

LEGISLATIVE COUNCIL

Wednesday, 16 November, 1988

The President took the chair at 2.30 p.m.

The President offered the Prayers.

ASSENT TO BILLS

Royal assent to the following bills reported:

Peace Trust (Repeal) Bill
Book Purchasers' Protection (Repeal) Bill
Strata Titles (Leasehold) Amendment Bill
Appropriation Bill

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Motion by the **Hon. E. P. Pickering** agreed to:

That should the House stand adjourned and the Joint Standing Committee upon Road Safety agree to any reports before the House resumes sitting—

(1) The Committee have leave to send any such report, minutes of proceedings and evidence taken before it to the Clerk of the Parliaments;

(2) The documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the Order of the House; and

(3) The documents shall be laid upon the Table of the House at its next sitting.

PRINTING COMMITTEE

Fifth Report

The Hon. J. J. Doohan, as Chairman, brought up the Fifth Report from the Printing Committee.

Ordered to be printed.

PETITION

Abortion

Petition praying that honourable members support the continued availability of abortion and of counselling services at abortion clinics, and that the House vote against the private Unborn Child Protection Bill, received from the **Hon. F. C. Hankinson**.

STATE DRUG CRIME COMMISSION (FURTHER AMENDMENT) BILL

Bill introduced and read a first time.

PARRAMATTA STADIUM TRUST BILL

Bill introduced and read a first time.

Second Reading

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [2.40]: I move:

That this bill be now read a second time.

The principal object of this bill is to constitute a truly independent trust to administer Parramatta Stadium. It fulfils a pledge this Government made during the election campaign. At present Parramatta Stadium is run by a management committee that advises the Sydney Cricket and Sports Ground Trust on stadium matters. This *ad hoc* arrangement is indicative of the lack of importance the former Labor Government placed on the needs of western Sydney. For too long our predecessors took that region for granted and suffered the consequences at the polls. It is estimated that by the year 2000 the western suburbs will have a population of almost 2 million, an increase of 33 per cent. It will become a new focal point for Sydney, easing pressure on the crowded central city. A report commissioned by the previous Government highlighted the urgent need for leisure and entertainment facilities in the West.

Already, Homebush is being developed as a venue for international events, and harness racing will be moved there when Harold Park is closed. Parramatta Stadium has hosted many major and international events, including the Panasonic Cup match, soccer internationals and the Michael Jackson concert. The legislation will enable Parramatta Stadium to break away from the Sydney Cricket and Sports Ground Trust. The Government expects to see the new trust look to even more diverse ways of ensuring the stadium is used to its maximum potential. The Parramatta Stadium Trust is to comprise seven members appointed by the Governor on the recommendation of the Minister for Sport, Recreation and Racing. Each trustee will be appointed for a term of four years.

On a date to be proclaimed, the land on which the stadium is constructed will be vested in the new trust. The lease of the stadium under section 4 of the Cumberland Oval Act 1981 from the Minister for Sport, Recreation and Racing to the Sydney Cricket and Sports Ground Trust will be deemed surrendered. The five-year lease that commenced on 6th January, 1985, will be curtailed by approximately one year. The bill will establish procedures for payment of compensation to the Sydney Cricket and Sports Ground Trust in recognition of the financial contribution that the trust made to the development of Parramatta Stadium. Provision is made for the establishment of a compensation committee, which will recommend appropriate compensation to be made by the Parramatta Stadium Trust to the outgoing lessor, The Sydney Cricket and Sports Ground Trust. The bill provides for the Minister then to determine the compensation payable.

I wish to make it clear to honourable members that the Government does not intend the bill to be seen, in any sense, as a denigration of the work of the Sydney Cricket and Sports Ground Trust. In fact, I wish to acknowledge their endeavours in overseeing the construction of the stadium and for establishing it on a sound basis. Financial analysis of the proposal supports the viability of an independent trust. The bill will protect the rights of all employees at present associated with Parramatta Stadium and provides for transfer of their employment to the new trust on existing terms. The rights of persons who have contracted with the Sydney Cricket and Sports Ground Trust in relation to the stadium will also be preserved and carried forward so as to bind the new trust. This will include that part of the Carlton-United Breweries contract relating to

Parramatta Stadium. This contract will provide the trust with an initial working capital of \$250,000 at no cost to the taxpayer.

The Government intends that the new trust should operate on sound business principles. The creation of a truly independent trust to administer Parramatta Stadium is recognition by this Government of the importance to western Sydney the stadium has as a sporting and cultural centre. This Government will preserve that status by ensuring appointees to the trust are persons of the highest calibre, possessing the acumen and blend of business, sporting and commercial expertise necessary to the proper administration of the stadium. This Government sees no shortage of such people in western Sydney.

Let me assure honourable members on both sides of the House that there will be no political appointments to this trust—and definitely no parliamentarians. It is the policy of this Government that politicians will not be appointed to any trust. Unlike my predecessors, my primary consideration in the appointment of any trustee is, and will always be, the welfare of the stadium and its patrons. Honourable members may be assured that western Sydney will indeed have a strong voice on the trust. This is not an inactive government—quite the contrary; this is a government that has, in its short time in office, already implemented many policies and practices for which it was given a mandate by the people of New South Wales.

This legislation represents the fulfilment of a promise. Parramatta Stadium has reached maturity and has won complete acceptance by the citizens of western Sydney. It is the Government's intention that the new trust will represent the needs of the people of the western suburbs—those who use the facility and those most interested in it. I commend the bill.

Debate adjourned on motion by the **Hon. F. C. Hankinson**.

MOTOR VEHICLES TAXATION MANAGEMENT (AMENDMENT) BILL

Second Reading

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [2.46]: I move:

That this bill be now read a second time.

The principal purpose of the bill is to amend the Motor Vehicles Taxation Management Act to provide for a concession on motor vehicles tax for vehicles used for school student driver education. The amendment will provide a reduction in registration charges on motor vehicles used by secondary schools for educating young people to attain better driving skills. The Traffic Authority of New South Wales, together with the Department of Education, has developed a comprehensive road safety program that covers a wide scope of road safety aspects for children from pre-school age right through to secondary school students. That program was launched in June this year. The establishment of a student driver education scheme will augment that school road safety program.

At present about one in six secondary schools in the State provides some form of school student driver education. These schools are making a contribution to road safety. A reduction in registration charges for the vehicles they use will encourage more secondary schools to introduce driving education schemes. In the longer term these schemes will contribute to a better standard of driving by the community generally. The cost to the Government will not be significant. The major consideration in this proposal is safety—to encourage

a safer generation of road users. The legislation also provides for the continued allowance of a concessional rate of tax on motor vehicles owned by police citizens youth clubs. This concession has been administratively allowed for over 40 years. I commend the bill.

Debate adjourned on motion by the **Hon. G. Brenner**.

MOTOR TRAFFIC (BLOOD SAMPLES) AMENDMENT BILL

Second Reading

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [2.48]: I move:

That this bill be now read a second time.

The purpose of the legislation is to enable analyses of blood samples taken in hospitals in a bordering State or Territory from victims of road accidents which occur in New South Wales to be used for evidentiary purposes in drink-drive prosecutions in this State. It is also proposed to ensure that the Motor Traffic Act will provide appropriate indemnity for a medical practitioner in New South Wales taking a blood sample from a person injured in a road accident, irrespective of the jurisdiction in which the accident occurred. The proposed amendments will provide that a certificate issued by a doctor or analyst engaged in the taking or analysis of a blood sample, in accordance with a provision of the legislation of another State or Territory which substantially reflects the drink-driving provisions in this State, shall be admissible evidence in a drink-drive prosecution in New South Wales. The amendments will also remove any doubt that the existing indemnity provisions for doctors in New South Wales taking blood samples from accident victims apply, irrespective of the jurisdiction in which the accident occurred.

Honourable members will appreciate the need for the Government to use every reasonable, available means to reduce the dreadful carnage on our roads. They will also be aware of the significant contributory role that alcohol plays in a large proportion of traffic accidents. In introducing these legislative changes, which will improve the rate of successful prosecutions of drinking drivers, the Government does not stand alone. Consensus for the proposal was reached by a national committee, convened to examine measures which would overcome the present difficulties with drink-driving prosecutions where a road user, injured in a traffic accident in New South Wales, is treated at a hospital in another State or Territory. Following extensive discussion, the committee considered that the adoption by all Australian jurisdictions of a uniform policy in this regard would be of significant benefit in reducing the difficulties now being experienced.

Insofar as New South Wales is concerned, the amending legislation will enable the acceptance for evidentiary purposes of samples taken in Victoria, which has a compulsory blood testing program in hospitals, or in Queensland, where a police officer may require a sample to be taken. New South Wales police at several locations along the Queensland border have been appointed as special constables in that State and, as such, may accompany road accident victims to a Queensland hospital to request the taking of a blood sample. A certificate of a person's blood-alcohol content will now be admissible evidence, irrespective of whether the analysis is carried out in another jurisdiction, and in accordance with its law, or at the New South Wales Health Department's division of analytical laboratories at Lidcombe. Legislation along similar lines has recently been introduced in Victoria. Unfortunately, the proposed amendments will not

completely resolve the present situation in the Australian Capital Territory. The taking of a blood sample from a person in that Territory currently requires the consent of the person concerned and the federal Government has, so far, declined to vary that position. However, any blood samples voluntarily supplied in the Australian Capital Territory will now be admissible evidence in New South Wales.

I turn now to the question of indemnity of medical personnel. The New South Wales branch of the Australian Medical Association sought clarification of the effect of section 4F of the Motor Traffic Act concerning the provision of indemnity for doctors taking blood samples from persons who are transported to New South Wales hospitals following road accidents in bordering jurisdictions. The branch expressed concern that, under the existing provisions, the intended indemnity may apply only in respect of accidents which occur within New South Wales and that a doctor could be liable for assault if a blood sample were taken from a victim of an accident which occurred in another State. This doubt on the legal implications for medical practitioners was also considered by the same national committee, which recommended that a simple amendment to the present legislation be enacted to clarify that the indemnity is intended to apply in all cases, regardless of the location of the accident.

I have no doubt that honourable members fully appreciate the importance of establishing effective drink-driving deterrents, supported by efficient enforcement procedures and flawless legislation. The proposals I have described will facilitate the Government's continuing commitment to remove the drinking driver from our roads and create a safer environment for all road users. I commend the bill.

Debate adjourned on motion by the **Hon. G. Brenner**.

MOTOR TRAFFIC (DRIVING HOURS) AMENDMENT BILL

Second Reading

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [2.55]: I move:

That this bill be now read a second time.

The object of the legislation before the House is to amend the Motor Traffic Act; to repeal the current hours of driving requirements for heavy vehicles; and to provide for revised driving hours in accordance with the agreement of the Australian Transport Advisory Council. Regulations will be made to specify the revised driving hours requirements. The present inclusion in the Motor Traffic Act of specific details regarding permitted driving hours is inconsistent with the other aspects of the arrangement of the Act.

In 1987 a national review of hours of driving requirements was carried out. This was the first review of driving hours in 35 years. This review resulted in an agreement for a uniform hours of driving package for New South Wales, Victoria and Queensland being reached at the Australian Transport Advisory Council's meeting in December 1987. The New South Wales Minister for Transport at that time, Mr Sheahan, chaired the meeting and supported the agreement. Because of the relevance to interstate transport, where drivers work some of the longest hours, there is a clear need for uniformity among different States. The hours of driving package realistically reflects practices in the road transport industry and the enormous changes in roads and heavy vehicles since the last review in 1952.

I shall outline the package, which will be of interest to honourable members. At present, drivers of heavy vehicles are exempted from hours of driving requirements where their journey takes them less than 80 kilometres from the vehicle's depot. This exemption will be repealed. It is obvious that drivers can get just as tired making lots of short journeys as they can on a long journey which takes the same time. Drivers on journeys within areas near Sydney, Newcastle and Wollongong will become subject to hours of driving requirements. This will not mean an extension of the hours of driving requirements to drivers of all the often relatively small delivery vehicles which operate in metropolitan areas. The hours restrictions will apply in relation to vehicles whose recommended maximum laden weight is more than 12 tonnes. This is an increase from the present criterion of two tonnes unladen.

The changes in driving hours requirements include an increase in maximum daily driving hours from 12 hours to 15 hours. This is to be accompanied by requirements for longer and more regular rest periods. At present drivers are required to have five consecutive hours of rest in the preceding 24 hours. Under the revised arrangements, drivers will be required to have nine hours rest, including a continuous period of not less than six hours in the preceding 24 hours. Under the present arrangements, drivers may drive for 12 days in a row, so long as they then have two days off. Under the revised package, drivers will be required to have one continuous period of 24 hours rest within the seven days prior to driving. Under the present requirements a heavy vehicle driver could drive for as much as 84 hours in a week. The revised package will limit weekly driving to 75 hours.

An improved system of enforcement of driving hours is also being developed nationally. This new system will include a logbook that will be very simple to complete. A logbook will be issued only in the State where the driver's licence was issued. This is to prevent drivers having several logbooks obtained in different States. Information about logbook issue and driving hours offences will be shared between States. It is planned that drivers obtaining or using multiple logbooks will have their logbooks cancelled. Future experience may indicate that further changes to the hours requirements are necessary. This legislation will allow further changes to regulations to adjust the details of the requirements. I commend the bill.

Debate adjourned on motion by the **Hon. G. Brenner**.

MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL

TRANSPORT (PENALTY DEFAULTS) AMENDMENT BILL

Second Reading

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [3.0]: I move:

That these bills be now read a second time.

