

Commonwealth Government was making grants of \$568,000,000. I do not know whether that is the right figure—on a dollar for dollar basis with the States. On that very basis alone honourable members can understand the great drain there would be on State finances. At present we are using every dollar we can to try to meet the needs of primary, secondary and tertiary education.

No one denies that there are great benefits to be obtained from building these colleges, and no one would be keener than the Government to have them built. I shall report to the Minister and ask whether any action can be taken to ensure better arrangements in the next triennium and whether any action can be taken to alleviate the position in Newcastle. Of course, this trouble is common to other universities, and we should like to do something for all of them.

Motion agreed to.

House adjourned at 10.31 p.m.

## Legislative Council

Wednesday, 12 March, 1969

Election of Member—Library of New South Wales Bill (third reading)—Sancta Sophia College Incorporation (Amendment) Bill (third reading)—Coal Mining Industry Long Service Leave (Amendment) Bill (first reading)—Explosives (Amendment) Bill (first reading)—Forestry (Amendment) Bill (first reading)—Veterinary Surgeons (Amendment) Bill (first reading)—Aborigines Bill (Message)—Credit Union Bill (Message)—Questions without Notice—Election of Chairman of Committees—Aerial Spraying Control Bill (second reading)—Companies and Business Names (Amendment) Bill (second reading)—Surveyors (Amendment) Bill (second reading)—Adjournment (Business of the House).

The PRESIDENT took the chair at 4.28 p.m.

The Prayer was read.

### ELECTION OF MEMBER

The PRESIDENT: Order! I direct that the Order of the Day No. 1 on the Business Paper of business of the House for Thursday, 20th March, 1969, relating to the election of a member of the Legislative Council, be removed from the Business Paper.

### LIBRARY OF NEW SOUTH WALES BILL

#### THIRD READING

Bill read a third time, and returned to the Legislative Assembly without amendment, on motions by the Hon. J. B. M. Fuller.

### SANCTA SOPHIA COLLEGE INCORPORATION (AMENDMENT) BILL

#### THIRD READING

Bill read a third time, and returned to the Legislative Assembly without amendment, on motions by the Hon. J. B. M. Fuller.

### COAL MINING INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL

#### FIRST READING

Bill received from the Legislative Assembly and, on motions by the Hon. F. M. Hewitt, read a first time and ordered to be printed.

### EXPLOSIVES (AMENDMENT) BILL

#### FIRST READING

Bill received from the Legislative Assembly and, on motions by the Hon. F. M. Hewitt, read a first time and ordered to be printed.

### FORESTRY (AMENDMENT) BILL

#### FIRST READING

Bill received from the Legislative Assembly and, on motions by the Hon. J. B. M. Fuller, read a first time and ordered to be printed.

### VETERINARY SURGEONS (AMENDMENT) BILL

#### FIRST READING

Bill received from the Legislative Assembly and, on motions by the Hon. J. B. M. Fuller, read a first time and ordered to be printed.

**ABORIGINES BILL**

## MESSAGE

The PRESIDENT: Order! I have to report receipt of the following message from the Legislative Assembly:

Mr President—

The Legislative Assembly has this day agreed to the amendments made by the Legislative Council in the Bill, intitled "An Act to make provisions with respect to matters concerning Aborigines; to repeal the Aborigines Protection Act, 1909, and certain other Acts: to amend the Attachment of Wages Limitation Act, 1957; and for purposes connected therewith."

The Assembly desires to intimate that its agreement to the Council's amendment in Clause 8 was effected only upon the request for and receipt of a Message from the Governor recommending additional expenses in connection with the Bill brought about by the Council's amendment; and that it does not desire that its action be drawn into a precedent by either House.

KEVIN ELLIS, Speaker.

*Legislative Assembly Chamber,  
Sydney, 12th March, 1969.*

**CREDIT UNION BILL**

## MESSAGE

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments in this bill.

**QUESTIONS WITHOUT NOTICE****MOSS VALE RESERVOIR**

The Hon. J. B. M. FULLER: On 26th November the Hon. Edna S. Roper asked me a question concerning the Moss Vale reservoir. I briefly answered the question at that time and since then I have conferred with the officers of the National Parks and Wildlife Service. I can now say in addition that it is a fact that the Wingecarribee Shire Council has granted to the Bong Bong Social Water Ski Club permission to use the area known as the old Moss Vale reservoir. The area is in fact a district under the Fauna Protection Act, 1948-1967, but it has been pointed out that the National Parks and Wildlife Service does not own and has no direct control over such districts except in regard to the actual taking or killing of fauna. These districts were automatically proclaimed over water catchments under the

old Birds and Animals Protection Act, 1918-1930, and came under the Fauna Protection Act in 1948, but the service is only able to advise on the management of the districts in so far as wildlife interests are concerned. The owners of the land or the authorities in whom they are vested may in fact do what they like in the development or use of such areas.

The area is an important sanctuary for water birds and it does contain platypus in reasonable numbers. Consequently the National Parks and Wildlife Service after inspection of the site, has requested the Wingecarribee Shire Council to rescind its decision and withdraw permission for motor boat and water ski-ing activities on the reservoir. However, Council at its January meeting confirmed its earlier decision to allow water ski-ing on the reservoir.

**ROADS: RIGHT OF WAY**

The Hon. J. B. M. FULLER: On 12th November, 1968, the Hon. T. S. McKay asked me a question part of which related to the classification of certain roads as major roads for the purpose of excluding vehicles using them from any obligation to give way to vehicles entering those major roads. Though this proposal may have its advantages in allowing traffic on highways to move more freely, it is the view of the traffic authorities that, having regard to road conditions and traffic volumes, implementation of the proposal is not warranted.

The introduction of priority road systems other than expressways and freeways has also been examined by the Australian Road Traffic Code Committee, but is not favoured. The committee expressed the opinion that the give-way-to-the-right rule operates efficiently in New South Wales and no undue inconvenience is caused to motorists travelling on highways and main roads who are obliged to give way to vehicles on their right. The use of "give way" signs on major roads and highways also has been considered by the traffic

authorities. However, in view of the importance, simplicity and wide general knowledge of the give-way-to-the-right rule, it is felt that these signs should be used only at those intersections where by reason of the geometrical pattern of construction of the particular intersection doubt exists in the minds of motorists about who has the right of way.

#### ELECTION OF CHAIRMAN OF COMMITTEES

The Hon. F. M. HEWITT (Minister for Child Welfare and Minister for Social Welfare) [4.48]: I am pleased to move:

That the Honourable Thomas Sidney McKay, B.A., LL.B., be appointed Chairman of Committees of the Whole House.

I believe that the Hon. T. S. McKay has the necessary attainments and character to carry out the duties of this position in a way that will be to the satisfaction of all honourable members.

The Hon. R. R. DOWNING (Leader of the Opposition) [4.49]: I move:

That the question be amended by the omission of the words "Thomas Sidney McKay, B.A., LL.B." with a view to the insertion in their place of the words "Ernest Gerard Wright".

