on the public record and I stand by them completely. If I

thought I could rely on the veracity of the Minister's remarks today, because everyone in the House knows that one cannot rely on the veracity of what that particular Minister says—

Mr Walker: On a point of order. On many occasions it has been held by Speakers in this House that the purpose of a personal explanation is to clear the integrity of the honourable member making the explanation, but he must not reflect on the integrity of other members when making that explanation.

Mr SPEAKER: Order! The point taken by the Minister for Youth and Community Services and Minister for Housing is valid. In making a personal explanation to the House the Leader of the Opposition is not entitled to debate issues and cannot use the opportunity to attack other persons. The Leader of the Opposition has indicated clearly that he had no association with the matter referred to by the Minister. If the Leader of the Opposition wishes to do so, I shall permit him to expand on that matter a little further, otherwise I shall ask him to resume his seat.

Mr Greiner: I am trying to correct the untruths that the Minister parleyed in question time. My views on the issue are on the public record. If I thought I could rely on the veracity of the Minister's account of the campaign, I should be perfectly happy to tell him what he seeks me to say, that I reject the campaign. If the campaign is based on the sort of racist slurs that the Minister suggests, I should have thought any reading of my public utterances—and there are many of them—would suggest clearly that I unequivocally reject any such campaign. My views have been stated clearly in this House and outside it. If the Minister's report is accurate, I would not in any way condone the sentiments that appear to be expressed. I do not believe one can trust the Minister's accounting of anything. His attempts repetitively to associate my name with what he says is a racist campaign have been a straight out farrago of lies.

Mr Dowd: I will state my views outside the House, not inside.

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

SPECIAL ADJOURNMENT

Mr SHEAHAN (Burrinjuck), Minister for Planning and Environment [11.43]:
I move:

That this House, at its rising This Day, do adjourn until Tuesday,
11 September, 1984.

Mr FISCHER (Murray) [11.43]: The Opposition is not opposed to this motion, which will facilitate arrangements made by honourable members, especially those arrangements associated with the school holidays. However, I make two points in relation to this matter. Honourable members are faced with the prospect of the shortest Budget session on record, for honourable members have been supplied with a schedule listing ten sitting weeks comprising thirty sitting days. This morning's *Sydney Morning Herald* contains an announcement on its front page concerning an early federal election, which will reduce even further the sitting time.

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

Mr FISCHER: If the Government chooses to adjourn the House during the main part of the federal election campaign, which in the past it has often done, is it right that this House should adjourn after just six sitting days when a number

of issues that are most relevant should be considered by this House and discussed in detail? Is it right that this House should adjourn when there is a looming mice and locust plague that may affect the approaching New South Wales harvest right across the State? I shall not go into detail on these matters because I am not permitted under the standing orders to do so. Is it right that this House should adjourn for a fortnight and the upper House for three weeks when there is turmoil in the Grain Handling Authority, with chronic and costly delays to the shipment of wheat? Those matters will have a big impact on the Treasury and on farmers across the State.

Is it right that this House should adjourn without considering in detail the proposed legislation dealing with X-rated video movies, bearing in mind the strong opposition to such movies and the many petitions presented by honourable members on both sides of the House? Is it right that this House should adjourn without further consideration being given to the vital issue of Aboriginal land rights and their ramifications, as well as the assault on freehold title across the State? Is it right that this House should adjourn when urgent consideration should be given to amendments to the Probation and Parole Act to permit more accurate and effective sentencing of convicted people and the cessation of the rapid release of many prisoners? The Leader of the National Party and the Leader of the Opposition gave an undertaking to the Leader of the House that they would support the introduction during the course of the Address-in-Reply debate of amendments to the Probation and Parole Act in order that the proposed legislation could be expedited, otherwise the amendments would not be introduced until after the Budget had been delivered, which is much later in the session.

Mr Sheahan: When did I give that assurance?

Mr FISCHER: They gave an assurance to the Minister that they would support the introduction of the amendments.

Mr Sheahan: Through the newspapers; I have had no such assurance.

Mr FISCHER: I will see that the Minister is given a copy of it. It appears in *Hansard*. An assurance was given that the Opposition would support the introduction of the amendments to the Probation and Parole Act so that judges would be able to sentence accurately. That is not possible at the moment. I shall not go into that matter further because it is not proper to do so in the course of a special adjournment debate. Is it right that the House should adjourn without full and detailed assurances in relation to the operation of free school bus transport across many isolated areas of the State? Is it right that this House should adjourn without a one-day debate on the dismissal of the head of the Department of Finance, Mr David Horton, and the many ramifications involved for the New South Wales Public Service.

Mr Petersen: That is not worth talking about.

Mr FISCHER: The honourable member for Illawarra says that it is not worth talking about. It is the first time in my parliamentary career that I have seen a permanent head of a department dismissed by a Minister with such anguish and animosity. It is most embarrassing to the Minister for Planning and Environment.

Mr Sheahan: It is not.

Mr FISCHER: I should have thought the Minister had a most satisfactory working relationship with Mr David Horton.

Mr Sheahan: I did.

Mr FISCHER: Is it right that this House should adjourn without considering the operation of the air ambulance service in this State and the difficulties associated with its operation, not the least of which is the congestion at Mascot airport? That problem was referred to by the Leader of the National Party in his speech in the Address-in-Reply debate. Is it right that this House should adjourn with the looming industrial dispute in the State Rail Authority over the elimination of guard vans next Monday from coal trains operating in the Upper Hunter electorate, and the consequences involved with that action? That dispute could lead to a strike that will influence many thousands of city commuters, and will have much influence on the loss of revenue derived from freight.

Is it right that this House should adjourn with the sweeping recommendations of the Joint Select Committee upon the Western Division of New South Wales being considered across the State at a number of forums that have been well organized by the Minister for Natural Resources and the appointment of Mr Frank Bird, the former Valuer-General as chairman of those forums? These issues should properly be discussed in the House and time should be made available for that debate. The issue should be discussed also in public forums across the State. Is it right that this House should adjourn when there are difficulties in the Electricity Commission concerning planning for the State's future power requirements, especially the utilization of Oaklands coal in southern New South Wales?

The Leader of the House has provided honourable members with a schedule of sittings. I appreciate his courtesy in making available a great deal of information. That was not done under the former coalition Government. His advice of when the House will be sitting is very much appreciated. However, from the number of sitting days listed it is obvious that little time can be devoted to debating the matters I have mentioned. As well, honourable members have been promised a one-day debate on crime and corruption.

That is another issue that will probably run out of time because of the difficulties in providing sufficient days for the sitting of Parliament. For these reasons, if this Chamber is to remain relevant to democracy in New South Wales, it should be in session for longer periods so that these vital issues can be properly discussed. I repeat, the Opposition does not oppose the motion, because it has been circulated and honourable members have made necessary arrangements. I reiterate an assurance given by the Leader of the National Party and the Leader of the Opposition in respect of facilitating amendments to the Probation and Parole Act to remove the difficulties that the courts are facing in arriving at accurate sentences in this State. I am sorry that this information was not formally conveyed to the Leader of the House. It certainly was a public document at the time. I have placed that on record in *Hansard* because there must be a relevant procedure in Parliament. There must be an opportunity for consideration of these vital issues, which are too often ignored because of the pressure of business and the lack of time. Consequently, I mention these key issues, which should be considered during the course of this Budget session.

Mr SMITH: Mr Speaker—

Mr WADE (Newcastle), Government Whip [11.52]: I move:
That the question be now put.

[*Interruption*]

Mr Sheahan: What about the arrangement I had with the Opposition Whip that there would be one speaker?

The House divided.

Ayes, 50

Mr Akister	Mr Davoren	Mr Mulock
Mr Amery	Mr Debus	Mr J. H. Murray
Mr Anderson	Mr Face	Mr Neilly
Mr Aquilina	Mr Ferguson	Mr Paciullo
Mr Bannon	Mr Gabb	Mr Petersen
Mr Bedford	Mr Hills	Mr Price
Mr K. G. Booth	Mr Hunter	Mr Quinn
Mr Bowman	Mr Irwin	Dr Refshauge
Mr Brereton	Mr Keane	Mr Sheahan
Mr Carr	Mr Knowles	Mr Stewart
Mr Cavalier	Mr Landa	Mr Walker
Mr Christie	Mr Langton	Mr Walsh
Mr Cleary	Mr McGowan	Mr Wilde
Mr R. J. Clough	Mr McIlwaine	Mr Wran
Mr Cox	Mr Mair	<i>Tellers,</i>
Mr Crawford	Mr Mochalski	Mr Beckroge
Mrs Crosio	Mr H. F. Moore	Mr Wade

Noes, 38

Mr Arkell	Mr Hatton	Mr Schipp
Mr Armstrong	Mr Hay	Mr Singleton
Mr Baird	Mr Jeffery	Mr Smiles
Mr Beck	Mr Kerr	Mr Smith
Mr J. D. Booth	Mr Mack	Mr Webster
Mr Caterson	Dr Metherell	Mr West
Mr Causley	Mr W. T. J. Murray	Mr Wotton
Mr J. A. Clough	Mr Park	Mr Yabsley
Mr Cruickshank	Mr Peacocke	Mr Yeomans
Mr Duncan	Mr Phillips	Mr Zammit
Mr Fahey	Mr Pickard	<i>Tellers,</i>
Mr Fisher	Mr Punch	Mr Fischer
Mrs Foot	Mr Rozzoli	Mr T. J. Moore

Pair

Mr Rogan

Mr Collins

Resolved in the affirmative.

Question—That this House do now adjourn—proposed.

Mr SHEAHAN (Burrinjuck), Minister for Planning and Environment [11.59], in reply: I am glad that the honourable member for Murray indicated that the Opposition was not going to oppose the motion. However, I do not understand the significance of the seven minute list of unfinished agenda. The programme for this session of the Parliament was distributed on 10th May. I resent the suggestion that because of the way in which we are conducting the affairs of the Parliament it will be the shortest Budget session on record. I do not believe that the programme is restricted at all. Obviously, if there is an announcement of a federal election, the Government will have to make a decision as to what happens to the balance of that

advertised sitting programme. I should imagine that the demands on members of Parliament on both sides of the House would be equally non-controversial should that occur. If a decision is taken about sitting arrangements, if and when a federal election is announced, certainly I will make sure—as I always have in the past six months—that those arrangements are communicated expeditiously to the Opposition so that arrangements can be made. That will probably affect also the commencement time in 1985, which I have been trying to determine and communicate to the Opposition.

So far as the suggestion that an undertaking was given to me that procedural motions would be agreed to, to amend the probation and parole legislation, I do not believe that if a formal undertaking is to be given to the Government, I have to depend upon the honourable member for Murray to throw to me across the Chamber a photostat copy of a press release. I should say that, particularly in my present portfolio, I have enough to read already, without having to peruse these pearls of wisdom from the honourable member for Murray. The Government did give an undertaking to the medical profession that legislation, which I hope will pass through this House today, would be expedited. I must indicate to the House that the honouring of that undertaking could have had severe implications for some honourable members of this Parliament, in respect of what they could and could not say during the Address-in-Reply debate. I drew that to the attention of the Opposition as well, that an arrangement was made whereby the Deputy Leader of the Opposition, who is the Opposition spokesman on health, has not made her contribution to the Address-in-Reply debate prior to the debate on that proposed legislation. I cannot possibly disrupt the entire Address-in-Reply debate to bring in those items of particular interest to the community generally or to individual members of Parliament that are mentioned in His Excellency's Speech, to which the Address-in-Reply debate is directed.

So far as questions about plagues of locusts, X-rated videos, the so-called assault on freehold by Aboriginal land rights, amendments to the Probation and Parole Act, the resignation or dismissal of the secretary of the Department of Finance, Mascot airport, the possibility of a train dispute, the discussion in public forums of the report of the Select Committee Upon the Western Division of New South Wales, and the Electricity Commission, I should have thought that they were what question time and the Address-in-Reply debate were about, instead of, with great respect to the honourable member for Orange, a question of whether a particular committee had met in the Central West. I do not think that it is appropriate, when a motion such as the present one is brought before the House—which because of arrangements that should have been concluded should have been formal—that we then have to go through a litany of agenda items that could have been raised, and Opposition members have had the opportunity to raise during the six sitting days since the resumption of the Parliament, during the currency of the Address-in-Reply debate or by the use of question time.

I deal now with the question of the arrangements between the Opposition and the Government. An arrangement I made with the Opposition Whip this morning regarding this very debate was broken during the course of the debate. I want to serve notice that I will not hesitate as Leader of the House to use the forms of the House to ensure that any arrangement that I make is enforced. We sent members of the Government and members of the Opposition about their other parliamentary duties on the basis of an assurance that only the honourable member for Murray was to speak for the Opposition in this debate and of an intention of mine to use the gag as infrequently as possible; and less frequently than I have seen it used in my eleven years as a member of this House.

[*Interruption*]

Mr SHEAHAN: The honourable member for Eastwood had better not start me off.

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

Mr SHEAHAN: If I make an arrangement with the Leader of the Opposition or the Opposition Whip, on behalf of the Government I expect that the arrangement will be honoured, or all bets will be off so far as the courtesies that have been applying recently are concerned. The honourable member for Murray took advantage of the opportunity of this debate to seek to embarrass me over the arrangements made by another Minister in respect of his portfolio. I refer to the problem that the Minister for Finance has been questioned about repeatedly in the past few weeks, in respect of the departure from office of the secretary of the Department of Finance, Mr Horton. I am in no way embarrassed by what the Minister for Finance has chosen to do in the carrying out of his ministerial duties. I resent the suggestion that I have been, as one honourable member said in the Address-in-Reply debate, strangely silent on this matter. If anybody wanted to ask me a question on this issue, I should have been more than happy to answer it.

Mr Fischer: It is outside the Minister's portfolio.

Mr SHEAHAN: If it is outside my portfolio, as the honourable member now admits by interjection, why should he seek to use the special adjournment of the House to embarrass me personally in regard to Mr Horton? I want to say something about Mr Horton. I will give the honourable member the opportunity to listen now. I first met Mr Horton when I was introduced to him by the Hon. S. D. Einfield on his retirement from the portfolios of Housing and Co-operative Societies, when I was sworn in as Minister, on 29th February, 1980. At that time and for some years Mr Horton had been the head of the Department of Co-operative Societies, or as it was called then, the Department of Housing and Co-operatives, titles that the Opposition's spokesman on finance got wrong, as I observed during his questions and speeches on this matter. I left the portfolio of Co-operative Societies early in 1983 when I was appointed Minister for Energy and Finance. At that time the Government advertised for a secretary of the Department of Finance. Applications were received from eleven persons, if I remember correctly, of whom Mr Horton was not one.

With great respect to those eleven applicants, I did not consider that any of them were outstanding applicants for the position. As happens with many government appointments, after a discussion with the Premier and me the secretary of the Premier's Department invited Mr Horton to be considered for appointment as secretary of the Department of Finance. Mr Horton agreed to be considered for the position. He was interviewed by a selection committee comprising senior government officers, including the Solicitor General and the secretary of the Premier's Department. Subsequently Cabinet agreed with my recommendation that he should be appointed as secretary of the new Department of Finance. I hasten to add that Mr Horton was appointed to that position on what were seen then by the Government to be his merits and qualifications for that position. Because the honourable member for Eastwood at the time, in a debate in this Parliament, endeavoured to assert that the Government was going to appoint as secretary of that department someone with base political affiliations to the Government, I took advantage of the opportunity to announce in the House Mr Horton's appointment.