The purpose of the legislation before the House is to amend the Motor Traffic Act to remove an unnecessary provision which, in some cases, impedes the application of penalty default sanctions, and to amend both the Motor Traffic Act and the Transport Act to verify that all monetary components of court-imposed penalties are valid inclusions in the determined amount in default. The penalty default legislation introduced last year includes reference to the legal process of "laying an information" in the prerequisites to the issue of cancellation notices as a consequence of non-payment of traffic or parking

penalties. The clause concerned mirrors a provision of the Justices Act which applies only to matters dealt with by the courts, and was included inappropriately in a section of the Motor Traffic Act which relates specifically to enforcement by infringement notice. As informations are not laid in relation to offences reported by infringement notice, the clause is both unnecessary and irrelevant. Furthermore, it impedes seriously the effective administration of the cancellation scheme.

Unless repealed, the offending clause will preclude the issue of default cancellation notices in all cases where the offence occurred more than six months previously. As a consequence, licence or registration cancellation cannot be taken in respect of the significant accumulation of unpaid traffic and parking infringements which have proceeded to commitment warrant. Further, the unnecessary constraint imposed by the present legislation prevents cancellations being imposed on those defaulters who have received several months' additional time to pay, because of the initial moratorium on cancellations, and who have still failed to meet their obligations. Clearly, the shortcomings of the present legislation will seriously impair the credibility of an enforcement measure which has already achieved considerable success. If that success is to continue, the public perception of cancellation sanctions as an unavoidable consequence of penalty default must be maintained. The proposed amendment will help the Government achieve this goal.

Collections to the end of October have exceeded \$4.4 million and the default payment rate, following the issue of a notice of intended cancellation, is currently around 56 per cent. These figures will be significantly improved when the Government is able to apply cancellation sanctions to the present backlog of older defaults that have accumulated due to statutory limitations. The other amendments to the Motor Traffic Act and the Transport Act relate to monetary elements of court-imposed penalties other than a fine or costs. The terminology now chosen to describe these penalty components will remove any doubt that matters such as witnesses' expenses or compensation awards are valid inclusions in the determined amount in default and are therefore adequate grounds for licence or registration cancellation, should they remain unpaid. The proposed amendments represent fine tuning of legislation which is generally suitable and, once enacted, will enhance the effectiveness of the default cancellation procedures. I commend the bills.

Debate adjourned on motion by the **Hon. G. Brenner**.

LOTTO (AMENDMENT) BILL

Second Reading

Debate resumed from 15th November.

The Hon. K. J. ENDERBURY [3.3]: This bill has two purposes. It will validate at law the extension of the Lotto licence issued by the Labor Government in 1986, and it will facilitate the introduction of the game known as keno. In September 1987 the former Government made a commitment, and reaffirmed it in 1987, to introduce keno in clubs, on the basis of a phased implementation from February 1989. The coalition, when in opposition, gave a firm commitment to the Registered Clubs Association to introduce keno in registered clubs, so that there is unity between the Government and the Opposition on this legislation. Therefore, the Opposition is pleased to support the bill.

I take this opportunity in the debate to address some general remarks about the industry that will benefit most from the legislation, that is, the registered clubs movement. Clubs are historically an important part of New South Wales community life. We all know it is true that clubs play a central role in our society. They stand for the fundamental values of community support and constructive co-operation among people who live in those communities. For those reasons Labor governments have always stood behind the club industry. I pay tribute to the late Ken Booth for much of the pioneering legislation which has been of great value to the club movement of this State. Perhaps at some stage it would be appropriate for the Registered Clubs Association to pay tribute to the work and valuable assistance given by our late colleague, Ken Booth, who I know would have supported this legislation.

Clubs are groups of people, sharing a common interest, who club together to promote and provide facilities to pursue that interest. Clubs are an efficient, democratic and economical means of funding facilities, on a user-pays basis, for the benefit of the whole community, because by law club income cannot be distributed to members, corporations or individuals. Mostly they have no income-earning capacity and have not been and would not be able to have the facilities provided by the private sector. Because of its unique structure the club industry relieves the New South Wales Government of much responsibility in providing these facilities. It does so via a painless application of the user-pays principle, by distributing revenue from popular, income-generating activities, to pay for the facilities and services it provides.

I live at Tweed Heads on the Tweed River. As I have been proud to say on many occasions, the major industry for that area is registered clubs. I live near one of the branches of the Twin Towns Services Club, which I understand to be the biggest club of its type in the world. Also nearby is the Seagulls Rugby League Football Club Limited, which is the biggest leagues club in New South Wales. As well as clubs such as the Terranora Lakes Country Club, there are many bowls clubs and golf clubs including the Tweed Heads Bowls Club, which I understand is the biggest bowls club in the world. I am well aware of the value to this State of income generated by the club movement. I point out the importance of the income this State derives from overseas and interstate visitors. In my region much Queensland money is spent in New South Wales clubs and finds its way back to the coffers of the New South Wales Government. It is important to the industry and to the area in which I live.

In 1956 the Labor Government legalized poker machines in New South Wales clubs, a move that made it possible for clubs to use profits from the machines to provide amenities and to subsidize operations. In recent years, and in fact now, the movement has asked government for intervention with changes to things such as gaming rights and tax relief concessions. The previous Government had an excellent reputation with the club movement. It enacted the Registered Clubs Act of 1976; established a club industry advisory council; provided tax concessions which now approximate more than \$31 million annually, including licence tax and supplementary tax concessions; allowed trade promotions in clubs; permitted 20c multicoin poker machines and multiplier poker machines that accept up to five coins; allowed the multicoin and multiplier machines to be taxed as single coin machines, despite the ability for wagering of up to five coins per play. It also amended the legislation to allow clubs to amalgamate, and permitted instant lotteries in clubs, together with ClubTAB. At times amendments were made to legislation to combat poker machine cheating where it was seen necessary to do so.

As far as this legislation applies to keno, I should like to say that keno is, apparently, to all intents and purposes, another form of Lotto. The definition of "Lotto" in the Lotto Act catches keno as well as other games. As the Act prevents the grant of a licence while another is already in force, the bill will amend that provision to clear the way for co-existence of a Lotto licence and keno licence. The amending legislation will add extensive controls to ensure the integrity of the game. Those controls include power to issue directions to the licensee, extended inspectorial powers, powers to direct that the employment of certain persons be terminated, power to carry out investigations, requirements that gaming equipment be approved by the Minister, and power to terminate certain contracts.

The keno task force report, which the Chief Secretary tabled in Parliament on 14th September, recommends detailed controls to be adopted once the amending legislation is passed. The task force report covers matters such as the proposed management system for the game, security requirements, how the game will be financed, and the impact of keno on other forms of gambling. The security of the game will be controlled also through the legislative provisions and regulations under the Act, the licence and its conditions, scrutiny of all contracts and agency agreements, the rules of the game, directions issued by the Minister, approval of gaming equipment, and probity checks on the licensee, operator, key employees, and persons delegated authority under the Act. The game will be run by the registered club industry.

The former Government was attempting to establish legislation setting out who would run the game of keno. The former Government was attempting to make an agreement with the State Lotteries Office, or a combination of the State Lotteries Office and the Totalizator Agency Board, or perhaps a combination of those two bodies with private enterprise, in an attempt to retain some equity in profits. No profit is supposed to flow from the conduct of the game of keno; all profits are supposed to be disbursed among participating clubs. I am sure that the Minister will ensure that all is conducted for the benefit of players and clubs, and will ensure also that those not supposed to make a profit do not award themselves lucrative expense accounts and motor vehicles as compensation.

I am sure that this legislation as it applies to keno will be popular. I have observed just how popular keno is at Jupiters Casino on the Gold Coast. Even competition with roulette, blackjack, backgammon, video machines, and other forms of gambling—even that grand Australian traditional game of two-up—does not prevent people from playing keno on the same premises as those games are played. Perhaps one day this Parliament may legislate to legalize two-up in this State—even though the Minister for Police and Emergency Services, the Hon. E. P. Pickering, would tell us that that game is not being played in New South Wales. We shall see. This legislation is another measure to enhance the club movement in this State. The Opposition is very pleased to support the bill.

The Hon. P. F. O'GRADY [3.13]: As my colleague the Hon. K. J. Enderbury has said, the Opposition supports this legislation. It was, of course, the Labor Government which initiated the introduction of keno into registered clubs. The Registered Clubs Association came to the Labor Government in 1985 and put to it that there is a real need to introduce a new form of gambling in the registered clubs of this State. The need, they asserted, was that some 85 per cent of club patrons do not play poker machines. That was of some concern to the registered clubs, and the association explained the need to have a new form of gaming to increase their turnovers.

This amendment, the Lotto (Amendment) Bill, will allow keno to be played in registered clubs. This amendment is necessary because keno is a numbers game, as is Lotto. Keno is played very similarly to the game of Lotto. I suppose the main reason for the Labor Government not introducing this legislation was the Crown Solicitor advising that because of the existence of a Lotto Management Services Pty Limited agreement, this measure could not be introduced until that agreement had expired. It was, of course, the intention of the Labor Government to have the game of keno up and running by early 1989. This is certainly a new dimension on gaming in New South Wales. For the first time, the Registered Clubs Association will have a form of gambling that is computerized and on line, as are lotteries and Lotto.

The concern of the Labor administration was to protect small clubs from the larger clubs, which continue to grow larger and larger day by day. That administration considered keno an opportunity for small clubs to operate in the same environment as the larger clubs. Of course, the overall cost of administering keno would be spread across the 1 500 New South Wales clubs, enabling smaller clubs to participate in the game on an equal footing. The main concern of the small clubs, such as golf and bowling clubs, is the high cost of their operations. For instance, they must maintain bowling greens and golf greens. Those additional expenses add enormously to their running costs, placing them at somewhat of a disadvantage compared with other clubs. That is why this legislation is good; it will allow the smaller clubs to increase revenue and continue to grow.

The game of keno must be promoted. It is important that any promotion does not favour the larger clubs to the disadvantage of the smaller clubs. The Government should ensure that the larger clubs, as a result of the introduction of this game, do not get bigger while the smaller clubs become smaller. A disappointing part of this legislation is that the Government has not set out in it what taxation return there will be to the Government. Nor does it stipulate what the return to the keno players should be. The keno task force report, which was delivered to the Chief Secretary in September this year, does not suggest a rate of return to the player or the Government. The Opposition believes this to be an important matter that the Government should address.

Another matter which the Opposition is pleased to see the Government taking up relates to the licensing of key employees. This was a matter looked at by the Labor administration in respect of casinos and video amusement devices that have been introduced in hotels. The Liquor Administration Board, under the chairmanship of Reg Bartley, has changed the whole direction of gaming licences in this State, because the Labor administration legislated to compel licensing of key personnel. Although that caused some concern and agitation to some involved in the industry, no doubt it is critical that there be licensing of key employees; we must ensure that all involved in the gaming industry are clean, that they have no smell about them. Though all honourable members would know that it is very difficult to define who are undesirable employees, the licensing of employees is particularly important; no government or industry can afford to have any taint about it.

The Victorian Wilcox report made some unfavourable comments on the poker machine industry. It certainly spurred the Labor administration to license those employees. I have spoken previously about the importance of golf and bowling clubs to the citizens of New South Wales. Those clubs provide benefits which no government could afford to finance. Those clubs must survive, and grow. Keno will give them assistance in their efforts to expand. For those reasons, among others, the Opposition is particularly in favour of this

legislation. The Minister in the other place in his second reading speech referred to the former Government's sad history and slipshod control over gambling. This is something the Opposition rejects totally. The former Government put in place a number of controls to ensure that the State was not smeared by innuendo. As I said previously, it was the Labor Government that decided to legalize video poker machines in hotels. It decided that because they were in hotels and were run by what one could call not such honourable people in society. The former Government cleaned out those people and put in an industry which was clean, honest and under strict control.

I reject totally the words of the Minister in the other place about the former Government's integrity and security over gambling. It is something about which the Labor administration can be proud. It put in place some good legislation not only for the hotel industry but also for the club industry. It put in place good legislation for the casino. It was keen to ensure that everything was set up in a proper and organized fashion. There are some issues the Opposition believes the Government should be concerned about and to which it should pay attention. I have mentioned the rate of return to players and the taxation issue. If the rate of return to the player is not 85 per cent, there will be some real problems in the game being successful. It is important that the game be successful.

The Hon. R. B. Rowland Smith: It will be.

The Hon. P. F. O'GRADY: That depends on the taxation.

The Hon. R. B. Rowland Smith: The Government will ensure that players get a good return, otherwise they will not play the game.

The Hon. P. F. O'GRADY: Indeed, but that depends on the taxation level the Government sets. Nowhere that I can see has the Government indicated what that level will be.

The Hon. R. B. Rowland Smith: It is being negotiated.

The Hon. P. F. O'GRADY: The second area of concern is the controlling company that will be set up to control the game of keno. The Registered Clubs Association will have representatives on that company. I assume they will be elected by clubs that are members of the Registered Clubs Association. However, a number of clubs are not affiliated with the Registered Clubs Association. There is a second club association, the Licensed Clubs Association. The Opposition believes the Government should ensure no club or group of clubs is excluded from participating in this company. I ask the Government to consider the dilemma of those clubs that are not members of the Registered Clubs Association. Also, there is no union representation on this organization, something the former Government planned on ensuring. I should have thought that it was crucial to the success of any organization within the club movement that the employees have a representative on it.

The other area I wish to raise is mentioned on page 11 of the keno task force report. A heading on that page is entitled "Sharing of duty with participating areas". It seems to be suggesting that a different game or different forms of the game will be played in different parts of the State. I am not sure how this will operate if one is running a statewide system that will have a central computer bank in the heart of Sydney. Also, will this game be promoted only inside registered clubs or will it be promoted outside registered clubs? Page 13 of the report intimates that the Government intends to have this game played in all areas of any registered club. I believe the Government has to ensure that young people are able to play a larger role in registered clubs.

The Hon. R. B. Rowland Smith: What does the honourable member mean by young people, what age?