I do not dispute the Minister's statement about the potential capacity of the Hon. T. S. McKay for the position of Chairman of Committees of the Whole House. However, the Hon. E. G. Wright has in the past demonstrated his capacity to carry out the duties of Chairman of Committees with expedition and efficiency. For those reasons I ask the House to select an honourable member for this position whose capacity is known and has been proven. I ask honourable members to put the Hon. E. G. Wright back as Chairman of Committees, a position he held with distinction for so long a time.

Question—That the words proposed to be omitted stand—put. The House divided:

AYES, 27

Mr Ahern	Mr Keighley
Mr Boland	Mr Kenny
Dr de Bryon-Faes	Mr McKay
Mr C. J. Cahill	Mr Manyweathers
Sir Hector Clayton	Mr O'Connell
Mrs Davis	Mr Paterson
Major-General Eskell	Mr Graham Pratten
Mr Falkiner	Mrs Press
Major FitzSimons	Mr Riley
Mr Fuller	Mr Shipton
Mrs Furler	Mr Vickery
Mr Gardiner	<i>Tellers,</i>
Mr Gleeson	Mr McIntosh
Mr Hewitt	Mr Spicer

NOES, 25

Mr Alam	Mr McPherson
Mrs Barron	Mr Maloney
Mr Bowen	Mr North
Mr C. A. F. Cahill	Mr Peters
Mr James Cahill	Mrs Roper
Mr Cockerill	Mrs Rygate
Mr Colborne	Mr Schofield
Mr Coulter	Mr Thom
Mr Downing	Mr Weir
Mr Erskine	Mr Wright
Mr Geraghty	<i>Tellers,</i>
Mr Gordon	Mr Dalton
Mr Jackson	Mr Murray

Question so resolved in the affirmative.

Amendment negatived.

Motion agreed to.

The Hon. T. S. MCKAY [4.51]: I am highly honoured to be appointed Chairman of Committees of this historic House. Also I am acutely aware of the implication contained in the remarks of the Hon. R. R. Downing. I trust that in due course, with experience and with the sympathy of honourable members, I shall discharge my duties to the satisfaction of all in the tradition of my illustrious predecessors, including the immediate past chairman.

The Hon. E. G. WRIGHT [4.52]: I congratulate the Hon. T. S. McKay on his elevation to the position of Chairman of Committees of the Legislative Council of New South Wales not only personally but also on behalf of all Opposition members. The Hon. T. S. McKay is a man of integrity and capacity. Although only a comparatively new member, he has shown those qualities when the opportunity presented itself. I am confident that he

will acquit himself with dignity and distinction in the very high office to which he has just been elected. I am sure we all wish him well.

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [4.53:] I, too, wish to congratulate the Hon. T. S. McKay. I am confident that he will discharge the duties of his high office in an efficient and fair manner. I know that he will have the support of all honourable members in discharging that function.

The Hon. T. P. GLEESON [4.54]: I join with honourable members who have already spoken in congratulating the Hon. T. S. McKay. I am sure that he will make a most competent Chairman of Committees and that he will carry out efficiently the duties of the high position to which he has just been elected.

#### AERIAL SPRAYING CONTROL BILL

##### SECOND READING

Debate resumed (from 11th March, *vide* page 4342), on motion by the Hon. J. B. M. Fuller:

That this bill be now read a second time.

The Hon. H. D. O'CONNELL [4.55]: My impression is that this bill will do much to correct some of the problems created by independent action taken by the various States of Australia to control aerial spraying. I hope that it will tighten up the control of poisons and commodities that are inimical to the health of humans, stock and crops. Quite properly the Hon. H. J. McPherson pointed out that many honourable members would like to know the range of chemicals that may be used in aerial spraying. The informative booklets that are distributed by the Department of Agriculture and the Department of Public Health raise questions about the extent to which pollution will be affected by aerial spraying.

The daily press contains reports of crises caused by pollution all over the world. For example, it is reported that some rivers in the United States of America are no more than running sewers. I am sure all honour-

able members know that our beaches are being badly polluted by sewage. A committee of the federal Senate is sitting today in Sydney to inquire into pollution of water supplies. I attended this morning's sitting as a spectator. Dr Flynn of the water board gave quite a treatise on pollution. To my amazement he announced that the statement he was making, though prepared by himself in association with the president of the board and though a copy had been supplied to the Premier and the Minister for Health, had not been submitted to the board itself. Thus the board did not know what he was submitting to the Senate subcommittee. Then he took the rather peculiar step of announcing that he wanted to give some evidence in private.

Everyone, whether he lives in the city or in the country, is becoming more and more concerned about pollution. Although we realize that we are thoroughly polluted in this city, we are still concerned about the effects of aerial spraying in country areas. As the Hon. H. J. McPherson said, it is important to know the nature of the chemicals that are likely to be used, and the extent to which they will be used. Having made my own investigations into this matter I have become more and more confused. I have consulted government department after government department to try to obtain a modern definition of the properties of chemicals that are being used increasingly day by day and are inimical to health. One becomes confused by the information supplied. Booklets distributed by government departments were prepared more than nine years ago. Since then there have been rapid changes in the composition of chemicals used for this work. Therefore, it is imperative that we should consider this aspect of the matter very carefully.

As the Hon. E. K. E. Vickery, the Hon. T. P. Gleeson, and the Hon. H. J. McPherson have shown, it is comparatively easy to talk about the position in one's own neighbourhood. Country members seem to have a particularly good knowledge of the position in their own areas. They speak with authority about the plants, trees and crops that have been damaged. Therefore, it is understandable that they should

be cautious in their approach to this measure. The Hon. H. J. McPherson made a good point. Mention has been made of experienced operators, but what are these operators handling? They are responsible for using poisons some of which give a person who is contaminated by them little chance of throwing off the effects. Some have a cumulative effect and produce all kinds of reactions. A person affected by one of these chemicals could appear to be suffering from a remote kind of complaint. The trouble is to find a medical practitioner who can diagnose the real trouble. To do this it is necessary to have a thorough knowledge of modern chemicals and the reactions to expect from them.

Unfortunately as one delves to try to obtain information, one finds that the people who should guide us, such as those in the Department of Agriculture and Department of Public Health, have conflicting views. They do not have the full view, and as I said before they are nine years behind the times with their literature. I do not understand how a pilot, or anyone else, can be competent after only three months' training to handle these deadly poisons. It would be appropriate to quote the words of Dr Trainor from the Department of Public Health who said:

These facts require the utmost emphasis so that the user of modern agricultural chemicals may understand the dangerous potentialities of the chemicals which he uses. It is almost inevitable that amongst those handling such dangerous materials some will be careless and accidents will occur, but with care and understanding such accidents could be largely eliminated. Reading the case histories of those who have died, one realises that lives have been lost which need not have been lost, and indeed, which need never have been endangered had reasonable precautions been taken.

Unless a person is serious-minded and has had adequate training to permit him to assess the dramatic results of poisons, he cannot understand what is likely to happen to the health of the public or to crops. Dr Trainor in *Agricultural Pesticides* continues:

Everyone who practices in the field of industrial medicine is familiar with the foolhardy braggart who likes to have it understood that he is "tough". He scorns the care taken by others because "chemicals do not affect him". Many have died for this belief.