I left the Finance portfolio on 10th February, 1984, vacating it in favour of the present Minister for Education. Mr Horton's relationships with other Ministers under whom he has served, either before or after he served under my administration as Minister for Co-operative Societies or Minister for Finance, are entirely a matter for him and for them. For my part, throughout our association in two portfolios that I

administered I found him to be a loyal and dedicated member of the New South Wales public service, and as a result he enjoyed my full confidence. I took seriously the problems identified in the efficiency audit into the departments that were merged into the Department of Finance and my own observations of the inefficiencies within that administration. I was confidently relying on Mr Horton at the time I left the portfolio in 1984 to whip that new department into shape. That he has disappointed my successor and has now paid the price of that disappointment and poor performance is a matter of regret for him, the Minister for Finance, and for me, and for any Minister of the Government. I resent the suggestion that I should be politically embarrassed about this matter at all. Mr Horton is a grown-up individual and a highly experienced public servant. He has dealt with this matter in the way that he saw fit. He is big enough to look after himself. Obviously he has made his own decisions. I do not need to defend him, nor do I need to defend the Minister for Finance for both of them doing their duty as they see it.

Motion agreed to.

[Personal Explanation.]

Mr T. J. Moore: I wish to make a personal explanation. I wish to respond to a remark which reflects on my capabilities and diligence as an officeholder of this Parliament on behalf of my party. The remark was made by the Minister for Planning and Environment during his reply to the debate.

Mr SPEAKER: Order! I must ask the honourable member whether he believes that his integrity has been impugned or his position in the Parliament criticized. It is not a matter of whether the Minister in some way has reflected upon the honourable member's duty as Opposition Whip.

Mr T. J. Moore: The Minister said that I had broken an arrangement that I had made with him, which reflects on my integrity. In a non-pejorative sense I wish to make a brief explanation.

Mr SPEAKER: Order! Has the honourable member for Gordon the indulgence of the House to make a personal explanation? There being no dissent, the honourable member may proceed.

Mr T. J. Moore: At the outset, in seeking to set the scene for my remarks, I indicate that I welcome the co-operative attitude the Leader of the House has extended to the Opposition during the period he has held that office. To the best of my ability, and the ability of those on the side of the House who have any responsibility for the running of our business, I have endeavoured to co-operate with the Leader of the House about arrangements that have not been without friction on our side of the Chamber. It is my earnest belief that that is desirable for the continued smooth running and humanization of this Parliament. In his remarks the Leader of the House felt he had arranged with me about the number of members who would seek to contribute to the special adjournment debate. The question of the speaking list on the health bill was discussed between myself and the Leader of the House earlier this morning. However, I have no recollection of discussing the special adjournment. The Minister asked me across the Chamber whether I was speaking. I wish to indicate that some weeks ago the honourable member for Murray, the National Party Whip, and I agreed that this special adjournment debate would be his responsibility and not mine. I gave no indication that there would be no other speakers in the debate. I apologize for any wrong inference that may have been drawn from my indicating that I was not speaking in the debate.

Mr SPEAKER: Order! Although I acknowledge the comments made, I do not think that the public is concerned whether the honourable member for Gordon made arrangements with the Minister for Planning and Environment about who would speak on this question or whether there was some misunderstanding between members. I shall pay careful attention to these matters in future to ensure that honourable members do not trifle with the House.

ORDER OF BUSINESS

Suspension of Standing Orders

Motion (by leave, by Mr Sheahan) agreed to:

That so much of the Standing Orders be suspended as would preclude the Order of the Day for resumption of the debate on the Address-in-Reply to the Governor's Opening Speech being postponed until after Government Business, Order of the Day No. 1.

PUBLIC HOSPITALS (VISITING PRACTITIONERS) FURTHER AMENDMENT BILL

HEALTH ADMINISTRATION (MEDICAL SERVICES COMMITTEE) AMENDMENT BILL

Second Reading

Debate resumed (from 16th August, *vide* page 265) on motion by Mr Mulock:

That these bills be now read a second time.

Mrs FOOT (Vaucluse), Deputy Leader of the Opposition [12.13]: The Opposition welcomes these bills as far as they go. However, the members of the Opposition have no doubts whatsoever that further steps should be taken to dismantle the structure of ministerial coercion in the health system which still remains. That structure will await the reasoned and reasonable Liberal Party-National Party government, which will certainly be returned at the next election. To debate these bills in proper perspective it is necessary to outline in some detail the reasons why they have been presented to this House. I shall not delve deeply into the doctors' dispute which nearly brought the State's hospital system to its knees during the last two months. At the time of the totally unnecessary and wilfully instigated emergency sitting of this Parliament between 12th and 14th June, I canvassed the destructive effects of the Government's health policies during the past two years. As the negotiations took such an incredibly long time to be completed and as, quite understandably, the major news media outlets lost interest in reporting on a frequent basis the progress of the negotiations, I would like to place on record in this Parliament, as I did in the *Sydney Morning Herald* on Friday last, 17th August, an advertisement from the Opposition which states very clearly what our view was prior to the introduction of the legislation, what it is currently, and what it will be in the future. Prior to addressing myself to the content of the legislation I shall read the following few paragraphs from the advertisement which is a summation of our view:

Our doctors rightly refused to accept the increasingly intolerable nature of conditions in our health system. They made a stand against Mr Wran and his Government because legislation was threatening their ability to care for the sick of our State . . .

The Government countered in its Big Brother way. It passed an Act to suspend for seven years the right of doctors who resigned from public hospitals to treat patients in the public hospital system . . .

The backlash of public opinion, the united stand of doctors and the Opposition caused Mr Wran to back down and agree to repeal the harsh 7-year bans. The Government was also forced to consult with rather than bludgeon the medical profession over doctors' services in public hospitals.

It has taken, as I said, a little over two months for the Minister for Health, who is the Deputy Premier, with constant interference from the Premier, to resolve the matter with the doctors' negotiating committee. The dispute was entirely the result of the actions of this Government. In its desperate attempts to reduce its financial commitment to the health care of the citizens of this State, the Government embarked on its brutal course of attacking the very people who provide the most important element of that care—the doctors.

It is nonsense for the Government to proclaim, as it has so explicitly in the press and impliedly in the Minister's speech introducing these bills, that the crisis was caused by the actions of the people working in the hospital system. The doctors' resignations were caused by the Government's lack of commitment to a high quality of health care and its determination to attack the basis of the high standards that remained. It should not need to be pointed out that the remaining high standards achieved in the New South Wales public hospitals system were primarily reached by the dedication of the medical profession so vilified by this selection of dead wood which masquerades as a government; most particularly vilified by the former Minister for Health who very conveniently has escaped most of the public odium for the doctors' disputes in the negotiations, although it is firmly in the mind of anyone who is interested in health in New South Wales that they were his measures which resulted in this action and the very troublesome times we have recently experienced.

It would be tempting to say that the greatest quantity of deadwood is to be found in the office of the Deputy Premier. After all, that is what the Premier would have us believe. However, it has been the deliberate persistence of the Deputy Premier and Minister for Health, that has brought a partial resolution to the doctors' dispute. The Premier, for all his contempt of his deputy, only exacerbated the problems which confronted the hospital system. Surveying the set of circumstances, of which these bills are the product, one could be forgiven for believing that the Premier actually set out to undermine the attempts of the Minister to solve the doctors' dispute. Every step of the way the Premier inflamed the situation by his provocative, unnecessary, and on many occasions uninformed remarks—remarks not very different from those heard during question time today before the Premier in such a cowardly way left the Chamber while the Leader of the Opposition was replying to his ministerial statement. Meanwhile, the Deputy Premier and Minister for Health pressed on. He has been a faithful Sancho Panza to a more than usually deranged Don Quixote in valiantly attempting to tidy up the mess left behind by his master.

I am beginning to wonder really who is the master of this extraordinary conglomeration that calls itself a government. In fact, the only reason we are debating these bills today is because the Premier decided to attempt to bludgeon the medical profession of this State into submission through the introduction of legislation which has no equal in New South Wales history for its ferocity. I would draw honourable members' attention to the heading of the advertisement that I authorized and placed in the *Sydney Morning Herald*. It was called "1984. George Orwell was right!" It did have another heading which I withdrew because it has become practice for government Ministers, federal and State, to sue me for defamation for whatever trifling reason they may elect. As I really do not have the resources to take on government Ministers

who are going to be funded by the taxpayer in these rather trifling defamation writs, I was in authorizing an advertisement careful about the wording. No doubt Mr Wran would have been delighted to add his name to the list, as he has on so many other occasions, when he has sought to sue people who have said anything that upsets him.

As I said, the Opposition welcomes these bills. They represent the defeat of the Premier and his confrontationist policies. The Premier knew that the problems left behind by the former Minister for Health, his golden-haired boy, would lead to disaster. That is why he ensured that the present Minister succeeded to the health portfolio. It is the view of many people, and it is my view, that the Deputy Premier and Minister for Health was set up so that he could be knocked down again by the Premier. He was permitted to enter negotiations only so that on many occasions the Premier could abort them, for that is what this proposed legislation is about. The Act that these bills seeks to repeal is the direct result of the Premier's intervention in a situation that was being dealt with after a fashion by the present Minister for Health.

All along the Opposition has believed that the basic premise of the Minister for Health was wrong and that he should have immediately implemented the reforms that are partly embodied in this measure. However, differences of policy do not obscure the fact that the Opposition has always supported intelligent discussion as a method of resolving disputes. But how could such discussion have taken place while the Premier was making observations such as the one he made on 1st June, that money-hungry doctors were using standover tactics? Such inaccurate provocation could hardly have assisted the Deputy Premier and Minister for Health in his talks with doctors' representatives just as resignations were beginning to come in. Not long after that, the Premier threatened the introduction of retributive legislation on which Margaret Rice commented in the *Sydney Morning Herald* on 9th June, saying that it would be an inflammatory act. To demonstrate his complete lack of goodwill, the Premier, within hours of negotiating with Dr Bruce Shepherd of the Australian Society of Orthopaedic Surgeons and Dr Cholm Williams of the New South Wales Plastic Surgery Forum, announced his intention of introducing the legislation which is now subject to repeal.

That announcement was made on 9th June. Only two days later, the Deputy Premier and Minister for Health attempted to pick up the pieces by saying that the matters in dispute were still under negotiation. There can be no doubt whatever that the seven-year ban legislation was the Premier's brainchild and that it destroyed all chances of an early negotiated settlement. Yet, even after that amazing piece of legislation had been introduced and passed, at great inconvenience to members of Parliament and at great cost to the taxpayers of this State in having an emergency sitting of Parliament very shortly after its rising, the Deputy Premier and Minister for Health continued to offer a more reasoned approach by suggesting that the proclamation of the legislation might be delayed. This approach was obviously motivated by a realization that the medical profession would not continue to bow to threats. Yet, the very next day, 15th June, the Premier again wheeled out his threats and said he was determined to see the proclamation of his inflammatory legislation, probably by the middle of the following week. Once more it appeared that the head of the Government went out of his way to ensure that any moves by his deputy towards a negotiated settlement were frustrated.

It was from this point that the conduct of the Government's side of the dispute was taken from the control of the Deputy Premier and vested most regrettably in the Premier alone. For the three weeks following the Premier's announcement

Mrs Foot]

of his determination to proclaim the Public Hospitals (Visiting Practitioners) Amendment Act, hardly a peep was heard from the Deputy Premier and Minister for Health. The Premier was centre stage once again. I might say he was a diminishing and flagging figure centre stage from the figure he presented six to eight years ago. Nevertheless, occasionally he feels that he wants to be there, and it is a spectacle for all of us to perceive. He made a dreadful mess of it. By bluster and aggression he ensured that visiting medical officers in public hospitals, who had not felt strongly enough to resign during the earlier stages of the dispute, took that step after the Premier entered the fray. The *Sunday Telegraph* of 17th June said:

The legislation against doctors who resign is not the answer but is, in fact, now a major contributing factor to the chaos the State is facing.

Many worried patients and relatives of patients rang my office, as Opposition spokesperson on health matters—undoubtedly they rang the Department of Health and the Minister for Health himself—as they did not know where their health care might come from in the future if such harsh legislation were enacted and if negotiations broke down. When they saw the medical profession totally united as a result of the Premier's actions, they expressed great concern. One might say that it took the whole of the winter to resolve the dispute. The tactics adopted by the Premier were widely rejected by the community, as opinion polls taken at the time showed, and as has subsequently been proven. In the middle of June a majority of voters canvassed by the *Sunday Telegraph* said that they wanted the Prime Minister to intervene in the dispute between the Premier and the doctors. The Opposition, as has the negotiating committee for the medical profession, confined its discussions to the doctors dispute and those matters relevant to State legislation. Such discussion did not extend to the Medicare question, and nor did the terms of reference allow it to do so.

In fact, 79 per cent of the people polled said that more consultation should have taken place between the doctors and the Government before the emergency legislation was forced through this Parliament. I believe that is what the Deputy Premier and Minister for Health was attempting to do, obviously in the teeth of trenchant opposition from the Premier. The public was saying in the clearest fashion that it preferred the approach taken by the Minister for Health to the posturing adopted by the Premier. Chastened by public opinion, the Premier announced his intention to appoint a mediator. However, the gentleman appointed never got off the ground as a mediator. The initiative did not work because the doctors simply did not trust the Premier. Within a few days the Premier was again confronting the doctors, this time by means of a letter asserting that the doctors had never been willing to hold talks. I remind the House that only hours before the Premier announced the proposal to introduce emergency legislation he was talking to Dr Shepherd and Dr Williams about the very matter on which he legislated and allowed the Government to discuss for two or three months.

On 25th June the Premier and the Deputy Premier and the Minister for Health signed a letter sent to all doctors in New South Wales. That letter did not display the Premier's usual belligerent tone. One can only feel that he had been tempered by his deputy. Last week, in his second reading speech the Deputy Premier and Minister for Health very properly as second in charge—and I understand that role—used the words "the Premier and I", as if there had never been a word of disagreement between them, as if he had never taken an approach different from that of the Premier. I have just read six pages of detailed differences of opinion between the Premier and Deputy Premier, so I would have to question the accuracy of his second reading speech. It is not an accurate picture of what had happened, if that is what the Deputy Premier and Minister for Health intended to give the Parliament when he introduced these bills.

The Premier still did not show restraint. On 29th June he announced his intention to write once more to all doctors strongly criticizing the leadership of the medical associations. He even went so far as to say that the doctors' leadership was a hydra-headed monster. That letter far from resolved the continuing crisis. Within thirty-six hours the first resignations started to take effect, and surgeons at the Sutherland hospital refused to renew their contracts. When the Premier was pushed into a face to face meeting with the doctors it is no coincidence that the negotiations to resolve the dispute were soon left to the Deputy Premier and Minister for Health. Yet, despite the Premier's backdown which allowed the negotiations of which these bills are the product, no one is in any confusion as to the role played by the Premier in the disruption to public hospital services. The *Australian* newspaper, which covers the whole of Australia and not simply New South Wales, saw fit to say this on 5th July:

Mr Wran has described the agreement reached by the New South Wales Government and the striking doctors as a "triumph for commonsense". If he is convinced this is so, one is entitled to wonder why he has allowed the dispute to last for as long as it did and why he did not undertake much earlier to reconsider the legislation and regulations to which the surgeons have objected.

The same newspaper described the Premier's contribution in these terms:

Rather cheap jibes that the doctors were interested only in their incomes were of no help whatsoever.