The Hon. P. F. O'GRADY: People under 18. It was the object of the previous administration to ensure that under-age discos and such things could be conducted in registered clubs, in an area that was delicensed, had no alcohol and no gaming available. It would be of concern if the Government were to commence on a different path where gambling is allowed in all sections of clubs. It is not particularly healthy to have young people in areas where there is gambling and alcohol. One should be trying to use the resources of the community to assist young people to have some cheap and enjoyable entertainment close to home.

The Hon. R. B. Rowland Smith: Like the blue light discos?

The Hon. P. F. O'GRADY: That is right, like the blue light discos. Security was of concern to the previous administration. It is imperative that the Government continues to set tight regulations in that regard. I am pleased to note that pages 15 and 16 of the task force report set out some lengthy recommendations on the way the security of this game should be ensured. In conclusion, the Opposition supports the legislation. It will establish a new era in gaming in New South Wales. It will be an era of statewide computerization that registered clubs and hotels have not seen in the past.

The Hon. ELISABETH KIRKBY [3.27]: I realize there is probably little point in my saying that I oppose the bill. Quite obviously that does not mean the bill will be defeated, because it will not. However, to put it on the record, I do oppose the bill before the House for the same reasons that in the past I have opposed the establishment of further gambling outlets in this State. No good case has been put forward that it will bring further revenue to the clubs. All honourable members will be aware that a fight is now going on between the Registered Clubs Association and the Australian Hotels Association. Only a few moments before I came to the Chamber I was handed a press release in which the New South Wales president of the Australian Hotels Association, John Ross, attacked the Registered Clubs Association for its attempted blackmail of the Government by aiming to stop the introduction of a bill for the increase of approved amusement devices in hotels. According to Mr Ross, in June the Chief Secretary reached agreement with both clubs and hotels on the introduction of several measures that would improve their viability. He believes the registered clubs are now going back on this agreement following pressure from some inefficient and struggling members of their association. Mr Ross said:

The clubs received what they wanted in Keno and Superjackpots with no opposition from the Hotels.

He concluded by saying:

The clubs like "spoilt children"—are now unhappy that the hotels are being treated equally.

I refer to a nice glossy brochure I was sent by the Registered Clubs Association of New South Wales, which explains the association's view of the value of clubs in New South Wales to the community. There is absolutely no doubt—and the Hon. P. F. O'Grady has just pointed this out—that clubs are a focus in New South Wales of community life and provide unrivalled sporting facilities for their members. They allow people of average means to take part in many sporting activities that are only for the rich and privileged in other countries. All honourable members are aware that clubs in New South Wales have made available to their members superb golf courses, bowling greens, squash courts, swimming facilities, and tennis courts. It appears, however, that there is a gross

disparity in the way the clubs are controlled by the Liquor Administration Board and the Government and the way that hotels are controlled.

According to the Registered Clubs Association—and perhaps the Minister will address this matter in his reply—gaming in hotels is less controlled, less controllable, and more subject to abuse. The association states that clubs are required, at their cost, to keep and submit to the Liquor Administration Board precise net analyses and cash flow figures which account for and track every coin put through every machine. Hotels do not. Hoteliers simply turn over meters and, unlike club managers, are not required to make, or submit, any analyses or cash flow returns in dollar figures; nor are they required to keep prize verification books. In hotels, therefore, there is no reasonable check that the player is receiving fair treatment or that all hotel income is being declared for taxation purposes.

I know very well that when putting one's case one puts the worst possible interpretation on the case of the opposition. Therefore, I am not in a position to know whether the association's statements are correct. However, I am certain that they would be denied by the Australian Hotels Association. The Registered Clubs Association stated also that for every \$1,000 of hotel gaming turnover the federal Government gains \$45.36, the hotelier gains \$70.94, and the New South Wales community loses \$70.67. Again, that is possibly a selective use of figures. It would appear, though, that the fight for the gambling dollar in New South Wales is a fairly vicious fight and inevitably causes great divisions. My concerns are really about the social aspects of gambling in New South Wales.

Honourable members know that the former Labor Government believed it was necessary to get more revenue from gambling. The new Government believes the same thing, and is attempting to gain more revenue without showing any real concern for the social aspects. There are more than enough gambling outlets in this State. The gambling dollar cannot be stretched indefinitely. I think the Hon. P. F. O'Grady made that point in his remarks in a different way. He said that it has become well-known that in clubs people were no longer playing poker machines, that revenue from poker machines is falling, and, therefore, it is necessary to introduce some other form of gambling to entice members to spend money. All that will happen with the introduction of keno will be that fewer people will play poker machines. They will indulge in this new form of gambling and the revenue gain to the State will not be any greater.

I was pleased to hear the Hon. P. F. O'Grady state that he was worried about the availability of keno in registered clubs because of the young people who go to the clubs. That is my main concern. I have seen keno played on only two occasions. The first was in the casino at Darwin and the second in the casino at Adelaide. Adelaide has the most beautiful casino, unlike the casino in Darwin, which is absolutely horrible. The availability of keno in the Adelaide casino was absolutely pervasive. One could not go anywhere in the casino without being bombarded by keno. If one went to the wine bar, there was a keno terminal; if one went to the expensive restaurant, there was a keno terminal. There was also a terminal in the cardroom, where people are supposed to be able to concentrate; but, presumably if one is a super-duper gambler, one can play keno and poker at the same time, with one hand on the cards and the other hand on the keno card. I was surprised that I did not find a keno terminal in the bathroom. They were in the foyer. It did not matter what game one wanted to play—whether it was blackjack or roulette—keno terminals were everywhere. Keno payouts are large—far larger than the payout one would receive from playing blackjack, roulette or Lotto. People sitting at the bar having

a quiet drink and seeing a pile of cards and a \$125,000 prize flashing are tempted to play. They start filling in cards but, of course, do not receive any payout.

The Hon. R. B. Rowland Smith: If one does not want to gamble, one does not go to a casino. One does not go to a casino to have a drink.

The Hon. ELISABETH KIRKBY: The Minister is emphasizing the point I am making. If one does not want to gamble, one does not go to a casino. However, thousands of people who do not want to gamble go to clubs and pubs. They go to clubs to play squash or snooker or to attend a meeting of their local association—whether it be the Lions Club or Rotary. Though they may want to play poker machines, the machines are in a segregated area of the club. If people do not like poker machines, they do not have to go anywhere near them. They can use all the other facilities of the club without being bombarded with gambling facilities. That is particularly so with young people. The Hakoah Eastern Suburbs Soccer Club in Bondi has superb sporting facilities for young people—first-class swimming coaching and squash courts. In that club poker machines are situated in an area where young people are not permitted. If many keno outlets are introduced into such a club, inevitably young people will be intrigued and tempted by the game.

The Hon. R. B. Rowland Smith: I assure the honourable member that is not the intention set out in the bill. She should read the bill.

The Hon. ELISABETH KIRKBY: The Minister assures me that that is not the intention of the bill. However, the bill still does not set out how many keno outlets will be allowed in any club. The Hon. P. F. O'Grady made the very proper point that we do not want parents to feel that their teenagers should not go to the local club because of the influence that gambling might have on them. Such clubs, particularly those in country towns, provide recreational facilities and meeting places for young people. The area of the club where such facilities are located is separate, as the Hon. P. F. O'Grady said, from the areas where both the consumption of liquor and participation in gambling takes place.

The document put out by the New South Wales tax task force, entitled "Review of the State Tax System", contains quite a deal of information about revenue derived from gambling. It appears that New South Wales gambling tax revenue has been falling. In 1982 such revenue was 12.7 per cent of total tax revenue; in 1983–84, it was 12.2 per cent; in 1984–85, it was 11.8 per cent; in 1985–86, it was 11.6 per cent; and in 1986–87 it had dropped to 10.9 per cent. That is probably indicative of the fact that each family now has less disposable income than in the past. However, it worries me also that New South Wales places a greater reliance on gambling tax revenue than do the other States, in absolute, relative and *per capita* terms. This information is set out in table 22.2 on page 285 of the report of the tax task force. That table makes a comparison between the gambling tax revenue of New South Wales, Victoria and Queensland. In 1982–83, New South Wales derived \$424 million from gambling tax; Victoria, a State with a population similar to that of New South Wales, got \$220 million; and Queensland, which has a much smaller population than those two States, got only \$74 million. By 1986–87, Queensland's gambling tax revenue had increased to \$150 million; Victoria's revenue had increased to \$353 million; but that of New South Wales had increased to \$572 million. I do not think it proper that we in this State should be so reliant for our revenue on gambling.

It really is quite improper for the Government to suggest that there is a need to boost revenue to the State's coffers by increasing the number of gambling outlets. If that line of argument were taken to its logical conclusion, the situation might very well arise where it would be possible for the State to gain large amounts of money by making available heroin or other drugs that are at present illicit, or by making marijuana available. Of course, some people would not object to that happening; I am not among them. It seems to me to be as immoral to boost the State's coffers by taking large sums of money from taxpayers by providing them with unlimited gambling outlets as it does to make available dangerous drugs. The task force says in its report that it is its view that taxes on gambling have a relatively small impact on State economic development. Accordingly, it is the view of the task force that the percentage of New South Wales revenue raised from taxes on gambling should be increased. I am sure that it is upon that statement by the New South Wales tax task force that the Government is basing its present action. On page 287 of its report, the task force stated:

One technique available to broaden the base of gambling taxes is to increase the scope of gambling services available by introducing new forms of gambling which, it is hoped, are not highly competitive with existing forms.

I am glad the task force makes that point, for it is my feeling that indeed these new forms of gambling will be competitive with existing forms of gambling. I do not believe the Government will gain the amount of revenue it thinks it will. I do not think the registered clubs will make the sorts of profits that they believe they will make out of this move. It will certainly make life more difficult for those many thousands of families with family members who are addicted to gambling in exactly the same way as other people are addicted to alcohol or cigarettes.

A person who indulges a gambling addition at the racecourse is limited to gambling on only one race every 25 minutes. Similarly, a person who plays roulette or blackjack is likely to lose large amounts of money very quickly. Unless that person is a total addict, he or she will stop gambling. However, I think keno is more dangerous than that. It is a relatively simple game to play; it does not require any great skill or knowledge such as is required to play blackjack or some of the other more sophisticated games. Keno is a very cheap game in which to participate; I believe the cards cost 10c each when I was in Adelaide. It is a game that one can play indefinitely; one can play it from the first thing in the morning and go on to play all night, continuously. That is my main concern.

The Hon. R. B. Rowland Smith: That is the case with poker machines, too.

The Hon. ELISABETH KIRKBY: The Minister interjects that that is the case with poker machines, too; and so it is. That is the tragedy. Many people, in particular middle-aged and older women, are totally addicted to poker machines. They enter the club at 10 o'clock or 11 o'clock in the morning, and they stand in front of a poker machine and pull the handle; they lose \$50, \$60, \$70 a day. They then need assistance not only from family and friends but also, in many cases, from social welfare agencies, because their addiction has caused them to gamble to an extent which is totally beyond their means. I am afraid that the wide introduction of keno in New South Wales may make the plight of those people who suffer from this addiction even more serious than it is at present. That is why I am opposed to the bill. I realize that my interest in the measure is academic only, but I simply wish to make my concerns known and place on record my opposition to the legislation.

Reverend the Hon. F. J. NILE [3.48]: In line with my stand on other gambling bills or bills that seek to extend the availability of gambling, I, on behalf of the members and supporters of the Call to Australia group, oppose the Lotto (Amendment) Bill 1988. Though that is the bill's title, it is really the keno bill. It is interesting to note the way the Government has drafted the bill, for it contains almost no reference to keno. In fact, as I said, the bill is entitled the Lotto (Amendment) Bill 1988. It should have been called the keno bill, as that is the matter with which it is mainly concerned.

The Hon. P. F. O'Grady: It has to be done by amending the Lotto Act.

Reverend the Hon. F. J. NILE: If the Government had wanted to, it could have brought in a new bill. The title of the bill helps to conceal from the public its purpose, for it contains no reference to keno. People have asked when the keno bill is being introduced. They have said there is no keno bill on the agenda. The definitions section of the bill contains a very slight reference to this matter. Proposed section 2 (2) reads:

After "game" where secondly occurring, insert "(whether known as lotto or keno or by any other name)".

This bill has three objects: first, to amend the Lotto Act 1979 so as to permit the separate sponsoring of Lotto games, or games in the nature of Lotto, such as keno, by more than one licensed person or consortium at the same time; second, to make other miscellaneous amendments to the Lotto Act 1979; and, third, to validate the conduct of Lotto games by the original licensees after the date on which the first Lotto licence expired. The bill itself is simple in that it has only four clauses and two schedules containing further amendments to the bill. I am pleased that the Hon. Elisabeth Kirkby of the Australian Democrats will oppose the bill. The two minor parties in this House have the same policy on this matter, because we are concerned about the extension of gambling in this State. Obviously the Government is looking for further tax revenue. Some staggering projections have been made about what could happen following the introduction of keno.

In September the task force that investigated the introduction of keno made a report to the Chief Secretary. That report was tabled in this House. The Government should hide its head in shame for the statements the coalition parties made when in Opposition. It is estimated that the maximum turnover of club keno will not be of the order \$300 a year, \$3,000 a year, or \$3 million a year—and that is a large amount. The report states that the turnover will be \$3 billion a year. That is more than the Government's budget for education or law and order. The report stated:

This estimate is based on the following assumptions. Game operates for 12 hours per day. One game every 6 minutes. Each transaction taking 39 seconds.

Evidently, someone has been doing some time and motion studies. The report continued:

3 500 Keno terminals. Average cost per ticket of \$2

As there are 1 500 registered clubs in New South Wales, it is obvious that the Government intends that the clubs will have more than one terminal each—perhaps two or three—and that will increase the ability to conduct the game. It is for that reason that I shall vote against the bill and move an amendment to restrict each club to having one terminal. The report also stated:

The figure of \$3 billion represents the estimated maximum turnover of Keno, assuming a successful marketing strategy for the game and strong player appeal.