*The Hon. H. D. O'Connell]*

This is true. I have found a tendency in people to talk of these things as something of which anyone can take charge. My own impression is that they are guided by economic motives and want things to be done cheaply. When cheapness is put on the scales against people's lives the whole matter must be taken seriously. For this reason I hope that we can look forward to a reappraisal of chemicals that can be used for aerial spraying, pesticides, and compounds used against household pests and vermin.

I hope that the law will be tightened to ensure that no one but a trained man will be able to use these chemicals. I have heard it said that all one requires to be a chemist is to have a razorblade, and he is in business. This is oversimplification. One would expect this sort of remark from a person of shallow thinking. Ordinary people like to know that those to whom they go for advice understand their health and will do a good job. The record of chemists is good. There are not many cases of misadventure. This is a serious matter. I am still quoting from the pamphlet on agricultural pesticides:

Headstones dotted here and there are on the earth's surface mark the resting places of some of those who elected to take the consequences. Many men in industry have to wear for a forty-hour week protective clothing far heavier than their weaker brethren on the land can tolerate for a few hours a fortnight.

Many men will not wear protective clothing or take the necessary precautions. Everyone tends to underestimate the danger until it hits his own home or family. Then it is a different matter altogether. The licensing provisions of the bill must be regarded seriously. The people handling these chemicals have to be taught, for their own protection, the taste, smell and touch of these substances, and to recognize whether there could be possible danger. Recently forty racehorses were poisoned with sodium fluoride. Someone thought it was sodium bicarbonate. This is the danger when chemicals are handled by unregistered and untrained people. People just do not know about these things. Unless one has had the

unpleasant experience of destroying an animal hit by a tram or a car, or seen the dramatic action of these chemicals, one does not fully understand these things.

I find in the bill a list of about three hundred potent chemicals, all of which can be sprayed or used in various pesticides. The bill should ensure that protection is afforded to those in the spraying industry who are in control of these lethal preparations. I referred to pollution, and it must be realized that many of these chemicals run off into the streams. They can be suspended in the air and fall to earth with consequent dire effects upon animals and humans. This makes it imperative that we give this kind of legislation considerable thought. The director-general and the under secretary have under the bill a fair amount of power. I am not so pleased about this; in my experience the information that they offer is not up-to-date or sufficiently reliable. I found on investigation that frequently the laboratory work and their observations have not been their own. We cannot take much comfort from that fact. The three previous speakers referred to crop damage and we heard much talk about insurance. The discussion of insurance, as far as I understood it, was aimed at protecting people who might go on to a private airstrip and be injured.

The Hon. J. B. M. FULLER: That is not in the bill. It is not for the protection of persons.

The Hon. H. D. O'CONNELL: No, but it was mentioned in relation to the bill. As a chemist, I know my responsibility when a poison is sold by me or on my behalf, and I feel that the question of indemnity and personal protection must be looked into. The Hon. R. R. Downing will probably have some ideas on this. A man trained for only three months would not have the same sense of responsibility as a chemist who has a licence to lose and has been properly trained. We should be sure that the man who supplies the gun or makes the bullets is a responsible person against whom one may seek compensation. It is all right to say that a man will be compensated and have his redress at law, but the average

person may not be able to find the necessary money. I should like to see more personal indemnity, insurance and protection for the small farmer who may be in this danger.

Chemicals, as I said before, have become so varied and widespread that it is a most confusing situation. I should like to see arising out of this some effort in the near future to overhaul the Poisons Act and the Poisons Committee. As I look at it, I see some sort of shilly-shallying. I find that fluoride salts and sodium fluoride itself are now referred to as cryolite; 1080 which is a fluoride chemical is referred to as possibly leading to serious crime. I was amazed. I do not know the capabilities of this chemical. I have here a cutting from the *Daily Mirror* of 14th September, 1967, under the heading "Pesticides could cause crime". The article reads:

"All we can do at present is to study the medical histories of people regularly exposed to pesticides—such as crop sprayers—and compare them with others. Of course people vary, and all may not have the same reaction."

Dr Peter Elmes, reader in therapeutics and pharmacology at the Institute of Clinical Sciences, Belfast, said that Prof Willmar's theory could not be ignored.

"There is no definite evidence to suggest that we might produce future generations of criminals, but we do know that pesticides can cause brain and other damage," he said.

"What we do not know is the full extent of the damage or what quantities of the poisons result in harmful effects."

It is not a simple matter. The bill appeals to me because I believe it to be a move in the right direction, and anything that will give the people protection from the harm that these chemicals could cause is worthy of support. I have much pleasure in supporting the bill.

The Hon. O. M. FALKINER [5.10]: I support the bill wholeheartedly for I believe it is definitely a move in the right direction. There is far too much careless use of these chemicals and too much talk about them by ill-informed people who speak about the dangers to which we are supposed to be subject. I do not profess to know as much about chemistry as the Hon. H. D. O'Connell but I do know that on the land

we handle dangerous substances like strychnine, arsenic, and bluestone, and after having done so for many years the number of fatalities is virtually nil, mainly because people on the land learn to respect these substances.

Most of the trouble comes from inexperienced people, especially gardeners, who buy weedicides or pesticides and do not read the labels that are prepared with such great care by the manufacturer. Millions of dollars are spent in the preparation of these labels so that the properties of the chemicals will be clearly known to the people who use them. The Hon. H. D. O'Connell said that many people pride themselves on their hardiness. They are foolhardy, nothing more or less. There is an old saying that if one part is sufficient, two parts are twice as good. This does not apply to these chemicals, because two parts are often fatal or near fatal. If some people are given a chemical, such as sheepdip, they read the label—or half read it—and say: "The label says that this much should be put in. I shall put in a bit more to make sure." This is where the trouble begins, and it is not the fault of the chemical companies or the chemicals themselves; the trouble is attributable purely to the human element. This problem always arises when the human element comes into dealing with poisonous substances.

To give an example of the cost of controlling three pests in the sheep industry in New South Wales—blow-flies, internal parasites and ticks—the cost for the whole of Australia in 1962 was \$55,000,000; as New South Wales has 44 per cent of the sheep in the Commonwealth, one can imagine the big bill that has to be met in this State. Much of this can be avoided with the careful use of chemicals. Much criticism has been levelled at the Department of Agriculture, but I do not agree with this. Some years ago two chemicals, aldrin and dieldrin, showed tremendous promise in the eradication of the blow-fly menace. The department then found that a residue could be left on the animals that were treated, and, as a result, immediately withdrew them from use throughout the State. These are still probably the two most efficient chemicals in respect of protection

*The Hon. O. M. Falkiner*

against blow-flies. We have heard much of DDT, which became available during World War II, during which it was used most successfully. It is hard to estimate just what it has done for mankind. I have some figures here which show that in the United States of America deaths from malaria decreased from 4,000 in 1944 to 7 in 1952.

I shall now mention some other problems experienced on the land that are dealt with directly by aerial spraying. First, I shall deal with the grasshopper or locust. The prophet Joel said about locusts in the dim ages, 3,000 years ago:

A nation is come upon my land, strong and without number, whose teeth are of the lion. Like the noise of chariots on the tops of mountains shall they leap, like the noise of flames, of fire that devoureth the stubble. The appearance of them is as the appearance of horses and as horses so shall they run. The land is a garden of Eden before them and behind them a desolated wilderness. Joy is withered away from the sons of man.