Once more the Deputy Premier and Minister for Health was in the middle of trying to undo the damage which the Premier had wrought in the preceding three weeks. In that same week the Premier was running off at the mouth at the federal conference of the Australian Labor Party. One can only imagine the feelings of the Deputy Premier and Minister for Health when he heard that his leader was describing New South Wales doctors as the forces of conservatism and reaction, using these words:

It is especially important that we resist pressures to respond to the extremism of sections of our adversaries, with extremism.

The Premier forgets that he is one of a number of people in this Chamber who probably would not be able to be a member of Parliament had he not had access to the great skills of surgeons when he especially required them. The comments of the President of the New South Wales branch of the Australian Medical Association, Dr Tony Buhagiar, must surely have echoed the fervent desires of the Minister for Health when he said:

Mr Wran should simmer down and let negotiations continue quietly in the background.

It might be a help on occasions to have Dr Buhagiar in this House with his substance of mind and body to make that remark to Mr Wran. On many occasions the Premier should simmer down, not let the colour go to his face and become quite scarlet with rage and speak in the way he has in the past two weeks.

[*Interruption*]

Mrs FOOT: I was referring to the Premier with great precision. It is only at this late date that Government supporters are hearing a great deal from me and if I get a chance in the Address-in-Reply debate they will hear a lot more. They should take time to listen. It became indisputably obvious that the Premier was intent on sabotaging the talks between his deputy and the medical profession. This is made clearer when the statements of the Deputy Premier are placed in contrast to the

hysterical ravings of the Premier. On 20th July Mr Mulock said that he did not want to discuss details of the negotiations for fear that any comments might be misinterpreted by some sections of the medical profession and lead to another flare-up in the dispute.

Just as doctors called off their strike and agreed to restore normal services in public hospitals the Premier came out, on 23rd July, and said that surgeons were attempting to score cheap points. Thankfully, the medical profession was more mature than the Premier and chose to ignore his gibberings. Then Dr Aroney had to pour oil on troubled waters. Dr Aroney said, "We will just ignore his latest outbursts". The two quotations I have just given are from senior people on the negotiating committee, who were trying to calm down the Premier of this State who had caused all the trouble. One might have expected the doctors to have been more enraged than the Premier, because he had caused all the trouble and they were the victims of it. However, doctors care for the patients of this State, the patients' relatives and the whole hospital system. They realize that if they had gone on like the Premier, the dispute would not have been resolved yet and many people may well have suffered. There could have been deaths resulting from a protracted dispute such as that which took place in England some years ago.

The two bills that honourable members have been called upon to debate today obviously represent defeat of the Government in its policies towards the medical profession. They represent a particular defeat for the Premier, but in a wider sense they are a defeat for the Government's policy advocating a mediocre quality of care in the State's public hospitals. Many bills were debated at the end of 1983 to which I spoke on behalf of the Opposition. The former Minister, Mr Brereton, the honourable member for Marrickville and the honourable member for Campbelltown all made their usual contributions—although not sounding very different one from the other. Those speeches are on record. The Deputy Premier and Minister for Health has inherited them and is partly unscrambling them today. The Opposition believes that private hospitals have an important role to play in our health system, despite the objections of the Government, and we feel that much scope remains for the extension of private hospital facilities. Nevertheless, the Opposition is committed to a strong public hospital sector. The Opposition's defence of the women's hospital at Crown Street, Sydney Hospital, the Waverley War Memorial Hospital and the Mater hospital at Crows Nest against the ravages of Mr Brereton, the former Minister for Health, should I hope convince even its strongest critics, that it supports the continued role of what remains of that public hospital system.

It is because the Opposition does support the continued viability of the public hospital system that it is pleased that the bills have been introduced. The repeal of the Public Hospitals (Visiting Practitioners) Amendment Act, contained in the Public Hospitals (Visiting Practitioners) Further Amendment Bill, is one of the best pieces of legislation ever introduced by this Government. Of course this can only be said because the amendment Act was the worst piece of legislation I have witnessed in my six years as a member of this Parliament. Those Acts were the most repressive and hypocritical ever sanctioned by a government in New South Wales. It is about time that Australian Labor Party Ministers for Health in this State realized that it is not they who ensure that the State's health services run effectively. It is the people who work in that system, principally the medical and nursing professions, who ensure that the citizens of this State enjoy the high level of care which still exists, despite the activities or lack of activity of the Government. That is why the provisions in the first cognate bill, which relate to consultations with the medical profession over hospital by-laws, are particularly important. Often Ministers believe that the fount of all knowledge is to be found within their departments. The statutory provision within the proposed amendments to the Public Hospitals Act, that the advice of the proposed

Medical Services Committee should be sought, is of the utmost importance. It cannot be stressed too strongly that the decisions of the health bureaucrats down in the McKell building do not at all times represent what is in the best interests of the health system of New South Wales.

Similarly the Opposition supports with all emphasis it can muster, the repeal of the Public Hospitals (Visiting Practitioners) Amendment Act, which is provided for in clause 4 of the bill. This was undoubtedly the most iniquitous piece of legislation ever to pass through this Parliament and it is no surprise that it was of the Premier's invention. That it was ever presented in the first place is a matter of great regret. That action will hang round the necks of any future Labor members of this Parliament—and I hope it will be a diminishing number. However, now that the Premier's initiative has been so thoroughly discredited, the Opposition has pleasure in supporting the motion of the Deputy Premier that the amending Act should be repealed.

The Opposition also welcomes within schedule 1 to the bill, the reversal of the divisive and unnecessary amendments to the Public Hospitals Act, which were pushed through, despite coalition opposition, by the former Minister for Health at the end of 1983. The reversal of the 1983 amendments to section 29K and to section 29M is a tacit acknowledgment that the former Minister for Health had embarked on a course of action that was destined to cause very grave problems in the New South Wales health system. The onus should have fallen on the former Minister so that he had to repeal the 1983 amendments, which have caused so much distress and upheaval. It is not surprising that the former Minister for Health is not in the Chamber to see the repeal of the bill by which he has caused so much havoc. He is now embarking upon a new course of havoc in another portfolio.

All the Premier's huffing and puffing in June and July have not succeeded in protecting the aggression and hostile actions of Mr Brereton from the cold light of reality. They were destined to result in problems, but who would have believed that their severity nearly caused the total shut-down of the public hospital system? Only time will tell how disastrous an effect on standards of care the other actions of the former Minister have produced. The poor nature of the amendments to section 29K and section 29M has clearly been set out by the Crown Solicitor's Office. In an opinion tendered to the Secretary of the Department of Health on 10th August, apart from stating in the letter that it was "a somewhat odd situation" that since 1983 it was "no longer an essential feature of a 'sessional' contract that the medical services [be] required to be provided during periods or sessions specified in the contract", the advice then said this: "I conclude that the negotiating committee has a respectable argument." That sentence refers to its criticisms of the 1983 amendments.

The main provisions of this bill relate to the conduct of visiting medical officers in hospitals, the Government's paranoia over private health insurance and its determination to reduce the individual's freedom of choice as far as possible. The Opposition has never sanctioned any practice that would have given priority of treatment in public hospitals to privately insured people simply because they were fortunate enough or provident enough to take out private health insurance. Similarly, the Opposition would never support actions by anyone, particularly medical practitioners, that amounted to coercion of patients into private health insurance.

However, the Government, and particularly the Premier and the former Minister for Health, saw an Hospitals Contribution Fund salesman behind every stethoscope. This prejudice was not, and is not, borne out by the facts. Even the doctors slandered under parliamentary privilege by Mr Brereton for allegedly coercing patients into private insurance were eventually vindicated. The Government is blinded by prejudice and ignorant of realities when it attacks individuals' rights to refuse to

become burdens on the State, particularly when it is remembered that the New South Wales Government controls the HCF, one of the two largest private health insurance funds in New South Wales.

Therefore the Opposition supports the repeal of section 42 (1A) because it was founded on a blinkered, prejudiced and completely hostile view of the medical profession. It aimed at giving the Government a presence in every doctor's consulting room. It permitted every confused and troubled patient to complain to a Government that was only too happy to believe the worst about a medical practitioner, whoever he or she might be. It would have been a statutory justification for ministerial slander and witch-hunts. The Opposition is glad to see the end of it. The proposed amendments to the Health Administration Act provide a different picture. The Health Administration (Medical Services Committee) Amendment Bill does not propose to repeal the mistakes of the predecessor of the Deputy Premier in the post of Minister for Health. What it does instead is to create a medium for consultation between the profession and the Minister—the consultation that the former Minister eschewed with such derision. The creation of such a committee which will formalize a consultative process, is welcome to the Opposition.

Yet, for all I have said, criticisms can be made of the legislation. The essence of these criticisms is concentrated in proposed section 20B. Although the committee is an excellent idea, and long overdue, it is clear that its composition does not meet the requirements of all sections of the doctors' negotiating committee. The latter committee has gone so far, quite patiently, in resolving the crisis of medical services in the public hospitals. The Minister is aware of strong opposition within sections of the private medical profession at the implied inclusion of the Public Medical Officers Association and the Public Service Association representatives on that committee.

Mr Mulock: Do you support that view?

Mrs FOOT: The Minister should listen to the——

Mr Mulock: You support that view, do you?

Mrs FOOT: ——balance of my speech, as I have listened to his.

Mr Mulock: I have not listened to the rest of it.

Mrs FOOT: You have been making a lot of notes. You have been writing love letters, have you?

Mr Mulock: I have been signing correspondence.

Mrs FOOT: That is not what you are here for. You are here to listen to this speech and respond to it.

Mr Mulock: I am listening to it.

Mrs FOOT: You just said you were not listening to it.

Mr Mulock: I can do both.

Mrs FOOT: So can I, and a few other things as well. The Minister should not have introduced this bill without first ensuring that it would have the necessary support of the members of the profession, who feel most strongly about the actions of this Government in health matters. I ask the Deputy Premier to listen to this speech, if he will, instead of signing his backlog of mail: what is the point of negotiating for weeks and weeks and reaching agreement on most points, only to undermine them at the last minute? The Deputy Premier knows, as I know, that his unilateral alteration of the draft legislation on Monday, 20th August, by requiring the inclusion of the

Public Medical Officers Association and the Public Service Association on the committee may cause problems and undermine the progress achieved over the past month.

Mr Mulock: That is not in the proposed legislation. Have you not read the bill?

Mrs FOOT: I happen to know exactly what happened, and you happen to know that you came into the Parliament very much later than you planned to last week because of a breakdown in negotiations regarding this precise inclusion.

Mr Mulock: There was no breakdown. In fact, there was a compliance with what I wanted.

Mrs FOOT: I have already detailed at extreme length the problems between the Premier and the Deputy Premier. I do not intend to extend my speech to cover what happened last week between the Deputy Premier and members of the doctors' negotiating committee. I am sufficiently interested to follow the matter day by day negotiating committee. I am sufficiently interested to follow the matter day by day not outline them again. Our criticism of the Deputy Premier is——

Mr DEPUTY-SPEAKER: Order! There have been far too many interjections. The Deputy Leader of the Opposition has had a fair amount of latitude in delivering her speech, but she has been doing so as though wandering through a history lesson. The leave of the bill is fairly wide, but not so wide-ranging as the Deputy Leader of the Opposition has traversed today. Several times in the past few months I have had occasion, when the Deputy Leader of the Opposition has been making a speech, to see fit to bring her back to the leave of the bill being debated. If I must do so consistently I shall not permit further disobedience of the rules. I ask other honourable members to desist from interjecting so that the bills may pass through the House today. Honourable members should behave sensibly in debate.

Mrs FOOT: Thank you, Mr Deputy-Speaker, for your admonition to members on both sides of the House. Our criticism of the Deputy Premier is that, by his last minute failure to consult all sections of the profession properly he ran the risk that the final agreement between himself and the resigning surgeons might not be supported by all those surgeons. Although the presence of the Public Medical Officers Association and the Public Service Association was not mentioned specifically in the bill, that specificity was avoided only after the Australian Medical Association and the Australian Association of Surgeons agreed to accept a representative of the Public Service Association and the Public Medical Officers Association in their respective nominations to the committee.

The Opposition will not oppose the composition of the committee as is proposed by the bill and as otherwise agreed. However, the Opposition will keep a close watch on the committee's activities to ensure that it fulfils the functions for which it is to be established. Obviously, that is to permit the doctors who were most vilified by the introduction of the seven-year ban legislation to put their point of view before the Minister and continue the consulting processes. The Public Medical Officers Association and the Public Service Association already have access to the Government through the Labor Council and the Industrial Commission, avenues not open to private medical practitioners.

Mr Mulock: This is not an industrial matter.

Mrs FOOT: The Opposition will seek to ensure that this sole voice of private medicine is neither stifled nor, in any way, undermined by these last minute additions to the proposed committee. The Opposition looks forward to the resolution of the

doctors' dispute. We are pleased that the Government has been forced to back down from the belligerent pose it adopted during most of the dispute and that it has admitted, if only in an implied fashion, that it was wrong.

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

Mr WILDE (Parramatta) [2.15]: The Deputy Leader of the Opposition, who led for the Opposition in this debate, could barely conceal her annoyance at the success of the Minister for Health in bringing this contentious matter to such an equitable conclusion. She revealed her discontent and her proposal to incite the doctors into fresh disputes in a variety of ways. She is intent on stirring up trouble in the hospital system rather than applauding the Minister for the way in which he has achieved a settlement that is fair to both sides in this dispute. By doing so she has shown little concern for the real victims of the dispute, who were not the medical profession—as she stated—but the public of this State; the sick, the seriously ill people that were awaiting urgent medical attention, and the accident victims and their families who were greatly concerned about whether or not they would receive adequate medical care. Also, she sought to misrepresent the width of the dispute, for it was not at any stage a dispute between the whole of the medical profession and the Government. Only a small proportion of the medical profession was involved in the dispute. Those that were in dispute with the Government were a minority of highly paid specialists, not the vast majority—the general practitioners and other specialists. Only orthopaedic surgeons and surgeons involved in plastic surgery were concerned in this matter. They chose to withdraw their services from the public hospitals of this State.

That is what we on this side have come to expect from the Opposition spokesman on health matters. She has demonstrated time and time again that her only support for the public hospital system in this State is where it affects the north shore or the eastern suburbs of Sydney. She is mainly noted in this House for her violent opposition to the policy of transferring hospital beds to the western metropolitan area, that was adopted by the Government during its previous term. On many occasions she showed her violent opposition to that move and demonstrated her belief that the patients who use our public hospital system should be compelled to come to inner city areas rather than have the hospitals located where it is more convenient for them. It is what one would expect from an Opposition that, as we all know, was violently opposed to the building of the Westmead hospital in the first place. The Whitlam Government forced the former Liberal Party–Country Party Government to commence building that hospital, with the threat that if that Government did not commence it, it would be built in its entirety by the federal Government. Little wonder, in the face of that history, that the opposition to improved medical services in the west should continue.