Obviously that means the Government envisages a vast advertising and promotional campaign for keno, with television, radio and newspaper advertisements. That will be in addition to the already huge amount of advertising for gambling in this State. When watching television one is bombarded with advertising for gambling. That is a tragic way to educate the community to accept more and more gambling—especially children who could be watching television at a time when these advertisements appear. It is professional advertising and, as I have said before, it appears to have a supernatural or spiritual quality. Recently I saw an advertisement depicting an elderly lady looking upwards towards heaven. Suddenly from heaven money poured out, as though in answer to her prayers. The advertisement then showed her leaping with joy in her bedroom.

I regard gambling as anti-social. Advertising appears to make gambling acceptable, legitimate, and even desirable. It is similar to the story in *Pilgrim's Progress*, of people coming to the city of lights and seeing attractions such as the carnival. With the gambling attraction the hook is hidden behind the glamour, the light and the dazzle. The Government is on the wrong path. It is interesting to note that the hotel industry is opposed to the bill, although it is not opposed to gambling. It believes this legislation will escalate the war between clubs and hotels in this State. We have seen a growing dependence on the gambling dollar. This legislation proves that the Government, despite its statements prior to the election, and despite its attacks on the Australian Labor Party for extending gambling, is doing the same thing in government as was done by the former Government.

The Hon. R. B. Rowland Smith: We are not extending gambling. This is an alternative form of gambling.

Reverend the Hon. F. J. NILE: Yes, \$3 billion is the income. The honourable member is not suggesting that the \$3 billion in keno revenue will come from some other form of gambling and that this is merely a transfer of gambling resources. This legislation will provide gambling income. It is estimated that for 1988–89 gambling income in this State from betting with bookmakers, betting on dogs, horses and with the TAB, will be more than \$267,107,000. From Lotto, income is estimated at \$122,550,000; from lotteries, \$83,700,000; from FootyTAB, \$1,150,000; and from poker machines, \$230 million. I do not believe the Minister would suggest that the Government does want the \$230 million from poker machines to decrease. That amount is the Government's budget estimate for the next 12 months. It represents an increase in poker machine revenue. The Government does not anticipate a drop in poker machine usage. In fact, it hopes that it will increase and provide an extra \$20 million in revenue. Although there may be a fear that poker machine usage will be affected, the Government will be in trouble if it is because it has budgeted for income of \$230 million from that source. In 1988–89 total revenue from gambling in this State will be \$707,007,000. That amount averages out at 11 per cent of overall government revenue.

As has already been stated in this debate, it is obvious that the Government has given no consideration to the harmful effects of gambling on families and those who are gambling addicts. The coalition, when in opposition, said it would oppose the Darling Harbour casino. We congratulated it for doing so, but is it not seeking to make every registered club a casino? Is there to be an escalation of gambling? If, after the introduction of keno, one entered a registered club with terminals and screens all round the place, as well as poker machines and other gambling facilities, what more would be necessary to turn such a registered club into a casino? What form of gambling will not be used?

It would require only the roulette wheels. The Government is on a dangerous path. It has forgotten the costs it will have to meet because of people gambling. I have no doubt that increased gambling will result in more broken homes, broken marriages, and increased welfare payments to deserted wives and children. Gambling will undermine the moral values of society, and lead to further corruption in this State. Since my election to this House, I have spoken consistently about the dangers of gambling. Obviously my opposition to gambling was voiced during the years of the Labor Government. On 2nd December, 1982, during the debate on the Totalizator (Off-course Betting) Amendment Bill, I said:

I strongly oppose these bills, particularly the Totalizator (Off-course Betting) Amendment Bill, for it will give the stamp of approval to the claim that New South Wales is the Las Vegas of the South Pacific. Apparently the Government is unaware of widespread concern about the level of gambling existing in New South Wales and the level of betting handled by the Totalizator Agency Board.

I made a strong criticism of the Labor Government. On 28th September, 1983, in the debate on the Gaming and Betting Bill, I said:

Often the statement is made that Australians would bet on two flies crawling up a wall. How does the Government propose to ensure that betting or wagering on trials does not take place?

The Australian Jockey Club and the Sydney Turf Club provided results of racing trials.

The PRESIDENT: Order! Pursuant to sessional orders, business is now interrupted for the taking of questions.

QUESTIONS WITHOUT NOTICE

CONTAMINATED FOOD

The Hon. J. R. HALLAM: I ask the Minister for Sport, Recreation and Racing, representing the Minister for Agriculture and Rural Affairs, a question without notice. In view of today's news report on residue levels in fruit and vegetables undertaken by the Department of Agriculture and Fisheries, will the Government make public the report which since March this year I have been calling upon the Government to release? What actions will the Government take to ensure that farmers cease to use banned and inappropriate chemicals for agricultural purposes, thus endangering the health of consumers by ingestion of those substances?

The Hon. R. B. ROWLAND SMITH: I am mindful of the report in this morning's *Sydney Morning Herald* about residue levels of pesticides in fruit and vegetables. I am informed that reports indicating that there have been unacceptably high levels of residue in farm produce have been slammed by the Minister for Agriculture and Rural Affairs as scandalous and mischievous. The Minister said that a May 1987 survey of chemical usage could in no way be construed as consumers not receiving the highest quality product. The facts are that since October 1987 the department has taken 657 samples, and all have had below the maximum residue level. Those samples were tested for organophosphate, organochlorine, pyrethroid, and fungicide residues in fruit and vegetables. This shows once and for all that the New South Wales consumer, though understandably concerned about residues, is receiving a clean, healthy,

chemical-free product. This proves that it is impossible to draw a link between the May 1987 survey and chemicals in our food chain.

Not only is New South Wales farm produce of exceptionally high quality; it is also very cheap by world standards, thanks to the very efficient New South Wales farmer. In rejecting suggestions of a cover-up, the Minister said the report had been completed in May 1987 and was therefore out of date. By the time the coalition came to office in March, the report was out of date and was therefore not released on a widespread basis. Since then, some questions have been raised by the Leader of the Opposition in this place, and the results of the survey were given. The information is therefore public knowledge, and there certainly has been no cover up.

The Hon. J. R. Hallam: Could I have the report? It is very thick.

The Hon. R. B. ROWLAND SMITH: Undoubtedly you can. Since the completion of the report, the New South Wales Department of Agriculture and Fisheries has been conducting a major pesticide advisory program, involving seminars throughout the State and the distribution of literature. This education program has targeted resellers in particular, and has involved everyone from the chemical retailer right down to the hardware store owner. Coincidentally, the program was intended to continue only to March of this year, the month of the last elections. Following the elections, the decision was taken to continue the program. In the past six months there has been a major publicity campaign involving posters, manuals, newspapers, and radio articles. But may I draw to the attention of the Leader of the Opposition that he was the Minister for Agriculture of this State for some 10 years and, if he was concerned about what was going on with pesticides, why did he not do something about that? He did nothing whatsoever.

REDFERN POLICE

The Hon. R. D. DYER: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council a question without notice. Does the Minister recall advising me yesterday that there are 64 police officers working at Redfern police station at present, and that the night shift allocation is six officers? Has the Minister ever been made aware that violence, disorder, and criminal activity tend to increase sharply during the night hours? Will the Minister advise the House whether he regards it as satisfactory and appropriate that only six officers are assigned to night duty at this sensitive and volatile locality while 58 other officers work the day shifts?

The Hon. E. P. PICKERING: I understand that the Hon. R. D. Dyer probably has not had a great deal of experience in industry, but let me assure him that there are three shifts in a conventional working day. I have always referred to them as the day shift, the afternoon shift, and the dog watch. There certainly is a tendency for crime in some areas to escalate on the afternoon shift and the early dog watch. Recently I was in Hyde Park announcing a new police initiative to, as it were, return the park to the citizens so that they may partake of the enjoyments of the park 24 hours a day without being molested. We drew to the attention of the press at that time that much of the criminal activity, such as bag snatching and assault and so on, occurred between the hours of 12 midnight and 2 o'clock in the morning. So the Hon. R. D. Dyer is essentially correct; there does tend to be an escalation of criminal activity in the night hours. But he is not correct to suggest that the Redfern police station has only six officers in those hours, because obviously a component of the work force works the afternoon shift. Yesterday I drew to the attention of the House that

the assault occasioned on a female officer occurred on the night shift, when there were six officers employed. I do not have readily at hand the number of officers employed on the afternoon shift, but obviously it is not 58. There would be some employed on the day shift. As to whether or not I believe the level of manning is appropriate, I put it to the Hon. R. D. Dyer that it is hardly my area of expertise.

The Hon. M. R. Egan: That is absolute rubbish, and a cop-out. You are the Minister for Police.

The Hon. E. P. PICKERING: If the honourable member thinks it is my role as Minister for Police to do that which a station sergeant might be expected to do, then he has a peculiar notion of the role of Minister for Police. That shows his abysmal ignorance. Does the honourable member honestly suggest that officers of the New South Wales Police Force from Commissioner of Police down would not be acutely aware of the sensitivities of the Redfern police station? Only a month or two ago a number of officers were seriously injured, some very seriously. Obviously, within the highest levels of the New South Wales Police Force there would be acute awareness of the need to ensure adequate staffing levels at Redfern police station. I would be absolutely and totally satisfied, given the professionalism of the senior officers who maintain operational control of the New South Wales Police Force, that they have examined the manning levels of that station in detail—and indeed they have. They have made decisions, which produced a level of 62 officers. For one reason or another, there happen to be 64 there at the moment. As a Minister of the Crown with absolutely no expertise when it comes to operational policing—which I freely and happily admit, as it should be—I am more than happy to accept the wisdom and decision-making of those responsible officers, who have clearly looked at the situation in detail.

BRAVERY AWARDS

The Hon. S. B. MUTCH: My question without notice is addressed to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Has a new system of bravery awards for community service been introduced? If so, will the Minister inform the House when the new system will begin operating?

The Hon. E. P. PICKERING: I am pleased indeed to be able to tell the honourable member that this valuable new system of awards has begun operations. It is a new system of awards that was first sponsored by my predecessor, the honourable member for Liverpool and former Minister for Police, the Hon. G. Paciullo, but the committee to consider recommending the awards has met this week for the first time. At a meeting held yesterday this committee considered 10 nominations for awards for acts of bravery or significant assistance to police and emergency services. These nominations were fully considered and recommendations on them will be coming forward to me shortly for a decision to be made.

This committee, which I have appointed since becoming Minister, consists of Sir Gordon Jackson, Chairman of the Police Board of New South Wales; Major Errol Woodbury, of the Salvation Army, the senior police chaplain; Mr John Tingle, radio journalist, and the Hon. G. Paciullo, who has been kind enough to accept my invitation to join the committee. I thank those people. The awards may be made to those who have saved a life or lives or placed themselves in danger in an attempt to save lives, or placed themselves in some jeopardy; who have greatly assisted the police and or emergency

services in police rescue and or disaster situations, or significantly assisted police or emergency services in carrying out their roles.

People wishing to nominate any person or persons for an award should set out the details of the particular event in writing and forward it to my office at 130 Macquarie Street and it will then be forwarded to the appropriate department for examination and consideration. There are many more individual acts of bravery or community-spirited assistance to police or emergency services than most people would think. Unfortunately many of these pass completely unsung because nobody ever brings them officially to notice. This new scheme will enable any member of the public, police or emergency services to nominate for an award, with appropriate details; to seek recognition for another person for such meritorious conduct. I believe that personal heroism is much more a part of the Australian way of life than many of us would think. The awards, which will be made in the form of a certificate, are not a substitute for existing valour or community service awards but should be seen as a further form of giving proper official recognition. I should like to go on the record officially to commend the former Minister for Police for his thoughtfulness in originating the concept.

JUVENILES IN CUSTODY

The Hon. DEIRDRE GRUSOVIN: My question without notice is addressed to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Is the Minister aware of a case that was reported by the *Canberra Times* last Friday of a 10-year-old boy who was charged by Queanbeyan police on minor matters rather than receiving a caution as is usual in cases involving minors? Is the Minister aware that as a result the boy was held for eight nights in a remand centre with hardened offenders up to the age of 17 years? Why was this boy denied bail?

The Hon. E. P. PICKERING: I am not aware of any of the details. In view of the implications contained in the question, I most certainly shall proceed to get the details. I make the point to the Deputy Leader of the Opposition that it is not usual for the Police Department to decide whether a person is or is not granted bail.

The Hon. R. D. Dyer: Police often grant bail in the first instance.

The Hon. E. P. PICKERING: I realize that, but not often. It is a serious matter. I shall look into it and report to the honourable member. Let me just deal with the general principle involved. Under the previous Government—

The Hon. K. J. Enderbury: The Minister is going to blame us for it.

The Hon. E. P. PICKERING: I am only citing what is fairly well known. Under the previous Government, Cabinet, without reference to Parliament, issued a direction to the New South Wales police which became known as the juvenile cautioning scheme. In the broadest terms—and I do not want to deal with precise details—it in effect said to police that for activity below a certain level you will caution.

The Hon. M. R. Egan: It did not say that.

The Hon. E. P. PICKERING: There were minor modifications to that, but the substance of the scheme was as I put to the House. That sent to the juvenile community of New South Wales a totally unacceptable message. As a result of that message juvenile crime, particularly car theft, simply sky-rocketed.

It went from 35 000 units a year stolen to 62 000 or 63 000. Even the Minister for Police at that time, a man for whom I have a high regard and of whom I have just spoken highly, the Hon. G. Paciullo, realized that things got right out of hand. He issued a direction to police that said, in effect, in simple terms, that from that time on with regard to cars, you can have the first one for free but you will charge them for the second one. As a result, the rate of theft dropped off. I was able to announce last week that for the past financial year the drop in car theft was about 18 per cent. Of course that was boosted by an action I took when the coalition came to government—within about the first three days—to say to police there is no cautioning for car theft.

The Hon. Deirdre Grusovin: Is the Minister saying lock up 10 year olds?