In the late 1930's there was a tremendous locust plague in New South Wales. They came from somewhere in the vicinity of Hay, travelled across the whole Riverina, taking all before them, and went through into the fruit districts in the Goulburn Valley of Victoria. The damage done was tremendous; indeed, I do not know whether an estimate was made of it. There has been no repetition of such a plague only because of the use of aerial spraying. That is one major plague that has been almost eliminated from New South Wales by aerial spraying. Caterpillars have been known to stop a railway train; when they move in a mass they take everything before them. Caterpillars also are now controlled by aerial spraying. The same applies to red-legged earthmites, which are serious pests in pasture country. These are controlled by direct spraying or aerial spraying.

The Hon. R. R. DOWNING: What about mice plagues.

The Hon. O. M. FALKINER: I have not got round to them. I do not know how we can control them but an investigation in Indonesia in the past two years has shown that, if modern techniques were used there to control vermin that are destroying the

food, Indonesia would produce sufficient food for its population. This shows what can be done.

Members have heard much about Carson's book *The Silent Spring*. A pamphlet that is well worth while reading on this subject is *The Desolate Year*, which deals with the findings of a group of scientists who give instances of what is being done with these chemicals. It is doubtful whether anyone could estimate the damage that would be caused if these modern chemicals were not available. A part of the bill that appeals to me very much is a provision that the chemicals will be applied by trained operators. Indeed, I should like to see these chemicals, wherever used, applied by trained people. I believe that this requirement should not be confined to aerial spraying, and that spraying of any kind should be done by a trained operator. If a bottle is labelled "Poison", you do not drink the contents, but the trouble is that people are careless about reading labels. People in the United States are more experienced than we are in the use of these chemicals. An American publication recommends these precautions:

(1) Always read all precautionary labelling directions before using sprays or dusts and follow them exactly. Notice warnings and cautions before opening the container. Repeat the process every time, no matter how often you use a pesticide, or how familiar you think you are with the directions. Apply material only in amounts and at times specified.

(2) Keep sprays and dusts out of reach of children, pets and irresponsible persons. They should be stored outside the house, away from food and feed, and under lock and key.

The expression "under lock and key" can be interpreted widely.

- (3) Always store sprays and dusts in their original containers and keep them tightly closed. Never keep them in anything but the original container.
- (4) Never smoke, eat or chew while spraying or dusting.
- (5) Avoid inhaling sprays or dusts. When directed on the label, wear protective clothing and a mask.

That is seldom done.

- (6) Do not spill sprays or dusts on the skin or clothing. If they are accidentally spilled, remove contaminated clothing immediately. Wash the contaminated skin thoroughly.
- (7) Wash hands and face and change to clean clothing after spraying or dusting. Also wash clothing each day before reuse.
- (8) Cover food and water containers when treating around livestock or pet areas. Do not contaminate fish ponds.
- (9) Use separate equipment for applying hormone-type herbicides in order to avoid injury to susceptible plants.
- (10) Always dispose of empty containers so that they pose no hazard to humans, animals or valuable plants.
- (11) Observe label directions and cautions to keep residue on edible portions of plants within limits permitted by law.
- (12) If symptoms of illness occur during or shortly after dusting or spraying, call a physician and get the patient to hospital immediately.

The Hon. EILEEN FURLEY: What effects do these sprays have on bird life and insects which are helpful to agriculture?

The Hon. O. M. FALKINER: All of these things have been thoroughly tested, and if applied in the right proportions, they are safe. I have with me literature from the University of California in which it is said that 30,000 tests were carried out over a period of ten years and in no case where the chemicals were used in accordance with the directions on the labels was there any damage to bird or insect life.

The Hon. J. A. WEIR: That is contrary to what was said by the Hon. Asher Joel about the use of these sprays.

The Hon. O. M. FALKINER: I listened to the remarks of the Hon. Asher Joel and I believe that a lot of the incidents to which he referred were caused by the improper use of these materials. I am not saying that they will not cause damage if used improperly; I am saying that if used in accordance with directions, they are quite safe. This is an excellent measure. It will give many people greater confidence in the aerial spraying now being done. Some people are worried about it. There have been instances of misuse of chemicals. For example, in Vietnam recently the United

States army sprayed an area of trees to defoliate them. There was some drift of the spray, and a rubber plantation was destroyed. This involved compensation to the extent of \$87 a tree. However, no problems should occur with careful use of these products. I have quoted the ancestor of the Hon. Asher Joel, who some 3,000 years ago said that we must control pests, or we shall be eaten out.

The Hon. W. G. KEIGHLEY [5.24]: I shall not weary the House, but I should like to make a few comments on the practical aspects of aeronautical agricultural spraying. The Department of Civil Aviation has been mentioned. That department deserves a great deal of praise for its efforts to rationalize aerial spraying. It requires the ordinary commercial pilot to attain a certain degree of efficiency in agricultural work so that he is known to be proficient in the control of an aircraft in this type of activity. The aircraft itself must meet certain stringent maintenance requirements of the department, which keeps a watchful eye on the maintenance that is required to be done.

Airstrips have been mentioned. It was said that the Department of Civil Aviation should control and supervise the use of private airstrips used for agricultural spraying purposes. I feel that the department discharges its duty quite well in this respect. In addition to issuing an aeronautical agricultural spraying publication, which every commercial pilot should have, it stipulates the specifications required for every type of aircraft at certain altitudes. The pilot must have in each aircraft that he flies a flight manual which contains details of the altitude, weight, temperatures, the length of the strip, and even what slope is required for the aircraft being used. Having specifications available from the Department of Civil Aviation, it should be necessary only for the qualified pilot to interpret those specifications correctly in order to produce safe flying conditions.

I believe that the bill should make provision for the pilot before take-off to have in the cockpit an adequately drawn map on which is delineated the area to be sprayed. In my experience there have been a few cases where a pilot has taken off either to

crop dust with superphosphate or to spray with DDT or 2-4D, and has dropped the chemical on the wrong area. This may surprise some honourable members, but often the pilot is briefed by the landholder either with a mud map or a sketch on the back of an envelope. Some farmers are very good at drawing mud maps, and others are not so good.

The Hon. R. R. DOWNING: An aerial map is the best thing.

The Hon. W. G. KEIGHLEY: The best thing of all would be a properly drawn map showing the whole farm with the area to be sprayed clearly delineated, and landmarks indicated. I feel that the bill could be improved by the inclusion of that provision. I notice certain requirements in clause 2, paragraphs (a), (b), (c) and (d). One of those is that a map must be produced after the crop dusting has been done showing where the work was carried out. This clause does not seem to me to require the pilot to take off with a map showing the land to be sprayed. If it did, the possibility of spraying the wrong area would be avoided. If the chemical 2-4D is used and it happens to fall on a paddock of lucerne, which may have been developed over a period of ten years, the whole paddock will be completely destroyed and will have to be sown again. No monetary compensation can make up for that loss. With those few comments I commend the bill to the House.