The bills are the culmination of a long period of debate between the Government and the medical profession. This debate began, not at the State level but at the federal level, because of the disenchantment of the medical profession with the decision of the federal Labor Government, which had a clear mandate from the people of Australia, to introduce the universal health insurance scheme, Medicare. As honourable members are well aware, the former Labor Government, the Whitlam Government, instituted the Medibank programme, but it had little time to bring it fully to fruition before it lost office. In spite of protestations to the contrary, the incoming Liberal Party–Country Party Government at that time immediately set about dismantling Medibank. At the subsequent election, those parties claimed that they would preserve Medibank, but at every possible opportunity they broke down that scheme. In the lead up to the last election, the federal Labor Party indicated clearly that it would introduce a proper Medicare scheme so that all people in Australia would have adequate health care, whether they were insured or not. This proposal was the subject

of wide debate during the election campaign and all sections of the Australian community—particularly the medical community—were well aware of it, though some of them objected strenuously to it during the campaign. So it was no surprise when the Government came to office and began to implement its policy—

Mrs Foot: On a point of order. Mr Deputy-Speaker drew me back to the order of leave given for the bills when I was actually speaking to the bills, and there was no mention of Medicare. I do not think it is appropriate in this debate that the subject of Medicare be canvassed by the honourable member for Parramatta.

Mr SPEAKER: Order! I was distracted by another honourable member and have not been following the address of the honourable member for Parramatta. As he has been a member of this House for some time and has occupied the chair as Deputy-Speaker, he is fully aware of the standing orders. I am sure he will link up what he is discussing now with the order of leave given for the bills. No point of order is involved.

Mr WILDE: The dispute at a federal level was settled by agreement between the Prime Minister and the federal branch of the Australian Medical Association. It is quite appropriate in my opinion that I should make brief reference to the Medicare dispute, because that was at the root of the problems that brought about the former legislation which is being partly repealed in the complementary legislation before the House. The agreement reached between the Prime Minister and the Australian Medical Association was not accepted by some elements of the profession in New South Wales. Those individuals sought to continue their campaign of obstruction and disruption of the public hospital system in order to achieve their own personal ends because they obviously saw Medicare as having an effect upon their future—their income. When the disruption to the public hospital system threatened to disadvantage seriously the people of New South Wales this Government acted out of concern for the people and introduced the Public Hospitals (Visiting Practitioners) Amendment Act in June 1984. Let there be no doubt, this swift action made it clear to all concerned that the Government would not yield in its protection of the principles of Medicare and in doing so upholding the rights of the people of New South Wales to enjoy the benefits of a national health system. At the time of introducing that legislation both the Premier and Deputy Premier made it quite clear that the Government had been willing at all times to negotiate with the profession on all matters other than Medicare.

As was pointed out by the Deputy Premier in introducing this proposed legislation, the main provisions of the Public Hospitals (Visiting Practitioners) Further Amendment Bill are to repeal the Public Hospitals (Visiting Practitioners) Amendment Act, 1984, to provide that regulations and by-laws be the subject of consultation; to provide flexibility as to the provisions of sessional contracts, and most important, to provide that doctors with appointments at public hospitals will not discriminate against patients and will not coerce or attempt to coerce patients at hospitals in respect of their insurance status or their right to choose to be treated by a particular doctor. These latter provisions are a further affirmation by the Government of its intention to ensure that the principles of Medicare are not eroded. Only those with questionable motives or who are served by self-interest would be offended by these bills.

The provisions have received substantial support from the medical profession. Only a small minority of the medical profession were involved in the dispute. It is clear the medical profession has come to recognize the resolve of the Government. Concessions were made by both parties to reach agreement. That is the essence of any agreement reached after a period of conflict. In the process of negotiating

the medical profession yielded from its position and put aside many claims which were totally unacceptable to the Government. The Deputy Premier has referred to the terms of settlement achieved between the Government and the negotiating committee for the medical profession in relation to the dispute. Of particular relevance is the acceptance by the negotiating committee that the principles of Medicare are not negotiable. The negotiating committee also agreed to withdraw its demand for the immediate repeal of the Public Hospitals (Visiting Practitioners) Amendment Act, 1984, before it would negotiate. These two claims had been the foundation of the assault of the medical profession on the public hospital system. These two major concessions by the negotiating committee provided the basis on which further negotiations could continue between the parties in a meaningful way.

In addition, the Government rejected several of the claims of the medical profession which would have placed at risk several aspects of Medicare, or would have eroded the power of the Government in respect of management of the public hospital service in New South Wales. There are numerous other claims which no government could accept. These rejected claims included the removal of any control by the hospital board over doctors. They included a claim which would have left the Minister powerless to determine the role, function and activity of any hospital in New South Wales. In particular, the Government rejected a claim from the profession, which would have meant that the rights of patients to choose their own doctors as guaranteed under Medicare, would have been denied. The Government rejected the unreasonable claims by the medical profession for the repeal of the regulation-making power of the Minister. To have acceded to this claim would have placed the Minister in a position of presiding over a health care system over which he had no control. The medical profession also sought that the Minister agree that any changes of the conditions of appointment of doctors to hospitals must be first approved by the medical profession. Again, this would have been an affront to every industrial principle and would have led to the doctors being the only group of persons engaged in hospitals determining their own conditions of appointment. Also it would have been an affront to the arbitrator, which position is provided for under the Public Hospitals Act for the very purpose of determining aspects of remuneration for visiting medical practitioners.

It should be clearly understood that the Government has not substantially moved from its position of protecting the public hospitals system and the people it serves by making any concessions which would place Medicare at risk. In fact, the Government has rejected any claim that, by any stretch of the imagination, could impinge upon the principles of Medicare. There is nothing in the legislation now before the House which limits the Government in maintaining its authority over the management and control of the public hospital system and its employees. The Government's belief in and support of the Medicare system has ensured that the people of New South Wales will continue to reap the benefit of a national health system.

The cognate bill is the Health Administration (Medical Services Committee) Amendment Bill, 1984. This amendment provides for the enshrinement in statute of the establishment, constitution and functions of a medical services committee as the vehicle for consultation between the Government and the entire medical profession. It will be a forum for ongoing consultation with the medical profession and it will consist of nine medical practitioners. The chairperson will be appointed by the Minister on the nomination of the committee. Eight other persons will be appointed by the Minister. Four shall be nominated by the New South Wales Branch of the Australian Medical Association and one shall be a general practitioner, and one shall be a salaried medical officer, so that the salaried medical officers in the public health service will have direct representation on this committee. That is most important because it was noticeable that those dedicated members of the health service did not withdraw their services during the recent dispute.

Two members of the Medical Services Committee shall be nominated by the New South Wales State Committee of the Australian Association of Surgeons, one of whom shall be a salaried specialist. One shall be nominated by the New South Wales State Committee of the Australian Society of Orthopaedic Surgeons, and one shall be a nominee of the New South Wales section of the Australian Society of Anaesthetists or the appropriate executive body of that section. Obviously all branches of the medical profession are not, and could not be represented on a committee of nine persons, for if the committee were to have persons nominated by all branches of the medical profession it would be so large as to be unwieldy. Therefore provision is made in the legislation for the committee to appoint subcommittees that may, if thought fit, have serving on them representatives of other branches of the medical profession. Some aspects of the proposed legislation may be referred to those subcommittees if the Medical Services Committee thinks it desirable that there be closer consultation on particular functions.

The purpose of the Medical Services Committee is to advise on existing and proposed legislation and administrative arrangements that may affect or are likely to affect patients or medical practitioners. Considerable advances have been achieved by agreement reached to form the committee and its composition. I am confident that it will lead to more harmonious relations with the medical profession. I know that that agreement was not reached easily; there was considerable divergence of opinion between the Minister for Health and representatives of the medical profession with whom he negotiated. The fact is, however, that agreement eventually was reached and that in the process ground was given on both sides. That is to be expected in such discussions or disputes. I congratulate the Deputy Premier and Minister for Health on the success of those negotiations and the new accord he has reached with the medical profession. I am quite sure he has demonstrated to the profession his determination that proper services be provided to all sections of the community, both those who are privately insured and those who do not have health insurance at all. In the outcome, representatives of the doctors have demonstrated their good will and an honest desire to resolve differences with the Government. I support the bills.

Mr PUNCH (Gloucester), Leader of the National Party [2.32]: I join my colleague the Deputy Leader of the Opposition in supporting the Minister's introduction of these bills. I applaud the Minister's efforts in bringing it forward. I commend particularly the contribution made by the Deputy Leader of the Opposition, who covered in detail the whole history of this fiasco right from the introduction some twelve months ago of the initial legislation that caused the problems. The honourable member covered thoroughly and fairly in the House and through the news media the dispute between the doctors and the New South Wales Government. She put the case for the Opposition extremely well.

The introduction of these bills reflects an enormous backdown by and humiliation of the Premier in particular and the Government as a whole on this issue. The responsible doctors of New South Wales, who are in the majority, demonstrated that present legislation is completely unacceptable to them. That these measures are before the House today is a public admission by the Government that the Premier overreacted, unthinkingly and without considering the matter properly. I think it fair to say also that the Premier stepped in and took this matter out of the hands of the Minister for Health, who was at that time negotiating to overcome damage done by the Minister who preceded him and introduced the legislation last November. Immediately after the Premier met doctors in negotiation, he went to a Labor Party conference and big-noted himself in a speech that saw the whole sorry episode take a turn for the worse and make a complete fool of the Premier on this issue.

Fancy any responsible Minister, not to mention a Premier, sitting down to negotiate with a group of responsible people, as the doctors were at that time, and negotiating review of legislation that had been presented to the House and about which the doctors were feeling most strongly, without mentioning to those representatives anything about the sledge-hammer legislation he was proposing. Instead, he walked out of the negotiating room, straight to the Australian Labor Party conference where he said that he intended to recall Parliament to introduce legislation, which eventually was seen to be one of the worst pieces of legislation in the history of this State, for it provided for a seven year ban on certain doctors. From that time on, the Premier dug himself in deeper and deeper. The more he tried to score points against the doctors and abuse them, the more the public of this State distanced themselves from him, and the more the doctors became united. At that stage members of the medical profession with whom the Premier had been negotiating saw what an unprincipled man they were dealing with. They realized that he was either untrustworthy or unbalanced; I am not sure which, but I think probably both. Later, after this whole sorry mess, we learned that the legislation would be repealed immediately Parliament resumed. Having recalled members in June, the Premier was not willing to repeal the odious legislation that had been passed; although he promised to do so as soon as Parliament met. The House has been sitting for almost two weeks now, and it is only on the last day before the House will rise for two weeks that the amending legislation comes before the House.

Mr Mulock: That is not correct.

Mr PUNCH: Amendments to the legislation are being debated now.

Mr Mulock: The arrangement was that, by special resolution of the House, the debate that would normally proceed, which was on the motion for the adoption of the Address in Reply to the Governor's Speech, would be suspended, and normal times would apply. Stick to what the arrangement was.

Mr PUNCH: The Minister's comment seems impressive, but the fact is that last week the House spent time discussing an issue that was supposed to be urgent but was totally without urgency at that time.

Mr Mulock: Well——

Mr PUNCH: The Minister should be patient. The Minister has had his say and made his point. I repeat, the House debates a matter that was totally irrelevant; it was a timewasting tactic. If these measures are passed by this House today, where will they go?

Mr Mulock: They will be debated by the other House.

Mr PUNCH: But that House does not sit for another three weeks.

Mr Mulock: It resumes in another two weeks.

Mr PUNCH: It also will be in recess for the next two weeks. The Minister should check his calendar.

Mr Mulock: I know that House is up for another two weeks.

Mr PUNCH: Therefore it will sit in three weeks time. Without being pedantic, what I am saying is——

Mr Petersen: We know exactly what you are saying.

Mr PUNCH: I am being factual. Though these measures are urgent and the Government promised to repeal the Public Hospitals (Visiting Practitioners) Further Amendment Act immediately Parliament resumed, that cannot be done until at least five weeks after this session commenced.

Mr Mulock: The Government did not say that at all; it said that the amending legislation would be introduced at the earliest possible time.

Mr PUNCH: The earliest possible time would have been the day after Parliament resumed.

Mr Mulock: It was not. Notice had to be given on the Wednesday after Parliament resumed and these measures were introduced the next day.

Mr PUNCH: Come on!

Mr Mulock: Come on, nothing. Just get on with some of your other rubbish.

Mr PUNCH: I have here some material—not rubbish—that will show how phoney the Minister and his colleagues are. I was about to praise the Minister, but I might refrain from doing that.

Mr Mulock: That is good; I do not want praise that is fake praise.

Mr DEPUTY-SPEAKER: Order! I call the Deputy Premier and Minister for Health to order.

Mr PUNCH: I will stick to the facts, something that the Deputy Premier does not want to do. Why did not the Legislative Council sit so that these bills could be put into effect as quickly as possible? Why must we wait five weeks to have these measures debated? If it is good enough to recall Parliament in the midst of winter recess to pass legislation to ban some doctors for seven years, why is it not good enough for the Government to take one little step to hurry up the measures now before the House?

Mr Mulock: They do not need hurrying up.

Mr PUNCH: That is the Deputy Premier's opinion. In my opinion they need to be dealt with expeditiously. They should have been dealt with long before this. That shows the lack of sincerity of the Deputy Premier and his Government. They are prepared to allow this to drift along. They were not so patient in introducing legislation providing for the seven year ban on doctors. They were jumping up and down then.

Mr Mulock: That was different.

Mr PUNCH: The Minister says that is different.

[*Interruption*]

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

Mr PUNCH: Bring it in with a sledge-hammer to hit the doctors, that is all right. The Government hurriedly introduced legislation but did not hasten to repeal it. The Minister should be fair, which is difficult for him. The whole medical system in New South Wales should be investigated. One wonders what are the Government's intentions for the State's medical system. I quote briefly from a television interview with a well-known, world recognized doctor, Dr Victor Chang, of St Vincent's Hospital. Dr Chang is a heart surgeon who has earned great acclaim not only in Australia but also throughout the world.

Dr Refshauge: Ask his colleagues in Britain what they think about him.

Mr PUNCH: I will ask what his colleagues in Australia say about him, and the people upon whom he has operated.

[*Interruption*]

Mr DEPUTY-SPEAKER: Order! There are too many exchanges across the Chamber. Ordering the removal of a member from the House at this late stage of the afternoon would not be much of a deterrent to disorderly conduct. I should not have to remind members of this fact, but for the benefit of the new members I direct their attention to the consequences of being removed from the House under the standing orders. They will be excluded not only for the remainder of today's sitting, but also for the whole of the next sitting day. I call for restraint on both sides of the House.

Mr PUNCH: I wish to quote from an interview with Dr Chang. The honourable member for Marrickville who is a member of the breakaway Labor Party doctors' association and represents 1 per cent of the medical profession and commands no respect from anybody who is well versed in these matters, seeks to criticize Dr Chang. I do not believe that the Minister for Health would criticize Dr Chang, neither would I, nor any responsible doctor. Maybe the honourable member for Marrickville does not fit into that category. In a television interview Dr Chang stated:

The doctors are concerned about nationalisation—a nationalised system which will eventually become one similar to that in the United Kingdom.

I think a national health system would be bad for the Australian public.

I have worked in England for 6½ years. I have seen what goes on there.

The standard of medicine is appalling.

The waiting list is long and the patient has to suffer.

There is no incentive for the doctors to strive for excellence because there is nothing for them—there is nothing in it for them.

And I think it would be a shame for us to allow this to come to Australia.

I have worked in the United States also—in a very famous clinic.

That system in the United States is a totally private one. That is bad. That is wrong because it is so costly and a lot of people cannot receive it. Even the private system in America is bad. And if you look at the poor people in United States and where they have to seek medical help, it is so appalling it's not funny.

When I returned to Australia in 1972, I was very happy because I could see that the system is a perfect system.

Here you have a group of people who are poor, who cannot afford to have treatment, and yet they can have treatment for free.

On the other hand, if you can afford it—and there are lots of rich people in Australia—they are insured, they can afford to pay for it.

And I think it is only fair that a doctor should receive payment for his service to a person who can afford it.