The Hon. E. P. PICKERING: I am dealing with the broad principle. Let me make the final point, which the House has to accept. The Government has said to the police force that with regard to juvenile offenders the individual police officer will use his common sense and discretion. So, when little Johnny goes out tonight to conduct some criminal activity he will not know when he is caught whether the police officer will slap his wrist; whether the police officer will take him home to mum and dad; whether he will be taken back to the police station to be given a formal caution, or whether he will be charged. As a result, the level of criminal activity amongst juveniles has fallen. Having put the principle before the House, I shall certainly look into the particular case raised by the Deputy Leader of the Opposition. I hope I shall come to the House tomorrow with some details.

HMAS PENGUIN

The Hon. ELISABETH KIRKBY: I address my question without notice to the Minister for Family and Community Services, representing the Minister for Environment and Assistant Minister for Transport. Will the Minister assure the House and the citizens of New South Wales that he will not agree to the sale of prestige harbourside land, HMAS *Penguin*, but will stand by the 1979 Sydney Harbour foreshores agreement which should see the land become a foreshore national park? If not, why not?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for her question. I shall refer it to my colleague.

JUVENILES IN CUSTODY

The Hon. DEIRDRE GRUSOVIN: My question without notice is addressed to the Minister for Family and Community Services. Has the Minister received a report on the role of her department's Queanbeyan office in the care of the 10-year-old boy mentioned in my previous question, a boy with no previous conviction, who was held in custody for eight nights in Quamby, as reported in the *Canberra Times* of 11th November? Do the actions of her office represent a breach of guidelines prepared by its juvenile justice unit on the detention of children?

The Hon. VIRGINIA CHADWICK: I listened with considerable interest to the question asked by the Deputy Leader of the Opposition and the response given by my colleague the Leader of the Government in this House. The question refers to the role the Department of Family and Community Services played in this particular matter. When I said I had been briefed, I received information several days ago when the matter first came to the attention of

senior officers in the department. I suspect that it was probably at about the time the media in the Australian Capital Territory took an interest in the matter. I asked for an urgent, immediate and more detailed briefing on the matter. I have received that briefing, but it is not a full and detailed briefing; it was a preliminary briefing. The result has been that I have posed several more detailed questions to the department, and in particular to the district manager of the department in Queanbeyan.

At this early stage I can inform the Deputy Leader of the Opposition that there is much that appears to be of substance in the newspaper article. The child was in fact 10 years of age. I understand that two lads were involved—one much older than the younger person to whom the Deputy Leader of the Opposition referred. The offence, which resulted in a charge being laid, was a relatively minor offence in that it involved amounts that, from recollection, totalled something like \$20. I understand that an attempt was made to return the child, pending court appearance, to the care of his parents, but the parents of the young lad refused to have anything to do with him and refused to have him back home. It is my understanding also that officers of the department then said that they were unable, because of the behavioural problems of the child, to find an alternative placement—for example, with foster parents, or something of that nature.

I can only repeat that I do not have a full and complete briefing on this matter, but it was at that point that the young lad was taken to Quamby in the Australian Capital Territory, which is not a gaol but a juvenile detention centre. But having said that it is a juvenile detention centre, I am less than amused and less than pleased that officers of the department appear to have taken no hand in trying to remove that young child from that detention centre, which is contrary to the spirit of all legislation pertaining to those matters and contrary to my express comments about keeping young children of tender years either in police cells or in surroundings that are clearly inappropriate given the tender years of those children. I think you would gather, Mr President, from both the nature and the tone of my comments that I view the matter very seriously. That is why a full inquiry is being undertaken into the further circumstances of the case and the role played by the particular officers of the department in Queanbeyan. I do not intend to let the matter rest.

ANTHRAX

The Hon. J. J. DOOHAN: My question without notice is directed to the Minister for Sport, Recreation and Racing, representing the Minister for Agriculture and Rural Affairs. Has there recently been an outbreak of the fatal disease anthrax in the Forbes area of New South Wales? What action has the Department of Agriculture and Fisheries taken to prevent a widespread outbreak of the disease?

The Hon. R. B. ROWLAND SMITH: The honourable member has asked a topical question about a report in this morning's edition of the *Sydney Morning Herald*.

[Interruption]

The Hon. R. B. ROWLAND SMITH: Anthrax is a very serious disease, and the honourable member knows it. It is a virulent bacterial disease—I say this for the information of those honourable members who do not know—that can infect persons or animals. It causes sudden death in sheep—and honourable members should bear in mind that Australia is the largest sheep-producing

country in the world—cattle and pigs, and can affect other species. Once the disease has been contracted, rapid antibiotic treatment must be administered to prevent the disease spreading into the bloodstream and causing death from massive septicaemia. Anthrax was detected on a sheep property at Hillston, near Forbes in western New South Wales, but unfortunately only after 500 sheep from the farm had been sold at, and dispersed from, the Forbes saleyards. The affected farm has also dispersed up to 5 000 sheep across New South Wales as part of its management program.

The Department of Agriculture and Fisheries sent staff out to track down the sheep on other farms and in abattoirs, and to place them in immediate quarantine. Close monitoring of the situation is continuing. No sheep sent to be slaughtered showed signs of infection, so that any threat to human health was unlikely. I am informed that a thorough decontamination operation is under way at the Forbes saleyards. Sheep sales will be suspended until the area is absolutely anthrax-free. Another event triggered a most unnecessary additional outbreak of anthrax at the time. Some of the sheep infected died of anthrax in the Forbes saleyards, and their carcasses were fed to pigs by a local farmer.

[Interruption]

The Hon. R. B. ROWLAND SMITH: I was coming to it. The Leader of the Opposition is a very impatient fellow. This was a most irresponsible and indeed illegal action. This practice, known as swill feeding, has been illegal since the mid-1970s because of the very high risk from the disease anthrax. My colleague the Minister for Agriculture and Rural Affairs informs me that legal action is likely to be taken following the outbreak. The Minister has been pleased to note the total co-operation of his department, the Forbes council, agents, landholders, the Pastures Protection Board, and other relevant authorities, in containing this outbreak, the potential danger of which cannot be underestimated.

I might also add that the Department of Agriculture and Fisheries has an ongoing program of preparedness to meet any outbreak of exotic diseases. An extensive disease control manual has been prepared and is constantly updated with information from field trials. Workshops are held to ensure that the department's officers are fully briefed on the program. Close liaison is maintained with industry and outside organizations, such as the police and State emergency services, to ensure a co-ordinated response to an emergency. Need I add that this is a serious situation and one that the Government will be monitoring closely, because if the disease were to spread through the sheep population, it would have devastating results.

The Hon. J. R. Hallam: And through the human population.

The Hon. R. B. ROWLAND SMITH: And through the human population as well, but I am saying that it is tremendously important for sheep.

DEPARTMENT OF STATE DEVELOPMENT OFFICE REFURBISHMENT

The Hon. M. R. EGAN: My question is directed to the Leader of the Government in this House, representing the Deputy Premier, Minister for State Development and Minister for Public Works. Has the office of the head of the Department of State Development, Mr Ian Kortlang, and other space occupied by the department undergone extensive renovation and refurbishment? What was the total cost? Was any of the work performed by a firm associated with

the husband of Ms Rosemary Howard, a former Liberal Party campaign worker and the acting director, co-ordination, of the Department of State Development? If so, what work was performed and what was its cost? Will the Government table in Parliament all tender documents and contracts associated with the work?

The Hon. E. P. PICKERING: The Hon. M. R. Egan has been a member of Parliament for long enough to know that questions that seek the sort of minute detail that he seeks in his question ought not to be asked during question time, which is a period for asking questions without notice. Obviously, no Minister, particularly a Minister representing another Minister in the other place, can be expected to provide anything like the sort of information requested by the honourable member. I ask the honourable member to do the sensible thing and put his question on the notice paper, where he should have put it in the first place.

HOME CARE SERVICE ABORIGINAL UNIT

The Hon. ELAINE NILE: I wish to ask a question without notice of the Minister for Family and Community Services. In view of the recent decision to abolish the Aboriginal unit of the Home Care Service and the grave concern among Aboriginal committees statewide about the decision, will the Minister advise the House what steps are being taken to continue the implementation of the recommendations of the Home Care Service Board that Aboriginal self-management and self-determination be encouraged?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for her question, for I acknowledge the longstanding commitment and involvement over many years of the honourable member and, indeed, Reverend the Hon. F. J. Nile in Aboriginal Affairs. A decision has been taken recently to disband the Aboriginal Unit, which is located in the head office of the Home Care Service of New South Wales. I really believe that this matter should be put in perspective. The unit had, in effect, three persons in it, one of whom did not hold a formal position in the unit. I think that person was either seconded to the unit or was with it on a temporary basis. However, I shall seek out those sorts of details for the honourable member. In effect, the unit had two permanent positions. Anyone who believed that the abandonment of two positions in the unit would suddenly have an overall radical or detrimental effect on the Home Care Service of New South Wales would be reacting in an overly anxious way.

The decision to disband the unit was not taken lightly; nor was it taken without first engaging in considerable consultation with those on the executive of the Home Care Service, including, I must hasten to add, Aboriginal workers in home care. The decision was taken after considerable discussion about how best one could ensure the future development of either Aboriginal-specific or Aboriginal-sensitive services within the Home Care Service. Indeed, the unit will still have in it Aboriginal persons who are involved in the policy area and in the monitoring of services. I must hasten to reassure the honourable member that Aboriginal branches of the Home Care Service have not been abandoned. Indeed, only a matter of a week or so ago I, together with my colleagues the Leader of the Government in this House, the Hon. E. P. Pickering, and the Attorney General, had the opportunity to travel throughout much of the western district of New South Wales. During that visit I took the opportunity to meet with Aboriginal workers both within the Department of Family and Community Services and those in specific Aboriginal branches of the Home Care Service;

for example, at Walgett. As a result of the discussions I had with the Aboriginal branch of the Home Care Service in Walgett, for example, I have moved to increase the number of hours that that service can operate.

Though we clearly need to provide services that are culturally relevant, whether those services be for Aboriginal people, persons of non-English speaking background and so on, we must ensure also that the opportunity is provided for staff development in the various branches. We must ensure that by comparing one service with the other, equity is achieved in the allocation of the hours that each service can operate. From my observations, that was not the case at Walgett. That is why I have moved to increase the hours of operation of the Aboriginal branch of the Home Care Service in that town. I do not have with me the full briefing papers on this matter. However, it is an important matter. The decision was not made lightly and its intention was not to dissipate, abandon or ignore the needs and desires of Aboriginal people in New South Wales; nor was it made in an attempt to remove their rights in terms of equity of access to the Home Care Service. I shall ensure that a detailed briefing on the matter is prepared, which I will be happy to make available to the honourable member, given her sincere interest in this matter.

HOME CARE SERVICE ABORIGINAL UNIT

The Hon. ELAINE NILE: I direct a supplementary question to the Minister for Family and Community Services. Is the Minister aware that representatives of Aboriginal committees from all over the State will be meeting in Parramatta tomorrow because of very grave concern over the possible consequences of the decision to close the Aboriginal unit?

The Hon. VIRGINIA CHADWICK: Yes.

Later,

The Hon. VIRGINIA CHADWICK: I wish to add supplementary information to the answer I gave about Aboriginal services in the Home Care Service of New South Wales. Though I have given approval for changes to the executive structure of Aboriginal services within the Home Care Service, I am advised that in the general ponderous way of the public service that will take place next Monday. I thought it happened last week. I did not want to be misrepresented by indicating it had happened. It will happen next Monday. I was correct in what I said about the three people involved. A woman by the name of Barbara Asplet will be placed in the policy planning and development office so future policy development will be maintained. Clearly her work will be in the development of policy for Aboriginal services within the Home Care Service. Mr Bill Bird will hold his same position but, because of changes in personnel, there will be a white manager. Mr Garry Scott is currently on sick leave, and when he returns the department will work out with him what will happen. The three people named are Aborigines. I advise the honourable member also that the meeting that was to be held at Parramatta tomorrow has been called off.

TRUANCY

The Hon. Dr B. P. V. PEZZUTTI: Did the Minister for Police and Emergency Services and Vice-President of the Executive Council inform the House earlier this year that large numbers of school-age children were wagging school to go to pinball parlours? What action has the Minister taken to remedy this serious social problem?

The Hon. E. P. PICKERING: The honourable member certainly hits the nail on the head when he refers to the wholesale truancy that is a feature of modern life as a serious social problem. It is fair to say that police and I and the Government generally are most concerned about this matter because not only is it believed that many young people wagging school are responsible for a considerable amount of crime but also the fact that they are not attending school means that they are not getting the benefit of the very good education which our schools provide and thereby prejudicing their own prospects in their future lives.

I am very pleased indeed to be able to inform the House that recently uniformed members of the anti-theft squad and foot patrol beat police from the Sydney and Blacktown police districts attended special briefings and workshops designed to acquaint them with the duties of authorized school attendance officers, otherwise known as truant officers. These officers—50 in all—have been authorized by my colleague the Minister for Education and Youth Affairs to act under section 42 of the Education and Public Instruction Act 1987. This section enables police to approach any children who are not at school but who appear to be of school age and ascertain from them their names, addresses and their schools. They will then be able to return them to their homes, their schools or to another school which has been designated as a home school. This home school concept has been introduced to cope with those circumstances where the child's regular school is distant from the point where the child is found truanting.

A trial of this scheme already is under way and trained officers are now operating in the Sydney and Blacktown police districts to make some inroads into this most serious problem. The trial will continue until 15th December when it will be evaluated. If the trial is successful further briefing sessions will take place in February for appropriate officers at Tamworth and Wagga Wagga police districts where the scheme will also be introduced on a trial basis. Police decided that uniformed officers only should be used for this very sensitive task because they are readily identified by young people and this reduces the possibility of unauthorized persons impersonating police officers and approaching children.