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [5.28], in reply: It is noteworthy that most honourable members who have had practical experience in land matters have expressed support in general terms for the measure. The Hon. W. G. Keighley spoke of the necessity for a pilot to have a map of an area to be sprayed before commencing operations. I should like to say first that, having experienced the Hon. W. G. Keighley as a pilot, I believe that he is the most competent pilot I have ever flown with. If any other honourable member has an opportunity to travel with him, he can go with Keighley with confidence. There is no doubt whatever that he knows how to

handle an aeroplane. However, his suggestion would be difficult to incorporate in the legislation now because of what I said earlier about the need for uniformity.

We have already had to amend this bill with regard to insurance provisions following the experience in Victoria where it was found that the wish to safeguard individuals to what was thought to be a reasonable extent meant that nobody would be able to afford to pay the premium on the policy. We had to amend the original arrangement made by the Australian Agricultural Council. However, I believe that the point made by the Hon. W. G. Keighley will be met when it is realized that these people are likely to lose their chemical spraying rating on their licence and be subjected to court action if they do not take adequate safeguards. Possibly before long, solely to safeguard the pilot and the owner of the aircraft, the map-keeping provisions will be replaced by a requirement to keep a much more efficient map delineating all areas to be sprayed, and possibly crops in the vicinity that might be endangered.

Some reference has been made to personal injury. I emphasize that the main purpose of this bill is to test pilots to ascertain their knowledge of agricultural chemicals before they are issued with a chemical-rating certificate that they are able to handle safely the chemicals they are required to spray from the air. It has been stated that three months is not a sufficient time for pilots to prepare themselves for the test. This is not quite the point. The three months will run from the proclamation of this measure. The pilot will have until then in which to satisfy the appropriate authority that he has adequate knowledge of the prescribed chemicals. It might take one pilot six months to qualify and another two months in which to do so.

**The Hon. H. J. MCPHERSON:** Does this mean that if no pilots pass the test and qualify for certificates, aerial agricultural spraying could be suspended for possibly six months?

**The Hon. J. B. M. FULLER:** All pilots know that this requirement is being written into the law. Naturally they would study

the basic requirements prior to sitting for a test in three or four months' time. The relevant provision will come into force three months after the date of proclamation. I hope that the bill will receive the approval of honourable members tonight, but it may not be proclaimed for some time afterwards. In effect pilots will have a considerable time in which to acquire the necessary basic knowledge before submitting themselves for a test.

The other main purpose of the bill is to require the owner of the aircraft to take out an insurance policy to cover damage caused to crops. As the Hon. R. R. Downing mentioned, the Damage to Aircraft Act will cover people who suffer damage from the operations of aircraft. In any event, the provisions of the common law still apply in respect of any person who is injured when going about his ordinary business. This bill in no way seeks to create another head of liability, and it does not in any way attempt to undermine the existing law on liability. Irrespective of the provisions of this bill, a person is always at liberty to sue an aerial spray operator or a property owner for damage that he has suffered.

It is not just a matter of insurance: the basic law always stands. By this bill it becomes mandatory for an aircraft owner to take out an insurance cover for a person who sustains damage to crops so that he will have a chance of being properly recompensed for it. In the past some operators have caused damage but have not had enough financial backing to compensate a person who has suffered the damage.

The Hon. H. J. McPherson referred to damage to fish. This sort of damage is always open to contention. Damage to wildlife would certainly not be covered by the bill, but if fish are being cultivated commercially in a dam, I should expect that they would be covered. This is something quite apart from wildlife that may in the natural course of their life be living on a property. Domestic animals and stock that are bred and marketed on a property are in a different category. Kangaroos, fish,

wild ducks and creatures of that type would not be covered by the compensation provisions of this bill.

The Hon. H. J. McPHERSON: Most of the fish I referred to would not be farmed commercially.

The Hon. J. B. M. FULLER: If they are not being farmed on a commercial basis I think they would not be covered by the bill. I am sure the Hon. R. R. Downing will agree with me that wildlife cannot be covered by compensation. There have been debates on this matter previously in the House.

The Hon. J. J. MALONEY: Who owns wildlife?

The Hon. J. B. M. FULLER: Exactly. Wildlife does not belong to the owner of the property. This is the essence of the point I am trying to make.

The Hon. H. J. McPHERSON: I was referring to an adjoining property.

The Hon. J. B. M. FULLER: If a property owner is breeding stock for sale or for commercial purposes those animals will be covered by the compensation provision. If he is breeding kangaroos for commercial purposes and selling them—if he were permitted to do that—they would be covered. However, if the kangaroos just happen to be wildlife on his property, he could not claim for damages in respect of any injury to them.

The Hon. H. J. McPHERSON: Does the Minister exclude the domestic cow which is on a property but not for commercial purposes?

The Hon. J. B. M. FULLER: No. If a property owner is running a cow on a commercial property, it is part of his stock. A kangaroo is not in this category. The Hon. H. J. McPHERSON referred to the fact that the bill does not mention the names of the weedicides and pesticides that are likely to be covered by this legislation. There is a good reason for this omission. New weedicides and pesticides are continually coming into use. If the names of the chemicals now in use were included in the bill, every time a new weedicide or pesticide was

introduced, an amending measure would have to be introduced in this Parliament. I am sure honourable members appreciate that the use of ministerial power is the only practical way of keeping up with scientific developments in this field.

I feel that the Hon. W. G. Keighley and the Hon. R. R. Downing covered adequately the question of aircraft landing fields and the difficulties associated with the use of private landing strips. This matter is basically the responsibility of the Director-General of Civil Aviation. It does not ordinarily come within the ambit of a measure like this. To extend the bill in this way would take us far from the two basic objects that I have already mentioned.

The Hon. A. A. Alam referred to the need to subsidize activities of this sort. This is another matter that cannot be covered by the bill. So far as I know, no subsidies have been granted for aerial spreading or the control of weeds or pests from the air. I do not envisage that it will be done in this State in the foreseeable future. Furthermore, I do not think it is necessary for it has been established that aerial spraying is often much cheaper than other methods of improving land and crops. I thank honourable members for their support of this bill.

Motion agreed to.

Bill read a second time.

#### IN COMMITTEE

Clause 2.

[Interpretation]

The Hon. H. J. McPHERSON [5.39]: I should like to refer the Minister to an article that appears in today's *Sun* on the use of hovercraft for aerial spraying. The bill defines an aircraft as any machine that can derive support in the atmosphere from the reactions of the air. This is how the article refers to experiments being conducted with hovercraft:

He believes the craft could be used extensively in crop-dusting operations. "It is much safer and more economical than methods used at present," he said.

I raise the point whether the Minister is of the opinion that the definition as it stands covers something that may eventuate in the near future with the introduction of hovercraft into this industry.

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [5.41]: I have no doubt that it will. Those of us who have seen hovercraft know that they are suspended only because of the strong jets of air directed to the ground. Despite my lack of legal knowledge I should take it that the provision covers the use of hovercraft in aerial spraying.

Clause agreed to.

#### ADOPTION OF REPORT

Bill reported without amendment, and report adopted, on motions by the Hon. J. B. M. Fuller.

### COMPANIES AND BUSINESS NAMES (AMENDMENT) BILL

#### SECOND READING

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [5.45]: I move:

That this bill be now read a second time.