It is the best system.

Australian people are the luckiest people in the world.

They have the best medical service in the world.

I can tell you because I have worked everywhere—South East Asia, China, the United States, the United Kingdom, Canada—I have been everywhere and I know, and I can tell you from my own point of view that this is the best system.

And if we try to destroy it, we have destroyed the best medical system in the world.

That was an emotionally charged interview with Dr Chang on television stations at the time of the doctors' dispute. Dr Chang was replying to questions seeking his views. Nobody questions the dedication of a man like Dr Chang. Many people in Australia and throughout the world are similarly dedicated. Those persons are apolitical and do not support any political party; they are dedicated to their task of looking after the health of the nation. Dr Chang said that New South Wales has the best medical system in the world. The Labor Party is seeking to destroy the State's medical system and with it the doctors of this State. The Government's actions commenced prior to the introduction of Medibank or Medicare. Why is the Labor Party trying so hard to destroy our medical system? Why does the Labor Party hate doctors?

Our medical profession has always worked on the honorary system in which doctors have given their services without charge. Doctors have treated public patients in hospitals without charge. Those same patients were treated free of charge by doctors at their surgeries or when the doctors attended them at their homes. In return for the use of public hospital facilities doctors were able to treat their own patients in private and intermediate wards. That system has been in force for many years and is the system about which Dr Chang speaks, as does any other responsible doctor. It is the system under which so many people have worked throughout the years. Over the years many people throughout the State have been treated by doctors who have followed this system. Those doctors are available seven days a week, twenty-four hours a day. The Minister shakes his head. The Minister should not tell me that he does not know doctors that have been out at night and on weekends attending to patients.

Mr Mulock: As honoraries, and the rest are paid.

Mr PUNCH: Yes, but they do their honorary work.

Mr Mulock: They do not have to do it in an honorary capacity.

Mr PUNCH: They want to do it, they enjoy doing it.

Mr Mulock: They do not have to do it.

Mr PUNCH: That is all right. The dedicated people do it. I shall refer in a moment to the greedy people who wish to be paid for everything. I have spoken to doctors who used to treat returned servicemen after the war free of charge. Those doctors admired those persons who defended their country and returned to Australia. Such consideration has gone out the door now under the system that the Labor Government has introduced ranging from Medibank to Medicare. Those moves were designed to destroy the State's medical system.

[*Interruption*]

Mr PUNCH: The Minister seems to think this is funny.

Mr Mulock: I do not think it is funny. The comments of the Leader of the National Party are untrue.

Mr PUNCH: They are not true?

Mr Mulock: They are not true and do not present the total picture.

Mr PUNCH: If the Minister says that doctors do not give that service, he does not know what he is talking about.

Mr Mulock: I said some do.

Mr PUNCH: I said some do. I did not say they all did. Certainly there are bad people who do not want to give free service.

Mr Mulock: I was not talking about them being bad.

Mr PUNCH: I am talking about all types of doctors. The majority were dedicated people who gave their services free of charge which often involved many hours of work. The Minister for Health and his Labor Party colleagues have a paranoia about charging. Former Ministers for Health have complained that a certain doctor was paid so much under the health scheme. The former Minister for Health referred to a doctor in my electorate who was the only doctor in a small town. The town was located on the main highway. The doctor worked twenty-four hours a day and throughout Christmas. He had a serious illness but was unable to take time off to undergo treatment. A former Minister for Health ridiculed that doctor in this House for overcharging his patients—he received \$37,000 for the year, having worked twenty-four hours a day on his own and in all types of conditions. They are the types of people that the Labor Party has been ridiculing for years. If one is sick and calls a doctor to one's home, the doctor comes, has a chat, sorts out what is wrong and recommends certain treatment. The doctor then goes away. He is at the house for maybe a quarter of an hour or half an hour. When one receives the bill it is about a quarter of that submitted by an electrician who wants cash on the knocker before he comes through the door.

When will the Government take on some of the union demands? When will it be fair? When will it start to question some of these other demands, and not attack the decent, dedicated people who give a genuine service to the community? I do not doubt that even in the Doctors' Reform Society there are some—not too many—who give truly dedicated service. The vast majority of the medical profession are dedicated.

Mr Mulock: The Leader of the Opposition is the son of a doctor.

Mr PUNCH: That is correct. I lived with a doctor for thirty years and I saw his dedication. I did not raise that subject. I also saw the work of his colleagues. I have many friends who are doctors. I know how they work and how they dedicate their lives to looking after people who are sick. It sickens me to see the Minister for Health, himself a professional man with standards of which I am sure he is proud, knocking those in another profession.

Mr Mulock: I am not knocking them.

Mr PUNCH: His Government is.

Mr Mulock: No, it is not.

Mr PUNCH: My word it is. It is trying to destroy an important profession. This whole issue sickens and saddens many people. The people who have received scant consideration are the patients. We are arguing about the doctors, the hospitals, the types of treatment, and about whether the doctors have been penalized or paid too much or too little, but not much consideration has been given by Ministers over the years, or by the Government, to the patients. By trying to change the system, as Dr Chang so eloquently said, trying to curb the doctors' activities so as to make them puppets of the Government, the Government is destroying the profession. It is destroying a whole way

of life and it is lowering the health standards of the nation. We shall get to the stage where, without any question, the result will be a second-rate medical service, where the State and the nation will lose top doctors. Some have been lost already with the closure of units such as the renal unit at Sydney Hospital. The honourable member for Marrickville looks shocked. What about Crown Street? What about Sydney Hospital? They are not together as they were. They are not as efficient as they were. There are other doctors, the Dr Changs and the Dr Shepherds—

Mr Mulock: The doctors are still there.

Mr PUNCH: Some of them. But they are not there as units. I said the unit is broken up.

Mr Mulock: You said the doctors are gone.

Mr PUNCH: All right; the doctors will go too. I do not back off on that. Many of them will go if they suffer too much interference. The point I make is that New South Wales will finish up with a second-rate health service with the loss of top doctors. New South Wales has already lost quite a few. Many of these doctors will get out of medicine altogether. I turn to the issue of the negotiations. The attitude of the Premier and the Deputy Premier in this area is interesting. I commend the Deputy Premier for the statement he made when this matter first arose. His words were:

Nobody has backed down. The basis of negotiations of both sides yielding on some issues and standing firm on others was that which applied.

Not so the Premier, of course, who in his normal vitriolic way came charging in and said, "These miserable, greedy doctors have backed down. Of course they had to." No wonder the Minister blushes and hides his head when he hears those words of his own Premier. The Minister was in complete contradiction of his Premier at that time. The Minister is embarrassed by the Premier, if nothing else. So he should be.

Mr Mulock: Will the Leader of the National Party tell the House the dates of the two statements?

Mr PUNCH: I will give the House the date of one statement. I do not have the other date. I will send that to the Minister.

Mr Mulock: The Leader of the National Party might inform the House now.

Mr PUNCH: The Minister's statement was on 25th July. Does the Minister deny he said it?

Mr Mulock: No, I said it.

Mr PUNCH: The Minister has only to look at the news media. The Premier said on many occasions that he was most critical of the doctors at that time. He called them greedy. My point is that the Government, after all of this shemozzle, was forced to negotiate. The shame is that it did not negotiate in the first place. As I said earlier, I think the Government would have negotiated had the Premier not intervened. One has to go back to the former Minister, the Hon. L. J. Brereton, and his tactics when, I might say, he was backed by the Premier. The Premier seems to have had his hand on the former Minister's shoulder frequently at that time. The doctors warned the Government then that they would not accept that as a satisfactory role. That is when the Premier panicked and the whole incredible mess started. There were the hysterical outbursts by the Premier against the doctors. He called them greedy, unprincipled, and money grubbing. I think they were the words the Premier used in different interviews at different times as the doctors stood up to him and he tried to defend his terrible actions.

I wonder what the Premier said when he went to see Dr Chang; when he crawled out to St Vincent's Hospital and tried to persuade Dr Chang not to do the interview that I referred to; when the Premier went out and was probably on his knees pleading with Dr Chang to have a photo taken with him. That was general knowledge as a result of it coming out in the interview. The Premier wanted to be seen with Dr Chang, to bolster his fading popularity at that time by showing that he had this great doctor on his side. Is Dr Chang one of these greedy, unprincipled doctors? Would one ask doctors who have been associated with such tremendous achievements in surgery whether Dr Chang is a greedy, unprincipled doctor.

What about Dr Shepherd? He also was mentioned. No doubt some honourable members know Dr Shepherd as a man who has given millions of dollars of his own personal money to medical research and the welfare of the State. The Shepherd Centre is named after Dr Shepherd and his wife for the contribution they made to the treatment of children who had an affliction, who were deaf. He donated his own money, and gave his talents for years in an honorary capacity, no doubt, to many people. He is the sort of person whom the Premier has been trying to drum out as greedy and unprincipled. He is one of the men who led the fight against the Government. No wonder the Government is silent, for these are the type of men—and I say this for my friend the honourable member for Marrickville—who will be lost to the medical profession if this Government continues to follow the line that it has over the past twelve months. The Bruce Shepherds and the Victor Changs of this world will be lost to medicine. There is no question of that.

[Interruption]

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

Mr PUNCH: Those doctors will be lost to medicine. The honourable member for Coffs Harbour draws to my attention Dr John Dixon-Hughes, another dedicated medico in this State; a man held in the highest regard. He was attacked by the former Minister for Health, the Hon. L. J. Brereton, as a silvertail. Mr Brereton tried to cast aspersions on him by saying that he is only interested in himself and his way of life. Dr Dixon-Hughes is a man totally dedicated to medicine and has played a big part in the negotiations that have gone on. I am sure he is a man whom the Minister would acknowledge as a very great man.

Mr Mulock: I did.

Mr PUNCH: He is fair and reasonable, and does everything expected of him. Yet, the Minister's colleague does not think so, and the Premier does not think so. I know the Minister would not want to be associated with those two gentlemen. Nevertheless, they are part of the Government. Unfortunately for the people of this State, one of them happens to be the Premier. The whole issue has done irreparable damage to our health system.

Mr Mulock: The Leader of the National Party is trying to open up all of this again.

Mr PUNCH: Does not the Minister think that the Opposition should have the right to debate this matter?

Mr Mulock: Of course, but does the Leader of the National Party think that any of this crap is doing any good?

Mr PUNCH: Does the Minister refer to when I spoke of Dr Chang and Dr Shepherd and Dr Dixon-Hughes as being great men?

Mr Mulock: All that the Leader of the National Party is doing is reopening the whole issue.

Mr PUNCH: The Minister should have thought about that before he introduced his legislation in June. He is always keen to introduce measures and then, when they are knocked over, he sits there and whinges. He asks why I raise these issues; why the Opposition is trying to reopen them? These are extremely important bills. I have a responsibility as leader of a party that represents free enterprise, doctors, those things that are fair, honest and decent in this world. I will stand up against the Minister or any of his colleagues at any time and defend those principles. The Government has made a mess of it. I am not frightened or overawed by the Minister, the Premier or anybody else. I will defend what these doctors have been trying to do for six months.

The Minister for Health starts to think about this and begins to mumble. He should have thought about all of this when the original discussions were proceeding and had a little more intestinal fortitude. He should have stood up to the Premier when the proposed legislation went through Cabinet, and not bowed under, as do all members on that side of the House because they are overawed by a man who is not fit to be Premier. The National Party supports the proposed amendments. We acknowledge that the Minister for Health has done his best in the negotiations that have taken place since the Government backed down and agreed to negotiate and set up the negotiating committee. The doctors have tried to extricate the Government from the problems that the Premier introduced for them. Honourable members will be aware that the one source of disagreement, probably the major source, now over those negotiations is the proposal for the medical services committee. I support what was said by the Deputy Leader of the Opposition in this regard, that the composition of that committee must not be burdened by the Government's bureaucratic heavies, by those who are opposed to negotiation, or those who will not look at the problem fairly and squarely in the interests of medical health in this State. Otherwise, I am sure that the doctors in New South Wales will be walking out again and there will be another confrontation.

The whole exercise has been futile; from the time when the little reformer, the former Minister for Health, introduced that legislation without any consultation whatsoever some ten months ago, to the Premier's entry and interference, the ridiculous tactics, the unprincipled legislation that was brought in, the humiliating backdown, the resignations of doctors, and now the proposed amendments. All of this has shown a recognition that the role of the doctors is one of dedicated effort to look after the people, and that the role of the Government has been to frustrate proper health care. It could all have been avoided had it been done properly. I trust that it will be a lesson to the Labor Party for future legislation in this House.

Dr REFSHAUGE (Marrickville) [3.4]: I support these bills, which will repeal the Public Hospitals (Visiting Practitioners) Amendment Act and amendments made by that Act to the Public Hospitals Act, and will provide for the establishment of a Medical Services Committee. The repeal of the Public Hospitals (Visiting Practitioners) Amendment Act shows two things. First, yet again it shows that the Government honours its promises. The Premier and the Deputy Premier had promised that the Act would be repealed if the provocative action by certain sections of the medical mafia was halted. That bunch of medical hotheads eventually put in abeyance their callous attack on the public hospitals and the people of New South Wales. As a consequence of the easing of those tensions the Government has shown its sincerity again, lived up to its promises, and is now repealing that Act.

Contrary to the tripe that has been brought up by the Opposition, the actions of the privateers and profiteers of the medical profession have been designed to destroy Medicare and the effectiveness of the public hospital system. The production of the Opposition statements has less to do with logic and more of a basis in reverse gastric peristalsis of undigestible fictions and fantasies. Certain sections of the medical profession have had as their political aim the destruction of Medicare. As a more personal aim they want to control the delivery of health care and keep it in their own hands. They have no thought for the health status of the people of New South Wales. Particularly, there is no care for anyone who is not locked into a financial contract with them.

The Leader of the National Party spoke at length about the honorary work done by many doctors. In the nineteenth century that was a highly commendable ethic. Some doctors have continued to hold that ethic, for the highest of motives. Fortunately we have moved away from the need to dispense charity. The majority of people who elect governments—which are basically Labor governments in this country—believe that they should have some rights. One of those rights is access to health care, a right that is not to be dispensed by doctors as a charity or a hand-out, depending on whether the particular doctor feels in a charitable mood. People have the right to access to health care, and to the best quality health care.

Unfortunately, in my medical training I worked with doctors who distinguished very much between those who had private insurance and those who did not have private insurance. I remember only too well doctors in one hospital who would come in every day to see all of their private patients. They would not necessarily do much other than see those private patients, wave to them and make a note of which ones they saw so that they could bill them. But they would not see all of their non-insured patients. That would be left to others to do, for it was beyond the doctors of whom I am speaking. That was not the charity that has been spoken about in this debate. We need to move away from charity, because we cannot expect any person working in the medical profession to lose income by doing charitable work or to provide the best quality of health care for the people of New South Wales.

The people of this State have a right to health care. The Government is ensuring that that right is maintained. I am pleased that only a small section of the medical profession has been behaving in this most despicable way. I wonder whether the same motives that make some doctors become surgeons motivated their despicable action. The need to be the *prima donna* in the operating theatre may be the same need that has been working on the attempted wreckers of the public hospital system. Action, not thought has often been used by their non-surgical colleagues to describe some of these *prima donne*. It is however, a small section of the surgeons, and a smaller section of the medical profession, who have come at last to their senses. The rest of the medical profession has been showing some commitment to the provision of health services to the people of New South Wales. This is the second point about the repeal of the Act that is worthy of note: that the sanity that can be shown by the medical profession is now coming through. I welcome that sanity and hope that it will continue so that all of the people involved in the organization and provision of health services can work together with the common aim of curing and caring for people with illnesses and preventing illnesses that are responsive to present day techniques.