This is, I believe, a most valuable initiative. The problem is a very large and serious one because there is little doubt that juveniles wagging school are contributing in quite large measure to certain categories of crime, including offences such as car theft and breaking and entering. The Government is not willing to stand by and see this situation continue. This measure is not aimed solely at pinball parlours, of course, although they are locations where young people playing truant are known to congregate. I will be watching with great interest the trialling of this scheme, as I am sure will all honourable members. I will be pleased to advise the honourable member and the House on the results of the evaluation after the trial has concluded.

RETAIL TRADING HOURS

The Hon. P. F. O'GRADY: I address a question to the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Minister for Industrial Relations and Employment, and the Treasurer. Has the Government requested the Department of Industrial Relations or the Treasury to cost the effect of extended shopping hours on the consumer price index? If not, why not? Further, given that New South Wales now has a higher inflation rate than has any other State, will the Government cost the effect on inflation before any consideration is given to extended hours of trading?

The Hon. E. P. PICKERING: The honourable member has asked a very detailed and proper question for a question on notice. I shall refer the question to both the Minister for Industrial Relations and Employment and to the Treasurer and await their replies.

CANTERBURY ROAD PROSTITUTION

The Hon. K. J. ENDERBURY: My question without notice is addressed to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Has the Minister seen the reported comments of the Mayor of Canterbury, Alderman John Gorrie, that prostitutes were again clearly visible between Hurlstone Park and Punchbowl, and of an alleged racket involving tow truck drivers and prostitutes along Canterbury Road? As the Minister has previously assured the House that these practices and prostitution in this area were being rapidly stamped out, will he now give reasons for the failure of the Government to do this?

The Hon. E. P. PICKERING: I thank the honourable member for his question. I have seen the report concerning the suggestion that in some way an operating relationship has developed between tow truck operators and prostitutes on Canterbury Road. Tow truck operators are said to be monitoring police radio broadcasts and to be alerting prostitutes to the presence of police. I am sure the department is attempting to investigate that suggestion, but I am of the view that it borders on the absurd. I doubt that ordinary general duty police, or the vice squad, would have announced by radio broadcast their imminent descent on Canterbury Road. If they had, I am sure they have now stopped broadcasting; so that practice will not be of much use to prostitutes in the future.

After the introduction of the summary offences legislation I was pleased to report to the House a significant downturn in the incidence of prostitution along Canterbury Road. Prior to the election, residents living in Canterbury Road expressed considerable concern about this problem. Some months after the election I recall driving along Canterbury Road at about 11 or 12 o'clock at night after returning from a function. At the time I saw no outward manifestation of prostitution. It is true that the level of prostitution in the area of the road has begun to rise again. I have brought the matter to the attention of the Police Department, which has acted with renewed vigour.

I receive a report each week from the vice squad. If my memory serves me correctly, I believe last week's report stated that 40 prostitutes had been arrested on Canterbury Road. One of the problems with this offence is that some prostitutes simply do not heed the warning after being arrested, charged and successfully prosecuted—and they re-offend. For example, I am advised that since the beginning of July, 94 prosecutions have been launched against people for prostitution along Canterbury Road. In that number of prosecutions, 52 individual prostitutes have been involved. Of the 52, 19 have been arrested on more than one occasion; one has been arrested on nine separate occasions; one has been arrested on seven occasions; one has been arrested on six occasions; one on five occasions; four on three occasions; 11 on two occasions; and 33 have been arrested on one occasion.

The Hon. R. D. Dyer: Does the Minister think the legislation is working?

The Hon. E. P. PICKERING: I am pleased to advise the House that those who have been arrested and prosecuted have been fined between \$100 and \$600 on each occasion. I am not disappointed with the reaction of the

court. The average fine has been \$290. I think that is an appropriate response from the court. It is clear that many people are willing to flout existing laws, although the laws have been tightened up significantly. If this trend continues, I shall approach the Attorney General with a view to examining what future steps we will take to protect the well-being of the community.

POLICE DEPARTMENT FINANCES

The Hon. R. D. DYER: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council a question without notice. Who are the members of the razor gang that has the task of reviewing police functions and recommending cost savings to the Minister? Does the razor gang have any particular terms of reference and, if so, will the Minister advise the House of the details? Is the razor gang required to report by a particular date and, if so, what is the deadline for the report?

The Hon. E. P. PICKERING: I do not own a razor gang. I have appointed a task force to oversee the \$800 million that is spent each year by the Police Department, and to examine areas of that expenditure to see where money can be spent more effectively. From memory, the committee comprises the Chairman of the Police Board, Sir Gordon Jackson. As I recall, other members of the committee include Chief Superintendent Jeff Jarratt, who is the head of the policy department of the police force; Mr Brown, who is head of the civil servant area of the police force, the executive officer of my department; Assistant Commissioner Rowan, who looks after administration generally; and, from memory, Mr Leys from the finance department. The committee has no time constraint on its operation. We will continue to look sensibly at expenditure with a view to ensuring that the shareholders of this State, the taxpayers of this State, get value for their dollar.

The Hon. R. D. Dyer: How about law and order?

The Hon. E. P. PICKERING: That is exactly what we are talking about. The review is designed to ensure that the police force provides the best quality of policing for the community of New South Wales, with not one suggestion of taking any money from the Police Department to give it to another department; and also to ensure that the very handsome sums of money made available to the Police Department, and increased by 12 per cent this year over the allocation for last year, are spent wisely, so that the community of New South Wales has the maximum effort on the street from the Police Department of this State.

BUILDING SITE SAFETY

The Hon. A. B. MANSON: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Minister for Industrial Relations and Employment, the following question without notice. Is the Minister aware that four building workers have been killed in the construction industry in the past four months? Will the Minister advise the House why the number of Department of Industrial Relations and Employment high risk industries division inspectors has been reduced, while the building industry is in a boom period? Will the Minister advise what action the Government intends to take to reduce the number of fatalities in the construction industry?

The Hon. E. P. PICKERING: Let me say from the outset it is my experience that the intrinsically high risk industries are the very safest of industries in which to work. It is a peculiarity of industry that construction departments are intrinsically very dangerous, but usually have very good safety records. For example, when I worked for BHP those who were injured or killed came from departments where the jobs they had been doing had been done a thousand times before, where the working place and environment were well-established, well-known and well-understood. The construction department, which worked in intrinsically dangerous circumstances, because of the clear and obvious dangers had an excellent record. I suspect this applies to industry generally. Of course, that is not to suggest that some workers in intrinsically dangerous industries, such as the construction industry, will not be hurt and, unfortunately, killed.

I am advised that three construction safety inspectors commenced duty on 15th August, 1988. Five inspectors are undergoing training, initially within the section, and will be able to commence some site inspections in about 12 weeks from the writing of the advice, which is dated 31st August, 1988. I am advised that action has been commenced to recruit five additional high risk construction inspectors and one additional typist. I am further advised that the State co-ordinator, the most senior inspector, Mr J. Mullin, resigned at short notice on 15th August, 1988, after 17 years service. It is understood that he has accepted a position with a major building contractor.

I am further advised that the district manager grade 2, the immediate subordinate to the State co-ordinator, returned from one week's sick leave on 29th August, 1988, and accepted the position of acting State co-ordinator on construction work. As a consequence, four other staff will move up a grade in acting positions. I am still further advised that the senior inspector (staff) continues to work unpaid overtime at weekends, without time off in lieu, to allow urgent approval of work that can be carried out in the city only at weekends. The section is only just coping with the work placed upon it, but the five new inspectors will allow for a better service in the medium term.

INTELLECTUALLY DISABLED PERSONS' HEALTH CARE

Reverend the Hon. F. J. NILE: I ask the Minister for Family and Community Services a question without notice. What is the Government's policy for the family and community services ministry and the health ministry concerning the recent report of a 14-year-old girl with a mental age of 2½ years, whose parents wish her to have a hysterectomy operation which would prevent menstruation and pregnancy to avoid future problems? What are the steps to be followed in such a situation? How are the rights of similarly mentally handicapped persons protected to prevent operations that are not necessary for their health?

The Hon. VIRGINIA CHADWICK: I thank Reverend the Hon. F. J. Nile for his question on a most important, vexed and sensitive matter. The case reported in the *Sydney Morning Herald* raises an important issue. I was saddened that such a sensitive matter, which must cause distress and anguish to the parents of the young person, would appear in the press. The young person herself could have been distressed about that article, but she is so severely intellectually disabled that she will never be able to read that newspaper article and see her personal affairs publicized in such a way. This is a cause of anxiety to the many New South Wales groups working for those with disabilities.

The current law on sterilization is considered by many to be quite uncertain. I am informed that the case before the court, on which the newspaper report was based, was argued on two grounds: first, that the parents cannot legally consent to such an operation; and, second, if the parents do have the power to consent to such an operation, the court should intervene to prevent the sterilization, in the exercise of its duty to protect the welfare and best interests of the child. I understand, as a non-lawyer and one who has a keen interest in these matters, that there are a number of legal precedents. In 1986, for example, the Supreme Court of Canada dealt with the case of *re Eve*. All nine justices in that case held that the court should never authorize non-therapeutic sterilization of an intellectually disabled person. It took that approach for a number of reasons. I will try to summarize as best I can the reasons for the judgment in that case.

Their Honours were concerned that there is a common view that people with intellectual disability are perceived as somehow being less than human; that sterilization removes a basic human right, for example, the right to give birth; and sterilization is irreversible—as it demonstrably is. They were concerned also that such a major surgical operation is a serious interference with the physical integrity of a human being. Their Honours also expressed in their judgment serious concern that some countries have a history of eugenic sterilization aimed at maintaining racial purity; and that it is not possible to have investigated all alternatives in respect of a child under 16 years of age; and that at that age it is far too early to make a final, irreversible decision.

In 1987, the case of *re B* was dealt with by the English courts. Here again, the Court of Appeal unanimously stated that there was no question of such an operation being performed on a minor without the leave of the court, although as it turned out in that case the court did consent to the procedure being performed. Their Honours were, however, adamant that such a sterilization procedure on a minor should not proceed without the consent of the court. In that case the girl was much older; I understand 17 years of age.

Two Australian bodies have examined and reported on the question of sterilization of people with intellectual disabilities. They were the Bright Committee report in South Australia, and the report of the Anti-Discrimination Board entitled "Discrimination and Intellectual Handicap in New South Wales". Both major reports expressed concern about the number of sterilization operations carried out, and whether there had been good reasons for those operations. Both reports recommended that non-therapeutic sterilizations should not be performed on minors.

I do not have the requisite skill or knowledge on this issue, and thus it would be most inappropriate of me to comment on the facts of the case reported in this morning's *Sydney Morning Herald*. But under legislation yet to commence, much more stringent statutory criteria will apply. Those criteria are generally in line with case law precedent. It is clear that the onset of puberty is a key time when concerns are felt about a child's capacity to manage her own menstruation. Though case law and literature suggest that this is too early a time to make a final and irreversible decision, parents frequently become alarmed and concerned—and rightly so—at this particular time. Superior courts have emphasized consistently that inconvenience and anxiety on the part of parents and those giving care should not be the paramount factors upon which the court should make a decision.

The direct answer to the honourable member's question is that in New South Wales the position will be affected by the commencement of the Disability Services and Guardianship Act, and a cognate amendment to the

Children (Care and Protection) Act, an amendment of which passed through this House recently. The commencement of the Disability Services and Guardianship Act and the cognate legislation is expected in the early new year. Then, it will be an offence for sterilization to be performed on a person 16 years of age or above and incapable of giving consent to medical treatment unless the guardianship board has given its consent or there is a medical emergency. In respect of any person under 16 years of age it will be an offence for sterilization to be performed unless the Supreme Court has given its consent or, again, there is a medical emergency. In each of these instances, in considering whether sterilization will be proceeded with, the treatment must be seen to be necessary in relation to either the patient's life or to prevent damage to the patient's health. Both those pieces of legislation are supported strongly by people working with the disabled.

The Government is taking steps to establish the guardianship board as a matter of some urgency. One could not help noting that yesterday in Cabinet approval was given to me to offer a person the position of president of the guardianship tribunal. Given the interest of members of this Chamber, I hasten to say the name was forwarded to me after proper advertisement and a due selection process and deliberations. Though there is much more to be done before a formal announcement can be made, I am sure the person who has been selected will prove to be well versed in the knowledge of the law in matters such as this, a person highly regarded and well versed in issues affecting the disabled and a person who will make an important contribution to what is a sensitive and vexing area.

The Hon. E. P. PICKERING: To suit the convenience of the House may I suggest that other questions be put on the notice paper.

ABORIGINAL HOUSING

The Hon. VIRGINIA CHADWICK: On 7th June, Reverend the Hon. F. J. Nile asked a question regarding the construction of Aboriginal housing at Purfleet. My colleague the Minister for Housing has advised me that the Purfleet Aboriginal community was targeted for housing funded under the homes on Aboriginal land program in recognition of the existing substandard living conditions. The homes are being built by the department on land owned by the local Aboriginal land council, which will assume responsibility for the allocation and management of the homes when completed. Homes built under the HOAL program are individually designed in consultation with the people who are going to live in them, so as to recognize and cater for the wide range of circumstances and aspirations of Aborigines across the State. Whilst this process extends the production period, it is necessary in view of the remoteness of the sites and the particular requirements of various household types. These HOAL homes are more cost effective than conventional housing for the specific client group concerned.

Commitment was given in 1987-88 to construct 11 houses in the 1987-88 capital works program and 5 houses in the 1988-89 program. I am pleased to report that: 10 houses each with 4 bedrooms are now under construction; one house has been carried forward to 1988-89; five other houses are proposed for construction in 1988-89; community consultation for these six homes is to commence in August 1988, thus only one of the proposed sixteen homes could be considered in any way overdue.