The amendments proposed in the bill have two main objectives: first, to permit the introduction into the Companies Office of a complete system of micro-filming of all documents at present filed under the Companies Act and Business Names Act and all future lodgments, and second, the adoption of certain amendments to the Business Names Act which have for some time been recommended by the Standing Committee of Attorneys-General. As honourable members know, one of the great difficulties experienced by any department of record is the vast quantity of original papers, returns, applications, certificates, and so on required by the nature of the business which must not only be retained but also be kept ready for reference and inspection by the business public. In the case of the Companies Office the current records occupy an area of 2,300 square feet, shelved from floor to ceiling.

The movement of records for inspection and checking is physically difficult and time consuming. The packet of documents for one small company alone may in a few years produce a thickness of 1 inch of documents of foolscap size.

Under the system of microfilming the individual documents will be reduced to the size of the smallest postage stamp and the whole packet to a small-envelope sized plastic cover. The entire records may then be stored in one or more small filing cabinets. Upon microfilming, the registrar will be authorized to destroy the original documents, subject of course to the requirements of the Archives Act. It is not intended as yet that original documents be destroyed; after microfilming they will be removed to the Government Repository. The microfilm packets will then be stored centrally in the Companies Office, where they will be ready at a moment's notice for inspection and search by officers of the department and by the public.

The scheme is an ambitious one; as yet it has no counterpart in any other companies registry in Australia or, it is believed, in any other part of the British Commonwealth including the United Kingdom. Naturally it will take some considerable time to implement fully. It is estimated that the complete microfilming of companies and business names records will entail the production of approximately 17,000,000 transparencies and will take more than four years to complete. Of course, this relates to records already held. It is anticipated that the processing of new documents will commence as soon as the equipment is ready and as soon as the Act comes into force. The present requirement that certain documents shall be printed, has been enlarged to include typewritten, lithographed, or reproduced by mechanical means. The provision at present in force for printing makes for convenience of handling and ease and permanence of record. Now convenience and permanence may be obtained by micro-filming, and provided that the original is clear and legible it matters little as to the method by which it was produced.

The main provision of the amendment to the Business Names Act is the insertion of a new section 5A. This is designed to

prevent a person convicted of certain dishonest practices, from cloaking his new dealings under the anonymity of a business name other than one that clearly recites his own correct name; that is at least for five years after his conviction or the completion of his sentence. Provision has been made to prevent retrospective operation of the Act from falling heavily on any person who has erred before this Act should come into force but, at the inception of the amendment, is trading honestly under a business name. In any case the prohibition is not absolute and provision is made so that any person caught within this section may apply to the district court and, in a proper case being shown, may be granted leave to trade under a business name notwithstanding his transgressions.

This new section 5A is fully in line with the provisions of section 122 of the Companies Act, which prevents persons from taking part in the management of companies following conviction for similar offences. It was found that following the enactment of these provisions in the Companies Act, persons having criminal records have been registering and operating under business names, anonymous but with a respectable sound, and inducing members of the public, not only in the city but also throughout the State, to invest in fraudulent or at least doubtful enterprises. The new section 5A is designed to prevent that.

To bring the Business Names Act into conformity with the Companies Act the time in which prosecutions may be brought for offences against the Act has been lengthened to three years. A recent decision of the High Court that distinguished between the public at large and individual persons has pointed to a defect in section 26 of the Act requiring remedy. That section forbids a person or persons from soliciting money from the public under a business name. It is obvious that the public should well know with whom they are dealing. The amendment now includes within the prohibition any person as a member of the public, as well as the public generally, but excludes from the provisions of this section approaches to persons whose ordinary business is that of a moneylender.

*The Hon. J. B. M. Fuller]*

Clause 2 in the first part of the bill directs that the substantive parts of the measure may be brought into operation from time to time as the Governor may direct. This ensures that the various amending provisions may be dovetailed into the principal Acts with as little inconvenience as possible to business interests and the general public. Part II is the substantive part of the bill as regards the Companies Act. Clause 3 (a) inserts in section 5 of the Act three new definitions—"machine copy", "reproduction", and "transparency"—each with the meaning as ascribed in the Evidence (Reproductions) Act of 1967. These definitions are also incorporated in the Business Names Act by the operation of clause 5 (a) of part III. By clause 7, the time prescribed for notifying changes in particulars, is extended from fourteen days to one month, and a new section 12A empowers the registrar to grant further time for the lodgment of any document. This is designed to relieve a little of the pressure on the small businessman. I commend this bill to honourable members on both sides of the House for their earnest consideration.

The Hon. R. R. DOWNING (Leader of the Opposition) [5.53]: Most of the matters that have been mentioned by the Minister are unobjectionable; indeed, so far as I can see, all of them would be unobjectionable, but I have the qualification that I raised when the House was dealing the other night with the Evidence (Reproductions) Bill. These matters should be considered by experts in this field, so that there will be no opportunity, as a result of microfilming of original documents, to perpetrate a fraud. I am not suggesting that this has not been thought of, but I felt that in all these things it is desirable that most expert opinion should be obtained. I mentioned during the debate on the Evidence (Reproductions) Bill that the microfilming of documents that are to be accepted in evidence should be accompanied by a careful check and scrutiny of the provisions that enable the authorities to make these microfilms of the documents, so that there is no possibility of fraud being perpetrated.

The Hon. J. B. M. FULLER: That could happen now, with normal records. They could be tampered with.

The Hon. R. R. DOWNING: If a person goes to the Companies Office and wishes to conduct a search—and this happens many times—he receives a bundle of documents to look through, supposedly and effectively, under the supervision of someone from the Companies Office. Every now and again a relevant sheet is missing from the file. To the extent that microfilming will prevent this occurring, I agree that a good purpose will be achieved. The Minister has said that about 17,000,000 documents will need to be microfilmed, and that about four years will go by before the microfilming can be brought up to date. But I would have hoped that this sort of thing would have gone to some authoritative body like the Law Reform Commission, for the law of evidence is one of the matters included in its terms of reference. The other night I asked whether the Evidence (Reproductions) Bill had been referred to the commission for its comments, but I do not think I got an answer.

The Hon. J. B. M. FULLER: I said, no.

The Hon. R. R. DOWNING: I thought the Minister said it was not. However, I thought that it was the proper body to look at this matter, seeing that the law of evidence was included in its terms of reference. I was wondering whether the provision contained in this bill dealing with the microfilming of documents that could subsequently be tendered in legal proceedings was considered by the Law Reform Commission.

I am pleased to see that section 122 of the Companies Act is to be incorporated in the Business Names Act. I was keen when I was Attorney-General to ensure that persons who were convicted of dishonesty were unable to continue perpetrating the same offence by changing the names of companies. Therefore, I am pleased to see that this provision is now being incorporated in the Business Names Act and will have the effect, I hope, of preventing many of the frauds that have been perpetrated in the past.

The Companies Office, under Mr Ryan, is probably one of the busiest and most efficiently controlled sections of the public service. Mr Ryan is not only a most able public servant but I am sure that all who have dealt with him in the business world will say that he has also an understanding of the difficulties of business and is not one who, when a sound proposition is put to him by a business executive, does not do his very best sympathetically to understand and help if it is at all possible. In my view Mr Ryan heads a section of the New South Wales public service that could not be complained about when it comes to the administration of the Act under its jurisdiction, but I believe that all these things should be referred for the most expert scrutiny before provisions like this are enacted. I am referring to the microfilming of evidence and of documents that could be used in evidence, and I wish to ensure that there is no possibility of any misuse of documents arising from this change of procedure.