The Government should be commended for its efforts to accommodate the wishes of the medical profession to have a formal advisory body from the medical profession. The establishment of the Medical Services Committee is proof again of the Government's sincerity to take into account any legitimate concerns of doctors before making any regulations under the Act or before a hospital makes a by-law that is substantially different to the model by-laws. It is interesting to note that only members of the medical

profession have been making these dramatic demands that they should sit right beside the Minister as he makes his decisions. Some members of the medical profession have expressed the opinion that the profession should have some say, as many unions have. The original establishment of the Australian Medical Association has gone some way towards that. However, many doctors consider that the Australian Medical Association does not effectively represent their views. Many doctors have decided to join other organizations in order to have their views put forward. Again this has been taken into consideration in the establishment of the Medical Services Committee.

Not only do organizations other than the Australian Medical Association have representation on the committee, but also the committee can establish subcommittees so that other groups or doctors may be represented, have their views considered and put to the Minister before changes are made to the by-laws or regulations. The model by-laws that have been developed over a long period are worthy of praise. The work that has been done by officers of the former Health Commission, doctors and others who were involved in framing the model by-laws has resulted in a series of by-laws that will create uniformity and fairness in the way hospitals run their internal affairs. The Minister's decision to give prominence to those model by-laws recognizes the work of those people and the end product of those model by-laws, which will have a substantial benefit to the running of public hospitals.

Further, it must be realized that this Medical Services Committee is not being set up so doctors can run hospitals. The committee is being established so that doctors can contribute to decisions that affect them. Unfortunately, doctors throughout history have tried to control not only medical practices, but other practices as well, whether they be the nursing practice, the physiotherapy practice, the dental practice, or whatever. Doctors have a legitimate right to be represented and to have their views heard when decisions are being made about their work, but it is doubtful whether they should have a major input when decisions are made about the work of other health professions. The Medical Services Committee provides an avenue whereby the medical profession can make heard its views about regulations or by-laws affecting its work. It is not there as a blanket advisory committee on all matters relating to public hospitals or the regulations of the Act.

The Government is strenuously committed to opposing the coercion of patients by doctors to take out private insurance. The overwhelming majority of the people of Australia voted for the introduction of Medicare. Medicare is a universally comprehensive health insurance system, and every Australian citizen is entitled to reap the benefits of it. Medicare, basically, is all people will require if they are willing to accept the high quality of services provided by public hospitals. Medicare provides also for reimbursements to patients seeing private practitioners outside the public hospital system. However, because of the strength of a certain section of the medical profession, doctors now are able to earn fortunes by overtreating people, by doing more operations, and if the individual is privately insured a significant benefit is gained as a result. This has led unfortunately in Australia to the situation where we have two to two-and-a-half times the rate of majority of elective surgery undertaken in the United Kingdom where no demonstrable medical benefit is available. Although most of that now depends on the accepted standard of practice, the fact that doctors get paid more for doing more has led to the increase seen here. As a result of that and the benefits doctors can obtain directly from patients being privately insured as against patients having Medicare cover, it has been necessary, unfortunately, to curb that sort of excess.

In my electorate pensioners are feeling pressured by doctors to maintain their private insurance despite the fact that all the services they are at present receiving, all the services they are likely to receive, and those their doctors

have suggested they may be needing, are fully covered by Medicare. This is also occurring in other electorates I have visited. Constituents feel their doctors are not telling them the full facts about Medicare cover but rather trying to push patients in the most subtle way sometimes, and most obvious ways at other times, into taking out private insurance. This Government will not have a bar of that. This Government will not allow doctors to line their pockets by pushing patients into private insurance they do not need and often cannot fully afford. As part of this legislation the Government is committed towards ensuring that doctors will not discriminate against patients on the ground of their health insurance status. It has been well recognized, as earlier indicated, that some doctors have engaged in this most despicable act. Doctors involved with operating theatres often, in the experience of myself and many of my colleagues, put at the top of their operating lists patients who are privately insured, leaving those who are not privately insured to be operated on by somebody else. This provision may ensure that operating lists are prepared on the basis of medical needs and not for the purposes of the doctor's pocket or any need by the doctor to go and play golf.

The people of Australia have determined that Medicare will be introduced and will work. The Government will not allow the medical profession to run rampant and run health care, because the care that is available in Australia should be available to all Australians as of right and should not be taken over and dispensed in any charitable or uncharitable way by medical professionals performing other than their standard duties.

In conclusion I shall quote from an advertisement that was published by some of these hothead doctors. The advertisement was authorized by Noel Kinney, the chairman of the Medical Staff Association of Sutherland hospital. Apart from a hateful and vitriolic diatribe, and a later reference to Hitler and Jews, it states, "the public hospitals belong to you the citizens." Doctors have an important role in public hospitals, but they do not own the hospitals. The hospitals are owned by the public for their benefit. Health care will remain the right of the people of New South Wales while this Government remains in office. I support the bills.

Mr CATERSON (The Hills) [3.18]: The contribution of the honourable member for Marrickville barely deserves comment, but when he speaks of the medical profession in the disparaging terms he does I am constrained to say, as I have before in this Chamber, that the honourable member is a disgrace to that profession. He espouses in this House the cause of the society to which he belongs, an organization which represents less than 1 per cent of the medical profession in New South Wales, which was formed not for the purposes for which it is being used at present by the honourable member and his colleagues, but because a number of young, intelligent hospital doctors believed that the other organization was not looking after their interests as it ought. I have knowledge of this because my son happened to be one of the founders of that organization. However, when it was taken over by the ratbags of the medical profession he got out very quickly. When I hear the honourable member for Marrickville talking about the profiteers of the medical profession and of those not caring for people, then I class him as one of those ratbags of the profession.

It is history now that this Parliament was recalled to sit on 12th June to pass the Public Hospitals (Visiting Practitioners) Amendment Bill. The whole exercise was designed to enable the Premier to vent his spleen on the doctors. That is one of the most infamous pieces of legislation ever to pass through this House. It places on doctors who sought to resign from their hospital appointments a seven year ban from working in public hospitals, something that the Government would never have entertained in respect of any other person in the community, whether or not a member of the trade union movement, who sought to leave his employment at any stage. When

the bill was introduced into this House a senior Minister of the Government is reported in the *Daily Telegraph* of 12th June, the very day on which Parliament was recalled, as having said:

I think the Premier has made a huge mistake. The doctors' dispute was going along quietly and now Mr Wran has turned it into a confrontation which is fast developing into a struggle we might no win.

I have always had the sneaking feeling that that senior Minister referred to was the Deputy Premier and Minister for Health. I am sure that from the beginning of this dispute he had no sympathy with what the Premier was trying to do to the doctors of this State. At that time the——

Mr Mulock: I assure the honourable member that I was not the Minister.

Mr CATERSON: At the same time the Government was warned that its action would create chaos in the health system and hospital system of New South Wales. The same newspaper on the same day commenced an article with these words:

Chaos near in hospital row stand-off. The NSW hospital system was plunging towards chaos last night with no move by either doctors or the State Government to calm their row. . . .

The Australian Medical Association predicts catastrophe if Parliament passes the legislation today, as the Premier has promised.

Even the *Sydney Morning Herald* of that same date reported that it could not understand what the Premier was doing. Usually that newspaper has a good word to say about the Premier of this State. I do not understand why that is. It said:

Mr Wran is not normally a high-risk player. So why has he departed from the more cautious strategy adopted by his Minister for Health?

What happened to the hospital system throughout the length and breadth of this State is now history. There were wholesale resignations from hospitals by doctors.

Mr Mulock: There were notices of resignation.

Mr CATERSON: All right, there were notices of resignation. If the dispute had gone on any longer, more and more doctors would have resigned from the State hospital system, leaving it in a parlous position, a position that would have had drastic effects on the sick and suffering of this State. The whole hospital system became over-taxed. I have not heard the present Minister say this, but his predecessor regarded elective surgery as completely unnecessary. Much elective surgery is not non-essential. Elective surgery procedures virtually came to a standstill. Sick and suffering people in need of help were unable to receive assistance from the hospital system. The honourable member for Parramatta spoke earlier today about Westmead hospital. Some of the wards in that hospital and in many other hospitals in the Sydney metropolitan area became swamped with a particular type of patient—in many cases they were orthopaedic patients—to the detriment of other sick people trying to get hospital beds. The Minister cannot deny that many people who were sick and in need of hospitalization were for many weeks unable to get a bed in any of the major hospitals in the city of Sydney.

The situation would have become worse had the dispute gone on any longer. It was obvious to all that the dispute would occur and that the actions of the Premier would make worse the situation in the hospitals of this State. Indeed, for some time the Premier and both the State and federal governments, as well as both State and federal bureaucrats, have conducted a campaign of harassment of doctors. I

wish time permitted me to detail some of the incidents of such harassment. Honourable members know of the abuse of the doctors by the Premier and the former Minister for Health in particular. It is also a fact that the federal Minister for Health has denigrated the doctors. That attitude was carried through to the public servants who issued all sorts of instructions that threatened doctors with all sorts of dire consequences if they stepped out of line in relation to Medicare and their rules and regulations. I know that the federal Department of Health in particular had to be pulled into line in its dealings with a number of doctors because it endeavoured to harass doctors in an unbelievable way.

Like the Deputy Leader of the Opposition and the Leader of the National Party, I pay a tribute to the Deputy Premier and Minister for Health for the part he played in achieving agreement with the doctors. Like the Deputy Leader of the Opposition and the Leader of the National Party, I believe that the Premier intentionally set up the Minister for Health for the high jump. It is only right and proper that a tribute should be paid to the Minister for getting the doctors together because the Premier would never have been able to do so. There is no question but that the doctors would not have had any part of the Premier. It was only after the Minister's intervention that they came to the negotiating table. The Minister got the doctors together. I understand that some uneasy type of agreement has been reached between the Minister and the doctors. I shall return to that matter shortly to show that the agreement is an uneasy one and that problems will be encountered in the future under the arrangement that has been made between the various doctor groups and the Minister, which to some extent is embodied in the two bills before the House today. The House is considering these two bills following the arrangements entered into between the Minister and the doctors. The purpose of the Public Hospitals (Visiting Practitioners) Further Amendment Bill is virtually to repeal that part of the bill introduced on 12th June in that emergency sitting that imposed a seven-year ban on doctors. During that emergency sitting that bill passed all stages in one day, despite protests from the Opposition.

[Interruption]

Mr CATERSON: No matter what the Minister for Health might say in private conversation with the honourable member for Marrickville, things can be done quickly if the Government so desires. The principal bill seeks to further amend the Public Hospitals Act, which passed through the Parliament in November 1983. The Medical Services Committee, which is to be established by the cognate bill, shall be consulted by the Minister in respect of certain things. The main bill will repeal section 42 (1), which was inserted in the Act by the bill introduced in November and reduced in scope in a minor way by amendments passed during the June sittings.

Mr Mulock: Reduced substantially.

Mr CATERSON: Reduced only by removing its application to private hospitals. I stick to my statement that it was reduced in a minor way. The real problem created by the 1983 bill related to amendments to section 42 (1A). The main bill will ensure that the repeal of the amendment proposed in June does not resurrect the issue of doctors' resignations. The cognate bill will establish a Medical Services Committee, which from time to time will give advice to the Minister in respect of by-laws and like matters. The Deputy Leader of the Opposition and the Leader of the National Party have said that the Opposition does not oppose the bills. However, I shall make some personal observations about some provisions of both bills. If I had been advising the doctors during the negotiations, I would have suggested that a number of provisions of the bills be clarified or altered fairly substantially.

Mr Mulock: The honourable member might be briefed by the doctors the next time things are uneasy.

Mr CATERSON: It would be a different proposition. I assure the Minister that the coalition parties if in government would not be trying to put it over the doctors, as this Government has been doing for some years. Doctors have had imposed on them obligations that would not be tolerated by trade unions or trade unionists or by those for whom I have appeared from time to time. New section 29s (2) relates to priority of treatment. It reverses the onus of proof in respect of doctors. Proposed subsection (2) provides:

The conditions subject to which a person is appointed as a visiting practitioner to a hospital shall include the following—

- (a) The visiting practitioner shall not, to the detriment of any patient of the hospital, discriminate as to the nature of professional services or priority of treatment . . .
- (b) The visiting practitioner shall not, at or outside the hospital, coerce or attempt to coerce a patient . . .

I object to the wording of proposed subsection (3), which is in these terms:

For the purposes of subsection (2) (a), conduct of a visiting practitioner does not amount to discrimination if the visiting practitioner establishes that—

- (a) the conduct was the subject of an arrangement made by the visiting practitioner, by which the visiting practitioner arranged for the treatment of a patient by another practitioner . . . or
- (b) the conduct was, on other grounds, reasonable in all the circumstances.

Why should the onus of proof be on the doctor to prove that he was acting reasonably. That is the complete contra-position to the system of justice under which we operate. In the days to come that provision will produce difficulties. Once the bureaucrats receive complaints, as inevitably they do, they will call on doctors to show cause that their conduct at least was reasonable in all the circumstances. No doctor or person in this State should be placed in that position by any Act of this Parliament.

As for priority of treatment I refer to item (4) paragraph (b) of schedule 1 to the principal bill where it says that any visiting practitioner who "refuses to provide professional services or alters the priority of those services" is coercing or attempting to coerce a patient. Who is going to decide which case is more urgent than others in needing medical treatment? The Minister knows it is a practice in hospitals that those most urgently in need of treatment are those who shall receive it first. We all receive complaints from people who have attended hospitals, and I receive them frequently concerning the hospital near my area, where they have had to wait while others who have come later have received treatment before them. The hospital administration, on the occasions when I have telephoned to see what happened, has said that that has been done justifiably.

Mr Mulock: The section will not apply in that case.

Mr CATERSON: I am not talking about that. I am illustrating the point that those who are most sick are those who are treated first. The doctor is the one to determine the priority of treatment and who should receive it first. The Minister shakes his head. This is one of the provisions of the principal bill that will create difficulties in days to come. I should have mentioned, also, that item (4) paragraph (a) of schedule 1 to the principal bill is just words. That paragraph states that the

visiting practitioner coerces or attempts to coerce a patient if that visiting practitioner “gives information that the visiting practitioner knows, or reasonably ought to know, to be false or misleading in a material particular”. The onus will be placed on the doctor to prove that he did not reasonably know the information was false or misleading in a material particular. I refer to these matters because, although the Minister regards the arrangement as some super arrangement these are avenues of discontent and disagreement in days to come.

I pass to the cognate bill that sets up the proposed medical services committee. The composition of that committee will of itself create divisions in the medical profession. It is noted, although it does not say so, that of the four members to be nominated by the New South Wales branch of the Australian Medical Association, one shall be a salaried medical officer. It is already being noised abroad, and I believe the Deputy Leader of the Opposition mentioned it, that this appointment will be a nominee of the Public Service Association. Why should the Public Service Association have the right to nominate an intern, a resident or a registrar to that committee?

Mr Mulock: You had better ask the doctors' negotiating committee about that.

Mr CATERSON: They are not affected by it.

Mr Mulock: They were the people who were prepared to strike on the matter.