The local Aboriginal community had asked the department if demolition of condemned houses could be undertaken by the community itself. As the department is keen to ensure that Aboriginal labour is used wherever possible in these projects, the request was approved, and the department agreed to meet part of the costs of demolition. It is most unfortunate that the community has commenced demolition in advance of the commencement of construction. The Department of Housing is endeavouring to ensure that the houses will be ready for occupation at the earliest possible time.

LOTTO (AMENDMENT) BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. F. J. NILE: The Lotto (Amendment) Bill should more accurately have been called the Keno (Amendment) Bill because its main provisions deal with keno. In the time of the former Labor Government there was a large extension of gambling facilities, and I took a strong and consistent stand then. Maybe I was a bit like John the Baptist with his head on, crying out in the wilderness and not getting much attention.

The Hon. R. B. Rowland Smith: But the honourable member had his head off the other day.

Reverend the Hon. F. J. NILE: It is back on again. The Government is searching for a new name—it does not like the premier State. I hope it is not starting on the track of New South Wales the gambling State. I hope that will not be seen on motor vehicle number plates. In the years in which I have been active in this House a number of matters relating to gambling have been dealt with; and this bill puts further pressure on the people of this State—almost a further method of indirect taxation. On 20th October, 1983, during debate on the Gaming and Betting (Penalties) Bill, I said, “I am opposed to all forms of betting, legal and illegal”. I urged the Labor Government to do something about reducing gambling other than extending it. Also, on 24th May, 1984, during debate on the video poker machines bill, entitled the Amusement Devices Bill, I supported the Deputy Leader of the Opposition, who is now a member of the Government. I said:

I oppose the measure. As has been said by the Deputy Leader of the Opposition, the measure demonstrates the double mindedness of the Government. In 1983 the Government announced that it would ban video poker machines. In 1984 the Government seeks to legalize these machines and seeks to introduce measures and obtain tax revenue from their use.

At the time the former Deputy Leader of the Opposition was very much on the ball. He has a different view now that he is in government. On 10th April, 1985, I asked questions about Totalizator Agency Board records. Something strange seemed to be happening, with records being destroyed. On the same day, 10th April, 1985, during debate on the Racing Appeals Tribunal (Amendment) Bill, I referred to the Fine Cotton inquiry and pointed to corruption that appeared to be taking place in horseracing. On 11th April, 1985, I contributed to debate on the Registered Clubs (Further Amendment) Bill and the Gaming and Betting (Poker Machines) Taxation Amendment Bill. When speaking to those bills the Hon. R. D. Dyer said how good those measures were. The Opposition of that day was critical of the extension of gambling facilities. I said then:

The pity is that many of the clubs in this State seem almost dependent on poker machines for their income... the club movement is a big industry in this State. It employs 45 000 persons in 1 500 registered clubs. It has an annual turnover of \$1 000 million... those clubs have 60 000 poker machines.

Now New South Wales is to have keno. On 22nd April, 1985, during debate on the Gaming and Betting (Amendment) Bill the coalition parties—the present Government—supported the concerns I raised. On 30th October, 1984, in debate on the State Lotteries (Amendment) Bill, on 30th October, 1985, in debate on the Greyhound Racing Control Board Bill and in debate on 28th November, 1985, on the Gaming and Betting (Further Amendment) Bill I spoke against further extensions of gambling. Under the Labor Government there was certainly a flood of legislation extending gambling which the coalition—now the Government—opposed. On 26th February, 1986, I asked a question about legalized gambling. I asked:

What will be the Government's response to the New South Wales registered clubs' threat to withhold poker machine tax payments unless they are allowed to have legalized keno gambling games? Does the Government support the extension of further legalized gambling, which is already excessive, such as keno games?

I was right on track, but at that stage I was criticizing the former Labor Government. The Liberal Party-National Party Government is introducing the very thing I was concerned about on that occasion. On 2nd December, 1986, I opposed the Totalizator (Off-course Betting) Amendment Bill. I said, "I support the remarks of the Leader of the Opposition", who also expressed opposition to the bill. On the same day I contributed to the debate on the Gambling and Betting (Poker Machine Taxation) Further Amendment Bill—again in a similar vein.

The Hon. Judith Walker: We shall take the honourable member's word that he opposed the lot.

Reverend the Hon. F. J. NILE: At that stage the coalition parties were supporting what I was saying; now they are introducing this bill, and New South Wales will have keno. During debates on gambling legislation in this House during the time in office of the former Labor Government, the Leader of the Opposition at that time, the Hon. E. P. Pickering, said a number of things with which I agreed but that seem to be in total contradiction to the bill being debated. On 1st June *Hansard* reported the Leader of the Government in this House as saying, "I marvelled that that Government"—referring to the Labor Government—"could keep wringing the gambling dollar out of the community".

The Hon. M. R. Egan: Who said that?

Reverend the Hon. F. J. NILE: The Hon. E. P. Pickering. He went on to say:

It is time the former Government started to look at the social implications of its legislation when it blithely runs off to chase the gambling dollar.

Again I agree with that. The Minister was concerned about the impact of gambling on family life, but he seems to have had a change of attitude. Honourable members are debating the Lotto (Amendment) Bill and the introduction of keno, which will provide a potential turnover of \$3 billion and a tax revenue of \$300 million. It is not a minor matter; it is a major matter. Honourable members should recognize that the Government will issue a licence under the proposed legislation to a private, non-profit company to run keno. The Government will not run keno itself, but will closely monitor the game and will be able to terminate the employment of anyone who is thought to be

corrupt or involved in any dishonest activities. That was one of my concerns when Lotto was introduced. I was supported by the Liberal Party-National Party coalition, because Lotto seemed to be divided up. Its profits went to the Government, but companies associated with, from memory, Mr Murdoch and Mr Packer received a major portion of the revenue.

The Hon. Judith Walker: They would not have been in it if they did not.

Reverend the Hon. F. J. NILE: The point I am making is that they should not have been in it, because when governments start to share profits with media power brokers, they expect to receive some benefits from sharing those profits. I should like the Minister in his reply to assure honourable members that no profits will be diverted to any beneficiaries other than registered clubs and that the non-profit company does not employ powerful representatives of other companies.

The Hon. R. B. Rowland Smith: Non-profit, though.

Reverend the Hon. F. J. NILE: There has to be a profit; money has to come out of it. The Government will receive \$300 million. I suppose the companies will receive a direct benefit, but the money must go somewhere. Will all the surplus income go to the Government and none to any individuals, clubs or companies? I want that reassurance from the Government. I gather that is what the Government intends, but it needs to ensure that that is the case. I remember the Lotto Bill being introduced, and that was not made clear to the House. It came out later in the media that a large amount of profit would go to other companies. Perhaps the Lotto company is a non-profit company, but how can other companies benefit from it? They are benefiting from Lotto. It was said that that had to occur to attract the commercial people who are expert in promoting Lotto with the public. The Government could argue the same way—that this special promotional ability is necessary. Perhaps an approach has been made already to some of the major media groups—the Murdoch, Packer, or Fairfax groups—to assist in the promotion of keno. Those companies will not do it for fun. Even though they may be paid for advertisements, they may wish to have a direct involvement and receive a large financial benefit. Honourable members should note, just for the record, that:

Keno is a game of chance played against the "house" and offers the possibility of winning a large amount of money on a very small bet.

It is opposite to the casino problem, which the coalition parties opposed when in Opposition. Casinos attract the silvertails—those with money; keno is aimed at the little person—the working person; the person who perhaps does not have much money; the one who can least afford to lose the money; the one who places a small bet. The object of keno is to pre-select numbers that will be randomly drawn in the next game. The more numbers matched above a specific minimum, among those chosen and marked, the higher the prize. Keno is supposed to be relaxing, entertaining, and to have some suspense in it. Those are the views of the promoters, not my personal views. I am just describing for the information of non-gamblers like myself how the game is played. Keno is a term that means nothing to me because I do not know what the details are. It is easy to play, even for beginners, yet it incorporates sophisticated opportunities for advanced players. It especially attracts participants who like to prolong the life of the funds they have allocated to gambling.

Keno may be one of the oldest known forms of gambling. It is said to have originated as a lottery in China more than 2 000 years ago and, according to one legend, the profits from a lottery provided the money to help finance the

construction of the Great Wall. Keno has been an accepted game in the Australian casinos since it was introduced at the Wrest Point Casino in Tasmania in 1973. It is now played in the casinos of South Australia, Western Australia, the Northern Territory and Queensland. Apparently Victoria has introduced keno to the general community. It is organized through the existing network of Lotto agencies, and I imagine that if Canberra—shame on it—goes ahead with its casino, keno will be played in the Australian Capital Territory as well. Keno is similar to Lotto in so far as a specific number of balls are drawn at random from a specific quantity. In the case of keno 20 are drawn from 80 numbers. The essential differences are the variety of bets and prizes as well as the frequency of play. The player's objective in the game is to select a maximum of 15 numbers, between 1 and 80, and have these numbers included in the winning numbers drawn at random by the system. The player has the choice of playing a "spot" ticket or a "way" ticket.

The Hon. Dr B. P. V. Pezzutti: I might have to play the game as a result of this.

Reverend the Hon. F. J. NILE: That is why I am explaining the game to honourable members. I do not want them to play it, but to understand, having heard the word, what keno is. I have foreshadowed an amendment that will seek to restrict the number of terminals at each location to one. I shall move that amendment at the Committee stage, but I inform honourable members that I shall oppose the bill. It may be possible, if honourable members support me and the Hon. Elizabeth Kirkby, to reduce the impact of keno by having only one terminal in each place where the game originates, which would mean having only one terminal in a club instead of, as is suggested in the keno report in appendix 9, six terminals in each club.

The report gave a projection of how it would work. It gives particulars of estimated turnover of club keno based on daily average turnover of a casino keno operation with six terminals. Projected turnover each month over a 12 months period would be about \$400,000 to \$500,000, with a daily average of about \$16,000, and a total turnover in one registered club with six terminals of \$6,085,266. If one adds together the daily average turnover for each of those months, one gets a total of \$199,335. The daily average turnover per terminal would be \$2,769. That figure is based on 15 hours of gaming per day and 150 games per day, allowing six minutes per game. The turnover per terminal for each game would be \$18.46. If this rate of turnover per game per terminal were applied to the 3 500 club keno terminals operating 12 hours a day, the result would be a turnover per game of \$64,610; a turnover per hour of \$646.100; a turnover per day of \$7,753,200; a turnover per week of \$54,272,400; and a turnover per year of \$2,822,164,800, which is almost \$3 billion.

I do not think the Government really understands that what it is doing is unleashing a gambling monster in our State. This new game will need promotion and much advertising. It will be in the forefront of people's minds; it will affect their behaviour. As I said, much human suffering will result among working-class people, whom the Opposition claims it represents. The Labor Opposition proposes to support this attempt by the Liberal Party-National Party Government to rip off the working-class people of this State. Opposition members should have given a little more thought to the matter. The Labor Party has introduced so much gambling into the State in the past that it thinks it might be thought to be hypocritical if it were suddenly to oppose a proposal such as this.

The Hon. H. B. French: The honourable member does not have to support it.

Reverend the Hon. F. J. NILE: Are you going to oppose the bill? That is the question I am asking you.

The PRESIDENT: Order! The honourable gentleman will address the Chair.

Reverend the Hon. F. J. NILE: I oppose the bill and I urge the Government to give some thought to the very famous commandment in the Ten Commandments: Thou shall not covet. This measure will encourage further a spirit of greed in our State. The Labor Party has always claimed that it wished to discourage the growth of greed and materialism among the people. That is an important and very good objective. I plead with Liberal Party and National Party members, as well as Labor Party members, to re-examine their moral values. I ask the Labor Party even at this stage to review the matter and oppose the bill. I ask Opposition members rather to think of ways in which the incidence of gambling in this State can be reduced instead of being expanded dramatically.

The Hon. Dr B. P. V. PEZZUTTI [5.24]: I support the Lotto (Amendment) Bill and the Deputy Leader of this House. I wish to comment on some of the remarks made by other honourable members in the debate. I remind the Hon. P. F. O'Grady that, though the Government is nine months old, it still smells the same; it smells as sweet as a rose. I remind all honourable members that this bill is an attempt to reduce the problems caused by the fact that the hotel and club industries have been at war with one another for many years. That war flourished during the term in office of the previous administration; and there is no way that this Government can unscramble eggs. Because this bill will provide the clubs with a means of attracting people to them, I believe it very much has the support of honourable members on both sides of the House. The club industry is a profit-making industry but it does not distribute shares. The profits made by the clubs go towards employing staff and providing the facilities that are so often needed, especially by small communities and in particular country communities. The clubs will tell the Hon. P. F. O'Grady precisely what their take is and what the Government's take is when they present their annual reports. They are always at pains to reveal how much money they have raised for government and the amount of turnover they generate.

The Hon. P. F. O'Grady: The rate of return per player is critical to success.

The Hon. Dr B. P. V. PEZZUTTI: Absolutely. If the rate of return on a particular game is not sufficient, the community will not play that game. If the rate of return on a particular game is not sufficient for the club, the club will not introduce it. If the rate of return to the Government is not sufficient, the Government will increase it. There is a fine balance between all these things. The people in the State Lotteries Office and the Chief Secretary's Department have a great deal of experience in making a game attractive to the player by providing a sufficiently large dividend, and also making it sufficiently attractive to the club and to the Government. The important aspect of the introduction of keno into the clubs is that it will provide an ongoing product modification to the games presently available, thereby producing an attractive fast-moving 1988 game. It can be seen in conjunction with other initiatives taken by the Chief Secretary's Department of this Government and the relevant department of the previous Government such as the introduction of such exciting games as scratchies, instant lotteries and online Lotto. The introduction of this game will make Sydney, as the most important tourist destination in Australia, somewhat

more attractive to our visiting tourists. It will give them something a little more exciting to do.