Colonel the Hon. Sir HECTOR CLAYTON [5.55]: I ask the Minister to tell me, in relation to clause 7 (a) (iv) the mystic meaning that attaches to this provision:

by omitting from subsection eight of the same section the word and symbol "addresses," and by inserting in lieu thereof the word "addresses".

The Hon. ASHER JOEL [5.56]: As the Minister and the Leader of the Opposition have pointed out, the bill is unobjectionable and does quite a lot towards closing loopholes in the Act. It provides specifically for microfilming, and my interest arises not from the type of security that the Hon. R. R. Downing referred to but from the security that must counter the risk of fire and other types of destruction. As the Minister pointed out, microfilming will be carried out with historical, legal and other types of documents, and apparently these will be confined more or less to one filing cabinet. While I feel sure that adequate precautions are being taken against fire and perhaps enemy action that might take place in years to come, I believe that it is worth while considering something that is done elsewhere; that is, to investigate whether it is

possible to have a duplicate set of microfilms, to be locked away in a place that is bombproof, fireproof and shatterproof. Loss of records by fire or enemy action completely disturbs the whole legislation and economy of a country, and destroys the possibility of research into documents and historical records. This would be a serious matter, and I enjoin the Minister to give some consideration subsequently, when the time is opportune, to having a duplicate set of microfilms made, to be kept in a place that very few people know about. This would safeguard our records for posterity.

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [5.59], in reply: Colonel the Hon. Sir Hector Clayton worried me for a moment by his reference to the provisions of clause 7 (a) (iv), but this was resolved when it was pointed out to me that the House cannot remove a comma, and, therefore, it is necessary to remove the preceding word as well as the comma, and then to restore the word without the comma. I believe that Colonel the Hon. Sir Hector Clayton caught up with this at the same time as I did.

Colonel the Hon. Sir HECTOR CLAYTON: I caught up with it before that. But no notice is taken of punctuation in an act of Parliament. How do you get over that?

The Hon. J. B. M. FULLER: This bill without punctuation would be even more difficult to understand than it is punctuated. The Leader of the Opposition spoke of the possibility of fraud in the microfilming of documents being referred to the Law Reform Commission. As far as I know this matter has not been referred to the commission. As I pointed out recently when an honourable member raised a similar question about the Evidence Act, reference of these questions has not been made basically because the Law Reform Commission has been fully engaged since its inception three years ago. In many instances the members of the commission have been working overtime. The chairman, Mr Justice Manning, has been overseas examining problems associated with reform of

the laws of New South Wales. If this matter had been referred to the commission, the legislation could have been delayed for a considerable time, as the commission would possibly have considered it one of the less important matters referred to it for attention. This is a good reason for not referring the matter to the Law Reform Commission. From the references made to the officers of the companies branch, it will be appreciated that the officers concerned are fully competent to see that adequate safeguards are taken in this matter.

The Hon. Asher Joel raised the question of making duplicate copies as a safeguard in times of national disturbance, in the event of fire or similar occurrences. This is a good point. I am certain that attention will be given to the possibility of making and storing somewhere a duplicate set of copies for use if the originals are damaged. However, the time element has to be considered. It will take four years to make 17,000,000 transparencies to catch up with the present situation. The making of duplicate copies would lengthen that time. However, I am sure that the authorities responsible will seriously look at the possibility of making duplicate copies when it is possible to do so.

Motion agreed to.

Bill read a second time.

#### COMMITTEE AND ADOPTION OF REPORT

Bill reported from Committee without amendment, and report adopted, on motions by the Hon. J. B. M. Fuller.

#### SURVEYORS (AMENDMENT) BILL

##### SECOND READING

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [6.9]: I move:

That this bill be now read a second time.

The purpose of the bill is to remove the requirement for the Governor to approve the scale of costs, issued by the Institution of Surveyors, New South Wales, Incorporated, to be applied by the Registrar of

the Land and Valuation Court for the taxation of a bill for any fee, charge or disbursement, delivered by a surveyor for work done by him as such surveyor. The Institution of Surveyors, New South Wales, Incorporated, has asked for the amendment and points out that the fees received by practising members of most professional bodies are set by their own institutions and associations.

Section 26 (2) of the Surveyors Act, 1929-1968, provides for a person to make an application to the Registrar of the Land and Valuation Court for taxation of a surveyor's bill of costs should he consider such a bill to be excessive. The subsection requires the Registrar, for the purpose of taxing the bill, to apply the scale of costs that is in force for the time being and issued by the Institution of Surveyors, New South Wales, Incorporated and approved by the Governor. Prior to the commencement of the Surveyors Act, 1929, no statutory provision existed for the regulation of fees charged by surveyors. Provision for issuing a scale of fees by the Institution of Surveyors was made in that Act. When the Act was passed only about one-third of the licensed surveyors were members of the institution. Membership of the institution now comprises about 90 per cent of registered surveyors in New South Wales.

Perhaps honourable members may be interested in a brief history of the Institution of Surveyors. A number of surveyors in 1884 met at the Grand Hotel in Wynyard Street and formed the Surveyors' Club of New South Wales. A number of papers dealing with the profession were read and mutual problems were discussed there. One of the members of the club, Mr F. B. W. Woolrych, is credited as being the first surveyor to chain with long wires. These were made from rolls of wire used for ladies' crinolines of that era. The first president of the club was Mr D. M. Maitland and by 1888 there were fifty-two members. It was in that year that *The Surveyor* was first published. This was a journal which presented technical and scientific articles of great value to the surveying profession. The journal was the forerunner of *The Aus-*

*tralian Surveyor*, a quarterly publication devoted to the interests of the surveying profession in Australia.

In 1889 the club's name was changed to The N.S.W. Association of Surveyors and with a view to federation with similar institutions in the neighbouring colonies it was incorporated as The Institution of Surveyors, N.S.W., on 28th May, 1891, with Mr D. M. Maitland as its first president. Federation, however, was a long way off as it was not until May, 1952, that the Institution of Surveyors, Australia, was formed. The aim of the institution is to ensure the advancement of the profession of surveying. Its code of ethics requires members to maintain a standard of professional conduct and bearing worthy of their profession and emphasizes the responsibilities they have to the Government and to the general public. The institution as a professional body stands in high regard and the request that for the purpose of taxing a surveyor's bill of costs the scale of costs as issued by it should no longer need to be approved by the Governor is reasonable. A person who employs a surveyor will be protected from overcharging by such surveyor, whether he is a member of the institution or not, as the provision for taxation by the registrar of the Land and Valuation Court will continue to apply. However, past experience has been that clients rarely seek taxation of a surveyor's charges. I commend the bill to the House.