Mr CATERSON: They are not entitled to representation. Because it is a union affiliated with the Labor Council the Public Service Association got representation on that proposed committee, to the detriment of many sections of the medical profession. I pass to the next matter, the two nominations of the New South Wales State Committee of the Australian Association of Surgeons, one of whom shall be a salaried specialist. I have no complaint about that. Those people do their jobs, like visiting medical officers, and on the same status.

Mr Mulock: Registrars and residents do not, is that what you are saying?

Mr CATERSON: No, I am not. Listen to me without interrupting. Salaried specialists are doing it with the same status and with the same standing. They are doing the same work.

Mr Mulock: Oh!

Mr CATERSON: They are.

Mr Mulock: You do not know what you are talking about.

Mr CATERSON: You do not know what you are talking about.

Mr Mulock: I do know what I am talking about. The point is that registrars and residents do not play a very important part in public hospitals.

Mr CATERSON: Of course they play an important part. I have had three of them go through all of that. I know all about the work they do and the hours they put in. I am talking about the same standing, the same status.

Mr Mulock: You do not want them represented?

Mr CATERSON: I am talking about the same standing, the same status as visiting medical officers——

Mr Mulock: It is not status. It is what they do.

Mr DEPUTY-SPEAKER: Order!

Mr CATERSON: No, it is not—to be nominated by the Professional Medical Officers Association. I am totally in agreement with it. But I say there are lots of other groups in the medical profession who do not seem to have representation at all, or who will be dependent on one other group to nominate one of their members—members of the Royal College of Physicians, for instance.

Mr Mulock: That is right—after they affiliated with the Australian Medical Association.

Mr CATERSON: The physicians—rightly or wrongly, and no doubt rightly—regard themselves as those who to a large extent maintain standards in medicine in hospitals, yet they have no representation. But I guarantee that as this committee proceeds over a period, there will be discontent among these various groups because they do not have representation on the committee. I have no doubt I will be able to say to the Minister in years to come, “I told you so”.

Mr Mulock: You do not have to tell me so because I know.

Mr Pickard: It will not be many years.

Mr CATERSON: Yes, it will not be too many years because there will be a new Government and a new Minister. I have already heard rumours that those with joint appointments to hospitals—those who are the academics, the university doctors, who do a considerable amount of work in the hospital system—are also annoyed because they have no representation on this committee to advise the Minister. I shall pass quickly to some of the functions of the committee. Proposed section 20C (1) provides that the responsibility of the committee is to advise and consult with the Minister. I hope the Minister, having been advised by and consulted with the committee, will take notice of it. It is all very well at present when there is a dispute for the Minister to do all he can to see that the doctors are happy, but when the bill becomes law he may have a change of heart and say, “Well, now I am the Minister and although section 42 (1A) is no longer there, I will still exercise those powers and I will still do these things, and this committee—well, it can meet from time to time”. I hope the Minister listens to the committee, that it is a proper advisory committee, and that he does consult it on the matters that affect the medical profession and the health services of this State. There are many other matters I would like to have raised, but I must say that I foresee many difficulties unless the Minister and his department can resolve some of them. I raise one matter that has been raised before in this House, but on which there has been nothing but absolute inaction. I refer to the position of Dr Sheldon, a radiologist practising at Wagga Wagga.

Mr Petersen: That has nothing to do with this bill.

Mr CATERSON: It has a lot to do with it. I shall demonstrate that in a moment. This is the very point I am making about the difficulties the medical profession is suffering at the hand of the Minister and the federal Minister for Health and the bureaucrats of their departments. There is a need in the town of Wagga Wagga—

Mr Petersen: On a point of order. The issue of Dr Sheldon and the radiology dispute existed long before the legislation was considered and long before the dispute erupted. I ask you to rule the honourable member out of order. His remarks are outside the order of leave given for the bill.

Mr Caterson: On the point of order. This matter goes to the very core of the dispute that caused the problem with the Government. A moment ago the Minister was shaking his head and telling the honourable member for Illawarra to sit down and shut up. The point I want to make is that the matter I am raising now by way of

passing reference in the last few moments of my speech is germane to the whole of the difficulties being experienced between the medical profession and the Government that this bill will in some way help to iron out.

Mr Mulock: On the point of order. First of all, I certainly at no time told my colleague to sit down and shut up. In fact, I confirmed his suggestion to me that the matter was irrelevant and that he would be quite in order to take the point.

Mr Caterson: That is for the Speaker to say, not you.

Mr Mulock: I am just saying what the conversation was and putting the record straight in the light of the benign comments made by the honourable member for The Hills in which he suggested, quite improperly, the context of the discussion between the honourable member for Illawarra and myself. In relation to the point of order, this matter is not relevant to the bill. It is a matter that arises out of a regulation made by me under a piece of legislation but it is not germane to this bill and therefore should not be raised by the honourable member for The Hills in the course of the second reading speech, and I ask you to rule accordingly.

Mr DEPUTY-SPEAKER: Order! I have listened with some interest to what has been said in the late stages of this debate. The honourable member for Illawarra has put to me that the matter raised by the honourable member for The Hills is not relevant to the bill. I accept that at this stage the honourable member for The Hills has only made passing reference to other matters. Quite clearly it is outside the provisions of the bill. I make this observation: Since becoming the custodian of this chair I have tried to be fair in giving leave and not stifle debate. I have already said this to the Deputy Leader of the Opposition today. Should there continue to be flouting of my rulings and advantage taken of what I have said about giving all members a reasonable chance to debate, I shall adopt a considerably harder approach in applying the standing orders. This debate has strayed too far: In fact, it has become a history lesson. I uphold the point of order taken by the honourable member for Illawarra and supported by the Deputy Premier and Minister for Health.

Order! The honourable member has exhausted his time.

Mr SINGLETON: Mr Speaker—

Mr WADE (Newcastle), Government Whip [3.47]: I move:

That the question be now put.

The House divided.

Ayes, 49

Mr Amery	Mr Crawford	Mr McIlwaine
Mr Anderson	Mrs Crosio	Mr Mair
Mr Aquilina	Mr Davoren	Mr Mochalski
Mr Bannon	Mr Debus	Mr H. F. Moore
Mr Bedford	Mr Ferguson	Mr Mulock
Mr K. G. Booth	Mr Gabb	Mr J. H. Murray
Mr Bowman	Mr Hills	Mr Neilly
Mr Brereton	Mr Hunter	Mr Paciullo
Mr Carr	Mr Irwin	Mr Petersen
Mr Cavalier	Mr Keane	Mr Price
Mr Christie	Mr Knowles	Mr Quinn
Mr Cleary	Mr Landa	Dr Refshauge
Mr R. J. Clough	Mr Langton	Mr Sheahan
Mr Cox	Mr McGowan	Mr Stewart

Mr Walker
Mr Walsh
Mr Whelan

Mr Wilde
Mr Wran

Tellers,
Mr Beckroge
Mr Wade

Noes, 39

Mr Arkell
Mr Armstrong
Mr Baird
Mr Beck
Mr J. D. Booth
Mr Caterson
Mr Causley
Mr J. A. Clough
Mr Cruickshank
Mr Duncan
Mr Fahey
Mr Fisher
Mrs Foot
Mr Greiner

Mr Hatton
Mr Hay
Mr Jeffery
Mr Kerr
Mr Mack
Dr Metherell
Mr W. T. J. Murray
Mr Park
Mr Peacocke
Mr Phillips
Mr Pickard
Mr Punch
Mr Rozzoli
Mr Schipp

Mr Singleton
Mr Smiles
Mr Smith
Mr Webster
Mr West
Mr Wotton
Mr Yabsley
Mr Yeomans
Mr Zammit

Tellers,
Mr Fischer
Mr T. J. Moore

Pair

Mr Rogan

Mr Collins

Resolved in the affirmative.

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

Mr MULOCK (St Marys), Deputy Premier and Minister for Health [3.55], in reply: I am grateful to honourable members for their contributions to the debate, particularly those made by the honourable member for Parramatta and the honourable member for Marrickville. Though members of the Opposition made various comments about me and I did interject on one occasion during the speech of the honourable member for The Hills, I see those comments as the kiss of death. So far as the Government is concerned, there was accord in resolving this difficult issue. That issue arose as the result of direct action by some key people in the medical profession who were so located in the hospital system of the State that they were able to take direct action that had as a result far greater impact than was applicable to their relative numbers in the medical profession in the State's hospital system. Once that problem was overcome, a sequence of events took place. Those events had to be worked through to the stage where today this House will be giving effect to the legislative backing to the agreements reached between the Government and the negotiating committee. Those negotiations were conducted by me on behalf of the Government. Like the medical profession negotiators, I had to take my package to the Government before returning to the negotiating table. The package was accepted and agreement was reached that legislation would be introduced. That legislation is before the House today.

The speech I made in introducing the legislation was non-inflammatory. There was much that I could have said and much that I could still say if I wished to run round with a petrol can, particularly a petrol can similar to those that the Leader of the National Party carried in his hands. History will record the events that occurred. It is not just a black and white situation. Nobody has been closer to the issue than I. Inflammatory statements were made in this House by the Leader of the National Party that brought forward counterstatements by the honourable member for Marrickville. That is exactly what could have transpired if there had been wide-ranging debate. The issues have been well canvassed in debate. The measure speaks

for itself. The legislation has the accord and support of the Opposition. There is a clear indication that the legislation is aimed at overcoming the differences that have emerged. Some of that legislation carries concessions by the Government and the medical profession's negotiating committee.

A point was raised concerning the constitution of the Medical Services Committee. This morning the Deputy Leader of the Opposition said her criticism of myself is that, by my last-minute failure properly to consult all sections of the profession, I ran the risk that the final agreement between myself and the resigning surgeons might not be supported by all of those surgeons. There was no failure on my part to consult all sections of the profession properly. I went into the negotiations with a clear understanding that the negotiating body was representing the medical profession for the purpose of those negotiations. I negotiated with them right through, and I made my position very clear in the course of the negotiations that I wanted the medical profession to have self-determination in relation to the constitution of the Medical Services Committee.

Reference has been made, particularly by the honourable member for The Hills, to the effect that sections of the medical profession will feel they are not properly represented on the Medical Services Committee. The charge I gave to the negotiating body involved the Australian Medical Association having four representatives, two of whom are specifically earmarked by their qualifications for nomination by the AMA to those two positions. Then, as the Act provides, there are various nominees by some organizations in the medical profession. It is now up to the medical profession to come to grips with the constitution of the Medical Services Committee. In the negotiations I made it clear also that if they were to have a body that was to represent the medical profession, and in particular to have an input in relation to our public hospital system, there would need to be representation of some 3 000 salaried employees in the public hospital system who were medical practitioners, that is, full-time specialists, residents or registrars.

I do not resile from what I did on the Monday before the legislation was introduced. I had been away for about a week and negotiations had proceeded. The direct result of those negotiations between my officers and the people representing the negotiating body was that the negotiating body wrote to me and said they would consider it a hostile act if there were ministerial appointments. There was no need for them to consider it a hostile act. No hostility was experienced in all the negotiations. A clear statement had been made by me that these people were entitled to be represented. They comprised 3 000 people out of a total of 10 000 people who provide medical services in our public hospital system.

Once I had reached the point where the medical profession could not resolve the issue itself, I said there would be two ministerial appointments, one in the nature of a full-time specialist representative and the other a representative of the registrars or residents. I could do no more than that, but I did: I told them that if, between then and when I introduced the proposed legislation, they could resolve within the medical profession this particular level of representation on the Medical Services Committee, I would couch the approval I obtained from Cabinet in such a way as to accommodate the resolution put to me by the negotiating body on behalf of the profession. I did that and, on 15th August, the day before I introduced the legislation, I received a letter signed by John Dixon-Hughes, convenor of the negotiating body, under the heading "Composition of the Medical Services Committee". I table that letter and ask that it be incorporated in *Hansard*.

Leave granted.

Addendum

NEGOTIATION COMMITTEE OF THE MEDICAL PROFESSION IN
NEW SOUTH WALES

15 August 1984

The Hon. R. J. Mulock, MLA,
Deputy Premier and Minister for Health,
Department of Health, New South Wales,
McKell Building,
Rawson Place,
SYDNEY 2000.

My Dear Minister,

Composition of the Medical Services Committee

It has been agreed between the Negotiating Body, the PMOA and PSA as follows:

- (1) there should be nine (9) members of the Committee;
- (2) all members (other than the Chairman) should be appointed only upon the nomination of the specified professional bodies. The chairman should be nominated by the committee.
- (3) The AMA should nominate four (4) members, of whom one (1) shall be a general practitioner; and one (1) shall be a salaried medical officer.
- (4) the AAS should nominate two (2) members of whom one (1) shall be a salaried specialist.
- (5) the ASOS should nominate one (1) member.
- (6) the ASA should nominate one (1) member.

This agreement should enable the bill, when introduced, to omit reference to proposed appointments by the Minister otherwise than on nomination of a professional body.

Yours faithfully,
John Dixon-Hughes,
Convenor,
Negotiating Body.

Mr MULOCK: That is the document on which I rely to rebut the suggestion on the part of the Deputy Leader of the Opposition that there was a last-minute failure by me to consult all sections of the profession properly. In the course of my second reading speech last week I intimated that at 1 o'clock that day I received a letter signed by Dr Bruce Shepherd on behalf of his organization indicating objection to the constitution of the Medical Services Committee. Dr Shepherd then phoned me last Saturday to say he had said in the letter he would let me know the outcome of the meeting of his organization that was being held on Saturday morning. His advice to me from that meeting was that the negotiating body would meet again on Tuesday of this week. I received no result from Dr Shepherd as to the determination of that meeting. The negotiating body may well have met on Tuesday of this week. I have had no change of position notified to me by the negotiating body from that which I incorporated in *Hansard*. I rely on that. To put the matter in a nutshell, one of the people on the negotiating body did not agree with the final decision that came forward. If that is to be the premise upon which there is an uneasiness, one wonders how this whole issue will be resolved.

I hope that the Opposition will see that as something that is to be worked out by the medical profession and not as a failure on my part to consult. The medical profession can influence the destiny of the Medical Services Committee

and make it truly representative. The Australian Medical Association has two further positions to which they can make appointees. I hope that there can be some accommodation for the representative of the Royal College of Physicians, as was mentioned by the honourable member for The Hills. Before the negotiations were completed my officers advised me that there were rumblings. In the presence of those officers I told the negotiating body about those rumblings. I do not want a bigger cast than appeared in "Quo Vadis" to be appointed to the Medical Services Committee. That was pointed out to the negotiating body. I believe that every human effort has been made to make the committee representative of those who have an interest in the delivery of medical services in the public hospital system. I hope that Dr Shepherd will not continue to regard it as some personal defeat for him in the process of the negotiating body.

Last Monday week when I was forced into the position of having to suggest that I might make two ministerial appointments to cover the 3 000 people who held positions as full-time specialists, registrars or residents I said that I believed that nobody could argue that the Minister would not be entitled to have two appointees on a committee of nine to represent particular sections of the system on the Medical Services Committee. How that is arranged is a matter for the medical profession. I have not intruded into it and do not intend to do so. Reference was made today to the arrangements that have been made. If those arrangements have been acceptable to those chosen to be the negotiating body for the medical profession, that is the medical profession's way of dealing with the matter. They preferred that proposal to my making ministerial appointments. So far as I am concerned, the matter has been resolved by the medical profession itself.

I hope that the Deputy Leader of the Opposition and other Opposition members, with the knowledge of what I have said as distinct from what they might have heard elsewhere, will realize that there was no validity in the comment that there was a last-minute failure by me to consult properly with all sections of the profession. That has been one of the problems all the way through and led to the question whether negotiations could take place. There was no body that was representative of the profession. As the dispute developed, a negotiating body acceptable to the profession was agreed upon. That body included lawyers. That would-be great lawyer, the honourable member for The Hills, this afternoon gave his interpretation of the meaning of various sections in regard to coercion and discrimination that it had been agreed were to be included in the Act. I should think that the lawyers who attended the meetings on behalf of the negotiating body and were paid a healthy fee would have a pretty fair idea about what they were advising their clients. I reject the comments of the honourable member for The Hills on that aspect.

I come next to the statements made by the Leader of the National Party. As usual his speech was filled with hate. If anyone can put hate into a speech it is the Leader of the National Party. One mischievous matter he began to raise was the timetable for the passing of this legislation. Last week, after I had set the schedule for notice to be given on the Wednesday for the legislation to be introduced on the Thursday, I became aware that the Legislative Council would not be sitting for a period of three weeks, which included this week and the two weeks that the Legislative Assembly will not be sitting. That was a change of position as far as I was concerned. However, I discussed the matter with representatives of the negotiating body and made a contingency arrangement to ensure that doctors who had placed themselves in the twilight position, in terms of whether they had resigned or not, would not suffer. I included a reference to that fact in my second reading speech. They will not suffer in any way.

This is not just a case of a piece of repeal legislation. I told representatives of the negotiating body when they became aware of this legislation that if they would like to go to the Opposition, and the Opposition wanted to go through the motions of putting it through the lower House, the Government would do that in one sitting today. We have gone beyond what we promised, which was to introduce the legislation as soon as possible in the next session of Parliament. The representatives did not want to move in that way, and I believe it has been for the best that Parliament has had a week in the normal course of events to consider this piece of legislation. As a result of having had that time I am sure honourable members feel that their support for the legislation has not been rushed and there has been full, free and frank debate. One could also say informed debate, although some of the comments that were made would not lead one to think there was a great deal of relevant information to form the basis for some of the statements made. I totally reject the approach by the Leader of the National Party seeking to portray that in some way—[*Quorum formed.*] No sooner has the quorum been formed than the member who called for it leaves the Chamber. Honourable members on this side of the House understand that he was rather put out by the fact that his leader took his place in the agreed speaking order and he was not able to make one of those erudite contributions—and the word erudite should be in inverted commas—for which he is famous in this House.

I wish to refer to only one other matter. The Leader of the National Party spoke of Dr Chang, Dr Shepherd and Dr John Dixon-Hughes. Nothing that he said about those persons really went to the heart of the measures before the House. Certainly what Dr Victor Chang said is consistent with my approach and the statements that I and the federal Minister for Health made, that we are trying to achieve a mix in the delivery of our medical services, with both the public sector and the private sector having a role to play. People had the option of contributing to private health funds up to the time that Medicare was introduced. Medicare is a universal, tax-based scheme. It is at the heart of the delivery of medical services and hospital services in Australia, with people having the choice of supplementing that cover with private insurance in order to avail themselves of additional benefits.

Dr Victor Chang was concerned that the Government sought to nationalize medicine. On behalf of the Government I made it clear at the outset of this dispute that it was not the intention of the New South Wales Government or the federal Labor Government to nationalize medicine. The interim report of the Penington Committee of Inquiry into the Rights of Private Practice in Public Hospitals recommended that the direction of medicine be away from a broad nationalization approach. Though I can speak personally of Dr Bruce Shepherd's professional expertise and I am aware of the contribution that he has made in money and personal services to the Shepherd Foundation, those matters have nothing to do with the objectivity with which he sees particular issues. I pay tribute to Dr John Dixon-Hughes, the convenor of the negotiating committee, for the way in which he carried out a difficult role. He faced strong pressures from various sections of the medical profession that were interested in the issues that were at the heart of the negotiating process involving that negotiating committee and me as the representative of the Government. Whatever water has passed under the bridge, this is not the time to talk about personalities. It is time to deal with the issues that are encapsulated in the bills.

Other matters that are outstanding do not require the introduction of legislation. Those matters are the subject of ongoing discussions between the negotiating committee and me as the representative of the Government. I believe that the measures before the House reflect the fact that nobody won and nobody lost. Concessions were made on both sides. The most important thing is that issues that would have been detrimental had they been allowed to continue were resolved. Those issues form the

basis of the direct action taken by some sections of the medical profession in withdrawing their services and placing at risk our hospital system and individual patients. I could say plenty about that matter. I do not intend to do so. The correct way to handle this matter, once agreement is reached, is to adopt the approach that least said soonest mended. I have joined issue here only because I believe those matters I have touched upon should be covered in my reply. If they were left unanswered a very different picture of the way in which the decisions were arrived at would have been created.

Motion agreed to.

Bills read a second time.

Third Reading

By leave, bills read a third time, on motion by Mr Mulock.

PRINTING COMMITTEE

First Report

Mr Mair, as Chairman, brought up the First Report from the Printing Committee.

ADJOURNMENT

Coalmine Retrenchments

Mr MULOCK (St Marys), Deputy Premier and Minister for Health [4.21]:
I move:

That this House do now adjourn.

Mr PETERSEN (Illawarra) [4.21]: I desire to raise on the adjournment debate a most important local issue of which I was advised too late to raise in the Address-in-Reply debate, namely, the proposed retrenchment of 600 mineworkers from Coalcliff and Darkes Forest mines, which are owned by Kembla Coal and Coke Proprietary Limited. I spoke on the Address-in-Reply debate in this House on Thursday, 16th August. I left the Chamber at 2.30 p.m. and received a message that the Minister for Mineral Resources and Energy wished to see me and the honourable member for Heathcote, the honourable member for Corrimal, and the honourable member for Kiama in his office. At that meeting we received the shocking news of the proposed sackings.

Coalcliff and Darkes Forest collieries are in the electorate of the honourable member for Heathcote, but those collieries employ workers from all along the South Coast area. As I said, the news sent shock waves all through the South Coast. The honourable member for Heathcote, who is unavoidably absent from this Chamber because of legal action in which he is engaged, and the honourable member for Kiama, who is ill, have asked me to act on their behalf in this matter. I am sure that you, Mr Speaker, as the honourable member for Corrimal, share our concern about this matter. That concern has been reflected in an article in the *Illawarra Mercury* of Friday, 17th August, 1984. The front page headline of that newspaper says, "Coalmines to shed 500 jobs". The article states that Kembla Coal and Coke Proprietary Limited, which operates these mines, has blamed a lack of markets for the cutbacks. It points out that the same arguments were used when 216 workers were sacked by Clutha

from Burragorang mines in May 1982, and when Clutha closed Brimstone 2 and Valley 2 collieries and the Glenlee washery. I must say, parenthetically, that the closure of the Glenlee washery and the removal of—

Mr T. J. Moore: On a point of order. The closure of the Glenlee washery certainly has not arisen since the honourable member for Illawarra spoke on the Address-in-Reply debate. I ask that his attention be drawn to the need to confine his remarks exclusively to those matters that he intimated occurred promptly after he spoke on the Address-in-Reply debate.

Mr Petersen: On the point of order. I am making only a passing reference.

Mr DEPUTY-SPEAKER: Order! The honourable member assures me he is making passing reference only. I draw his attention to the fact that he has to be consistent with matters that he states have arisen since he made his speech. I shall allow him to continue his remarks at this stage.

Mr PETERSEN: I only want to indicate that there has been a pattern of sackings, namely, 230 more workers were sacked in October 1983 from Burragorang Valley mines and in September 1982—

Mr T. J. Moore: On a point of order. The honourable member for Illawarra is speaking now about a pattern of events, many of which occurred prior to his speech to this House on the Address-in-Reply debate. It was ruled last night that the Deputy Leader of the National Party must confine his remarks to matters that have arisen since he had spoken on the Address-in-Reply debate. I suggest that the honourable member for Illawarra is completely in order, and I am not seeking to challenge his right to address, on the subject of the dismissals by Kembla Coal and Coke Proprietary Limited. However, I suggest that he cannot address any matters that occurred prior to, in a substantial way, his speech in this House on the Address-in-Reply debate.

Mr Petersen: On the point of order. I wish to indicate that the sackings in September 1982 provoked a great deal of anger, as reflected in the march on Parliament House. The same sort of anger is being expressed at the present time. That is my sole purpose for referring to the past.

Mr SPEAKER: Order! I listened to the debate in my room and heard the points of order taken. There is some difference between the situation that occurred last night and the present one. The honourable member for Illawarra is not speaking to the matter to which the honourable member for Gordon is referring; he is speaking to a matter that is strictly local in nature and fairly narrow in its implications. I am confident that the honourable member for Illawarra will come back to the matter that concerns his constituents.

Mr PETERSEN: Although Kembla Coal and Coke blamed a lack of markets for the sackings, I point out that coal production in New South Wales for the fifty-one weeks ended 18th June, 1983, was 64 485 000 tonnes and for the fifty weeks ended 14th June, 1984, production was 63 416 000 tonnes. Exports in the same period actually increased from 27 956 000 tonnes to 31 916 000 tonnes. The actual increases of tonnages from Port Kembla went from 6 480 000 tonnes to 7 797 000 tonnes in the same period. On Saturday, 18th August, the *Illawarra Mercury* reported that 1 000 mine workers had marched through Wollongong demanding the withdrawal of sacking notices. Kembla Coal and Coke announced that its work force at Coalcliff and Darkes Forest would be reduced from 854 to 250 workers, the result of declining markets for coking coal. With 2.3 million tonnes of coal at grass and annual sales of 2 million tonnes, the new factor was the declining coke and coal sales to Japan where tonnages went from 2.03 million tonnes in 1979–80 to 1.1 million tonnes now. Other statistics

for New South Wales show that exports of coking coal actually increased slightly from 13 314 000 tonnes in the fifty-one weeks ended 18th June, 1983, to 13 980 000 tonnes in the fifty weeks ended 16th June, 1984.

The mining unions, chiefly the Miners Federation and the Amalgamated Metals Foundry and Shipwrights Union have threatened to destroy the prices and incomes accord if the retrenchment notices are not withdrawn. Here I want to commend the Minister for Mineral Resources and Energy for his statement that he did not approve subsidizing the closure of mines when they ran into trouble and the parent company did not accept responsibility. Mr Bob Kelly, general secretary of the Miners Federation, has pointed out that Conzinc Riotinto of Australia, the parent company of Kembla Coal and Coke, was expanding coal operations in Queensland, particularly in open-cut mines. I must confess that I cannot understand how Kembla Coal and Coke could justify expansion at Westcliff while sacking miners at Coalcliff and at Darkes Forest. Naturally, the Liberal Party blames the Government and not the coalmine owners cutting one another's throats. I do not want to delay this House further. I approached this subject with a profound suspicion that the miners are being made scapegoats for a profit-hungry employer who is using the miners as pawns to be shuffled around, not from the view of the best organization for production but from the view of the best organization for profit. I can only commend the Minister for the job he has done so far, and I shall be grateful to hear the Minister's comments in response to what I have said.

Mr COX (Auburn), Minister for Mineral Resources and Energy [4.28]: The honourable member for Illawarra and other members on the Government benches who represent the Wollongong area have approached me concerning this serious question. I have had discussions with Kembla Coal and Coke and also with the union. Honourable members will be aware that Kembla Coal and Coke is a fully owned subsidiary of CRA and that Kembla Coal and Coke was taken over by that company in 1980. I have had a look at the 1979 annual report of CRA. The company was fully aware of the economic conditions in the industry at that time. It is recorded that the company was aware of an erosion in coal prices for sales to Japan. Thus, the parent company was aware of the situation when it took over Kembla Coal and Coke. That latter company has approached me with a request that they be permitted to seal the Westcliff extension mine, that they bring Coalcliff mine under what they call a care and maintenance programme, and that the Darkes Forest mine should be reduced in output from twenty-four shifts to eight shifts. This would involve the retrenchment of more than 600 men. The action would require my approval. I have advised the company that I am not willing to give this approval until all avenues have been investigated to see whether this mining operation can be continued.

I have sent letters to the parent company, CRA Limited, requesting it to give serious consideration to the actions it has proposed and I have pointed out the danger of the prices accord being jeopardized by its proposals. I have written also to Kembla Coal and Coke Pty Limited and asked it to give me certain financial details of its operation. I have had meetings with the New South Wales Colliery Proprietors Association Limited and I have arranged on behalf of the Australian Coal Consultative Council for a meeting of the federal Minister with me and the Queensland Minister for Mines. The unions in this area and the coal proprietors meet under the umbrella of this council. A meeting will take place to discuss this question and the issue of mining generally in Australia. Also I have asked the Colliery Proprietors Association Limited and the unions to consider an accord for a period of five years. I have told the unions that there is a need for industrial harmony in this industry and discussed the question of improved productivity. The union has responded by assuring me that it is prepared to consider this.

I have asked the companies to look at an accord in which they will indicate how they see their individual companies proceeding, the type of progress that they expect to take place and any problems that they have. I have asked them, if there are problems in the industry, how those problems can best be handled from the viewpoint of both the proprietors and the unions, and the companies have assured me that they will consider my request and give me a preliminary answer on Wednesday morning. In my view an accord is essential. I want to make the Government's position perfectly clear. It is not willing to deal with this question unless the unions and the colliery proprietors also are willing to look at the total question of mining in New South Wales and how everyone can give and take in relation to this important question. The issue of freight rates has been raised as the most important question. Freight rates are not an issue in relation to Kembla Coal and Coke Pty Limited, whose management has assured me that that is so.

Since this Labor Government came into office it has committed \$1,000 million to the mining industry by way of infrastructure for coal loaders, rail waggons and locomotive power, and new rail lines. The Government has accepted a very heavy commercial risk. The Queensland Government did not accept that sort of risk. In that State the companies provided the infrastructure. So today in the time of crisis the Government certainly has a right to demand that the industry itself and the unions get together and come forward with proposals on how they see that the industry can be assisted. When one looks at this industry one sees its marvellous achievement. In 1950 coal production was 13 million tonnes; in 1982-83 it was 67.4 million tonnes. If one considers production per man shift in both open-cut and underground mines, for all mines in 1950 it was 3.13 tonnes and by 1982-83 it had increased to 16.2 tonnes. That shows that the management has got the coal out of the ground with the assistance of the employees.

When one looks at the price that the industry has got for its coal one sees the real problems that have occurred. For hard coking coal, in 1978-79 the price was \$44.72; in 1982-83, \$65.24; in 1983-84, \$58.07, and if one looks at the equivalent in 1982-83 dollars it is down to \$53.42. The same goes for soft coking coal. In 1978-79 the price was \$38.57; in 1982-83, \$55.40; and in 1983-84, \$48.48, equivalent in 1982-83 dollars to \$44.60. Those figures tell the whole, regrettable story. There has been an overproduction of coal throughout the world, as well as an incorrect assessment by the industry of world markets and prices obtainable for coal. A \$50 million rail freight charge concession was given in 1983, a 5 per cent reduction. The increase of 11 per cent originally proposed in January 1984 was deferred. Also, port charges and royalty charges of \$52 million were frozen. Government charges and taxes on individual mines vary greatly. In a few of the State's eighty-five mines, royalties, rail charges and port charges represent 50 per cent of the FOB export price. At the other extreme, charges and taxes are as low as 12 per cent of the FOB export price. The average in the industry is around 25 per cent. The whole question of manning problems will be referred to the industrial relations committee of the Government.

Motion agreed to.

House adjourned at 4.36 p.m. until Tuesday, 11th September, 1984.