The Hon. R. R. DOWNING (Leader of the Opposition) [6.11]: I am surprised that the Government has acceded to the request of the surveyors and brought in this amending legislation. If the House will bear with me for a few moments I am sure I shall convince members that the surveyors should not be placed in this special position. As the Minister said, the Surveyors Act provides that a person who is dissatisfied with a fee charged by a surveyor may apply to the registrar of the Land and Valuation Court within one month, or any time thereafter on the order of a court, and the bill shall be taxed by the registrar, who is charged with issuing a certificate of the amount he allows to be taxed. The most important aspect of this provision in the

Act is that the scale of costs shall be that for the time being issued by the Institute of Surveyors and approved by the Governor. Also the scale of fees has to be gazetted and everyone thus has an opportunity to refer to it.

No doubt the Minister is correct in stating that surveyors will have their own code of ethics. So have lawyers, but I remind honourable members that for many years a statutory committee has fixed the fees that solicitors may charge for conveyancing. The fees of solicitors for conveyancing work and those for surveying are somewhat similar for the purpose of my argument. A surveyor makes a survey of an area of land that is to be the subject of a mortgage. There are good reasons why surveying charges should be known to the public and published in the *Gazette*. However, much more elaborate provisions are laid down for the fixing of conveyancing charges than those prescribed in the Surveyors Act for charges for surveys.

The provisions of the Conveyancing Act of 1919 to which I shall refer were apparently brought into it from the Act of 1899. If I may be permitted to do so I shall inform members about the provisions in the Conveyancing Act applying to the fixing of fees that may be charged by solicitors for conveyancing work. The provisions in the Act are quite elaborate. It is of interest to note that only one practising solicitor is a member of the committee that fixes these charges. After defining client, the Incorporated Law Institute, solicitor and taxing officers, section 206 of the Conveyancing Act provides that the Chief Justice, the Chief Judge in Equity, the Master in Equity, and the president for the time being of the Law Society of New South Wales and a practising solicitor nominated by the Chief Justice—any four of them—may make such orders as they see fit prescribing and regulating fees of solicitors in respect of conveyancing transactions.

Section 207 of the Act provides that within one month after making such an order, it is to be communicated to the Law Society of New South Wales. Section 208 sets out the principles that are to apply to the scale to be fixed by the committee to which I have referred, and section 209 deals with

a general order under that part of the Act authorizing security for costs to the solicitor. However, section 210 provides that any general order shall also be published in the *Gazette*. Also, it must be laid before both Houses of Parliament and, if Parliament is not sitting, within ten days of the resumption of sittings, compared with the usual fifteen days in many bills. The important point is that the general order referred to may be disallowed by Parliament.

I fail to understand why the scale of charges that may be made by surveyors shall no longer have to be approved by the Governor. Why lay down for them a less stringent requirement than is prescribed for solicitors by the Conveyancing Act? Why give surveyors this special consideration? I feel that the Minister did not give adequate consideration to the request made by surveyors for these amendments to be made to the Surveyors Act. In effect, this bill means that the charges shall be those recommended by the surveyors themselves. I remind the House that in respect of conveyancing charges a committee consisting of three non-solicitors—the Chief Justice, the Chief Judge in Equity and the Master in Equity—as well as the President of the Law Institute and a solicitor nominated by the Chief Justice, recommends the fees. An amendment to those charges would have to run through all the procedure that has existed for the better part of a century. By contrast the surveyors will be permitted by this bill to have their charges fixed by their own institute.

I am sure that solicitors feel that this amending bill has not received sufficient consideration. I have not yet heard solicitors ask for an amendment to the Conveyancing Act to permit the Law Institute to fix their fees. I am sure there would be an uproar if they did. It must not be forgotten that surveyors are charging for work done on behalf of people with limited financial resources. If a client wants to learn the costs of conveyancing involved in the preparation of a mortgage, he can readily ascertain it by reference to the scale published in the *Government Gazette*. As a result of this bill it will not be possible for a person to refer to the *Government Gazette* to learn what surveying charge he

will have to meet. He will have to go to the institute to ascertain the charge prescribed at that time. For the reasons I have given I trust that the House will vote against the passage of this bill.

The Hon. A. A. ALAM [6.20]: I take this opportunity to compliment the surveyors of this State upon their ethics and fair dealing. Rarely do we find surveyors overcharging. The firms of Rygate and West in the metropolitan area and L. J. Stapleton at St Mary's, representing the country, typify surveyors throughout the State. If we assume that a block of land costs \$1,000, we find that accumulated charges amount to another \$1,000, making the price of a block of land \$2,000. On inquiry into why the prices of blocks of land have risen year after year, we find that surveyors have always treated the public fairly and reasonably. For that reason I should like to compliment them upon the good name that they have achieved and I hope that they continue to keep it. The surveyors have approved of their institution setting the scale of charges, and I compliment the surveyors on not overcharging.

Debate adjourned, on motion by the Hon. J. C. McIntosh.

#### ADJOURNMENT

##### BUSINESS OF THE HOUSE

The Hon. J. B. M. FULLER (Minister for Decentralisation and Development and Vice-President of the Executive Council) [6.21]: I move:

That this House do now adjourn.

I inform honourable members of an alteration in the order with which we shall deal with bills on the business paper. Instead of dealing with the Interpretation (Amendment) Bill before the Child Welfare (Amendment) Bill and the Rural Workers Accommodation Bill, we shall debate it after these two other bills are disposed of. We shall complete our deliberations on the Surveyors (Amendment) Bill tomorrow.

Motion agreed to.

House adjourned at 6.22 p.m.

## Legislative Assembly

Wednesday, 12 March, 1969

Printed Questions and Answers—Questions without Notice—Veterinary Surgeons (Amendment) Bill (third reading)—Forestry (Amendment) Bill (third reading)—Coal Mining Industry Long Service Leave (Amendment) Bill (third reading)—Explosives (Amendment) Bill (third reading)—Motor Vehicles and Government Railways (Miscellaneous Provisions) Bill—Credit Union Bill—Aborigines Bill—Consumer Protection Bill (second reading)—Adjournment (Fishing Industry, Eden)—Bills Returned.

MR SPEAKER (THE HON. SIR KEVIN ELLIS) took the chair at 2.30 p.m.

MR SPEAKER offered the Prayer.

### PRINTED QUESTIONS AND ANSWERS

#### CLUB LIQUOR LICENCES

MR PETERSEN asked the MINISTER OF JUSTICE—(1) Does the Licensing Commission have any objection to granting liquor licences to clubs which admit men and women to equal membership? (2) What special provisions does the commission require of clubs which admit men and women to equal membership?

*Answer*—(1) No. (2) No special provisions other than those required by the Liquor Act to be incorporated in the rules of a club seeking registration are stipulated by the licensing court.

#### PERMITS FOR HOUSIE GAMES

MR R. J. KELLY asked the MINISTER FOR LABOUR AND INDUSTRY, CHIEF SECRETARY, AND MINISTER FOR TOURISM—(1) How many permits are issued for the conduct of housie games? (2) To whom are these permits granted? (3) How many housie games are conducted by each person holding a permit? (4) What is the average income received from housie by each charity?

*Answer*—(1) The number of permits issued for the conduct of housie games for the year ended 31st December, 1968, was 1,613. This does not mean, however, that there were 1,613 charities conducting this form of fund raising, as the permits issued could be in respect of one night only,