The Hon. Elisabeth Kirkby should be reminded that in all clubs the areas where meals are served are gambling free, and that the access areas from the front door of clubs to the live entertainment venues and the live entertainment venues themselves are also gambling free. The Hon. Elisabeth Kirkby tried to draw an analogy to show that the percentage of Government revenue from gambling was dropping. That has occurred purely because the size of the cake is getting much bigger. In fact, the Government's revenue from gambling will increase in the next financial year and, with the success of keno, will increase a little more than otherwise would be expected. Much of this increase in revenue will come from the increasing number of tourists coming to Australia. Last year there was a period when gambling revenue diminished a little when other States, which had been extremely critical of this State's gambling base—Queensland and Victoria in particular—jumped on the bandwagon. We now find that they also have discovered that this is a relatively painless way of raising money to finance well-needed works.

The lotteries conducted in this State were among the first to help to fund the building of public hospitals in this State. I remind honourable members of the situation in the old days when I was barely a lad. One remembers the old days when clubs flourished. One of those clubs was the Goulburn Club. I would not own up to having been in one of those places; but I have heard on good authority that such clubs were illegal gambling clubs run for profit by, one might say, gangsters. One was encouraged to enter the door of such clubs and one was given free drinks. So one was encouraged by being given that free drink to be more intemperate, even when playing the mindful game of blackjack. The Prime Minister plays blackjack.

At the Goulburn Club, apart from the thrill of the chase, there was always a feeling of threat. If you won a bit too much, the threat was even more pronounced. How different it is today to go to legalized casinos in Australia, or to clubs, and know that they are well-regulated, that there is no interference by organized crime, and that one can have a bit of fun and perhaps make or lose a dollar. In this State we successfully have lured people away from illegal gambling. We know we cannot stop gambling. I hope that the profits that will no longer go to illegal casinos will reduce the effectiveness of organized crime in our society. Reverend the Hon. F. J. Nile may be interested to know that taking risks is a normal part of human nature. The younger we are, the more risks we take.

Reverend the Hon. F. J. Nile: You should not tempt people.

The Hon. Dr B. P. V. PEZZUTTI: Taking risks is a normal physiological and psychological thing for a human being to do. Man is an inquisitive risk-taker. We see this reflected in some young people who take risks in a violent and irresponsible way on the roads. At least with forms of controlled gambling in a community atmosphere in open clubs, the risk-taking and excitement can be regulated somewhat—and it is non-violent risk-taking.

Reverend the Hon. F. J. Nile: Are you going to attract teenagers to play the game?

The Hon. Dr B. P. V. PEZZUTTI: Reverend the Hon. F. J. Nile should know that it is illegal for teenagers under a certain age to enter registered clubs. The penalty for under-age gambling—

The Hon. P. F. O'Grady: Which we toughened.

The Hon. Dr B. P. V. PEZZUTTI: Yes. The penalty for gambling is much greater than the penalty for under-age drinking. If under-age drinking were as policed as is under-age gambling—

Reverend the Hon. F. J. Nile: There are now junior members of clubs.

The Hon. Dr B. P. V. PEZZUTTI: Yes, but under-age gambling is much more heavily penalized than under-age drinking; and I believe correctly so. It has been a long-term Australian tradition to engage in gambling. In fact the old saying in respect of Ansett Airlines of Australia was, "Chance it with Ansett". The slogan of Ansett's competitor, formerly known as Trans Australia Airlines was "TAA, the Safe Way". Which airline was the better patronized? Australians went for Ansett.

The Hon. P. F. O'Grady: That is not true.

The Hon. Dr B. P. V. PEZZUTTI: Which is the successful airline in Australia today? Ansett.

The Hon. P. F. O'Grady: History shows that TAA has been far more successful.

The PRESIDENT: Order! Ansett and TAA are not part of the bill.

The Hon. Dr B. P. V. PEZZUTTI: I drew an analogy with the sayings. I thought the wonderful saying, "Chance it with Ansett", was very attractive to Australian people. The projected turnover of \$3 billion spoken of by Reverend the Hon. F. J. Nile may be accurate, but of course the take is only a fraction of that. If all the moneys of players were taken away, when they put their dollars into the poker machines, no one would be in it. The leisure time spent in clubs would become boring and people would be unattracted to them and find other avenues by which to let out their pent-up risk-taking desires. I believe this legislation is one way the Government can have access to cash dollars for taxation from the underground economy. This is one way in which that economy can be tapped. I am always mindful of the fact that to do the things that need to be done in this State—to raise the revenue we need for capital and recurrent expenditure for all sorts of projects—we must either increase taxation directly, or give people a bit of a run for their money through modified and well-controlled gambling. I support the bill.

The Hon. Dr MARLENE GOLDSMITH [5.35]: As a civil libertarian, as I am sure has become quite clear to this House in the course of previous addresses from me, and as one who is concerned with the freedom of individuals in our society, it might seem strange—perhaps not so—that I speak on this bill. The question of gambling is one of civil liberties. What we are speaking of is the freedom of individuals in our society to pursue activities according to their own wishes and desires. What the Government is doing in this instance is simply meeting a market need and demand, meeting the demand of the tourists who come to our country. In that sense, as a civil libertarian, I support the legislation.

There is a problem in regard to the bill that I would like to raise. It concerns the advertising of gambling. The previous Labor Government in this State raised the advertising of gambling to a high art. For several years I lived in the United States in a mid-western State where there were few, if any, forms of legal gambling. They were certainly not advertised—not even on television. In 1981 I returned to this country—to a sudden and severe culture shock. I walked into glossy advertising campaigns for Lotto and various forms of State-subsidized and State-supported gambling. The following year we witnessed the

introduction of instant lotteries—again accompanied by glossy and expensive advertising to persuade people to gamble.

People should be free to pursue their own activities. But how far should the Government be involved in persuading people to pursue an activity that, as we all know, and as Reverend the Hon. F. J. Nile has pointed out, can be a sickness to some people? How far does government responsibility extend to families in society who are suffering from the end products of gambling addiction? Does government have the right to spend people's money on advertising something that can be harmful? I am sure that our Government will handle this question very sensitively. I have confidence in the Government in this matter. In conclusion I ask the Minister for an assurance on that matter—if he can provide me with such an assurance.

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [5.38], in reply: This has been a wide-ranging debate over what I believe to be a small issue. I remind Reverend the Hon. F. J. Nile that the increases in revenue from gambling have been brought about through inflation within our community. If he looks at the figures, he will find that that is so. The community has demanded the introduction of the game of keno. When this matter was first mooted by the previous administration, it was talked about widely, and there was little or no opposition to it. The claim that has been made here this afternoon, that the introduction of this new game will provide further encouragement for average wage-earners to squander income in gambling, is not correct.

It is a proven fact that some members of our society want to gamble, and will gamble whether or not it is lawful. If one takes to its final conclusion the argument presented by Reverend the Hon. F. J. Nile, one would realize that that honourable member would ban gambling all together, ban liquor, and ban tobacco. But would that stop people from gambling? Would it stop people from drinking? Would it stop people from smoking? I remind the honourable member of what happened in the United States of America in the late 1920s and early 1930s with prohibition. Dreadful alcoholic drinks were produced, and more people died as a result of that than those who died from normal drinking. This whole question has to be put in perspective. By providing legal forms of gambling the Parliament has clearly reflected the attitudes and practices of society—which is the role of the Parliament. As gambling is part of our culture, it is for the Government to control the way in which that gambling is conducted, to remove the potential for corruption, and to protect government revenues.

The net income to the State in 1987–88 from poker machines, lotteries and Lotto was more than \$350 million. As was pointed out by the Hon. Dr B. P. V. Pezzutti, this revenue is used to fund essential services, such as health and law and order. The State simply cannot afford to do without that revenue. The introduction of keno will simply provide gamblers with another choice on how to spend their gambling dollars. I do not believe, as Reverend the Hon. F. J. Nile suggested, that the Government is encouraging people to gamble more. Far from it. Keno will be another choice of game for those in registered clubs who want to play it. I have seen the game played in casinos in the United States of America; even in the bathrooms of those establishments one can play the game of keno or pull the handle of a poker machine.

The contributions made by honourable members were most interesting. I believe they showed unity between the Government and the Opposition on this matter. The Hon. K. J. Enderbury spoke about the work of the late Ken Booth for the registered club movement, and what he did and intended to do

about this matter, had he been alive and Labor been in office. This proposal has been widely publicized; people cannot validly say that keno has been foisted on them as a means of raising extra revenue. The Hon. K. J. Enderbury asked the Government to ensure that everything is done to protect players and clubs. Undoubtedly, that will happen. The honourable member also sought an assurance that the Government would ensure that profits stay within the club movement. That will be ensured by the Government's stated commitment to the issue of a licence for the operation of keno to the club movement. The licensee company will probably engage an operating company to run the game. The contract between the licensee and operator will be subject to approval, and rates of returns to clubs will be one aspect of the contract considered by the Government. Also, it is envisaged that some of the profits will be returned to clubs through a club movement development fund, to be controlled by the club movement itself.

The Hon. P. F. O'Grady commented that the bill does not specify players' rates of returns and taxation rates. Once a licence is issued, an operating company will be selected by the licensee, subject to the Minister's approval. It should be understood that the Minister's powers in this regard are very strong. A question was asked about detail on how the game will be run; for example, whether it will be operated centrally or on a regional basis. That will be determined when considering operating companies submissions. Viable rates of returns to players and government revenue will need to be set once that detail is resolved.

The Hon. P. F. O'Grady: So the Minister considers it will be run on a regional basis?

The Hon. R. B. ROWLAND SMITH: Yes. But the point is that the game will have to have an attractive return, otherwise people will not want to play the game. The task force report states that it is envisaged that the rate of return to players will be 85 per cent, and government revenue will be between 5 per cent and 10 per cent. Final rates will be set in consultation with Treasury. The Hon. P. F. O'Grady also mentioned the location of the game in clubs. Control over location of equipment is provided for under proposed new section 9c. It is envisaged that no terminal will be approved for location in areas accessible by minors. I make that point abundantly clear.

The sharing of duty with participating areas is already allowed for in the game of Lotto under the former Government's legislation. All it means is that the game may be extended to other States whose governments are likely to request a share of the revenue. At present, the Australian Capital Territory is a participating area for the game of Lotto. The Hon. P. F. O'Grady also raised the question of union representation. The board structure of the licensing company is a matter for the club movement to determine. The Government understands that the structure is currently broad enough to allow the appointment of a union representative—if the club movement considers this appropriate. This Government will not dictate who should be on a private company's board. I think the honourable member would agree with that attitude.

The Hon. P. F. O'Grady: How will clubs that are not members of the Registered Clubs Association be represented?

The Hon. R. B. ROWLAND SMITH: I will come to that shortly. The honourable member asked how the game was to be promoted. That is a matter for the clubs to determine, subject to controls by the Government. The Government will insist that appropriate standards be met in any advertising

material. I hark back to what my colleague the Hon. Dr Marlene Goldsmith had to say about this. I think the honourable member will find that any advertising will be tasteful and proper, without great hoo-ha. A further requirement will be that players be fully informed of the rules of the game through the distribution of appropriate material at each club.

The Hon. P. F. O'Grady asked that the Government ensure that all clubs be able to participate in the game of keno. Under section 6A of the Lotto Act the Minister may include in the conditions of licence the appointment by the licensee of agents nominated by the Minister. It is envisaged that the registered clubs will negotiate with non-member clubs regarding keno. However, under section 6A the Minister may nominate agents. I think that answers the honourable member's question. However, overall responsibility for the appointment of agents will rest with the licensing company representing the club movement. Government intervention in the day-to-day operations of keno will be aimed mainly at controlling security aspects.

The Hon. Elisabeth Kirkby made comments about differences between clubs and hotels. Those comments were not relevant to the bill before the House. However, they are relevant to a package of legislation now before the lower House. It will seek to remove some of the restrictions on poker machines in clubs, and approved amusement devices in hotels. Regarding the comparable benefits of clubs and hotels, I would suggest that the point raised by the Hon. Elisabeth Kirkby will be covered in the debate on those bills.

I hark back to what I said earlier. The Government is not trying to draw blood from a stone. It is not trying to force people to gamble; it wants to ensure that gambling is properly controlled. It is doing everything it possibly can to stamp out illegal gambling, because that is from whence the problem stems. It is doing everything it possibly can in the interests of the people. I inform Reverend the Hon. F. J. Nile that I understand there are addicted gamblers just as there are addicted alcoholics. The answer to that problem is to seek counselling. Indeed, in the advertising in clubs and in Totalizator Agency Board premises there are signs talking about addiction to gambling.

The Hon. P. F. O'Grady: Another initiative of the Labor Government.

The Hon. R. B. ROWLAND SMITH: Yes, I support what it did—and what it did is most important. This Government is doing everything in its power to see that what goes on is lawful and in the interests of those people who want to gamble. The Government cannot, as much as it would like to, do much to help those unfortunates who are addicted to gambling. Banning it is not the answer. I commend the bill.

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

The House divided.

Mrs Arena	Mr Hankinson	Mr Pickering
Mr Brenner	Mr Hannaford	Mr Reed
Mr Bull	Mr Ibbett	Mr Samios
Mrs Chadwick	Mrs Jakins	Mrs Sham-Ho
Mr Dyer	Mr Jobling	Mr Rowland Smith
Mr Egan	Mr Kaldis	Sir Adrian Solomons
Mrs Evans	Mr Killen	Mrs Symonds
Mr French	Mrs Kite	Mr Vaughan
Mr Garland	Mr Manson	Mrs Walker
Mr Gay	Mr Matthews	Mr Willis
Dr Goldsmith	Mr Mutch	<i>Tellers,</i>
Mrs Grusovin	Mr O'Grady	Mr Doohan
Mr Hallam	Dr Pezzutti	Mr Enderbury

Noes, 4

Miss Kirkby	<i>Tellers,</i>
Revd F. J. Nile	Mrs Bignold
	Mrs Nile

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Reverend the Hon. F. J. NILE [6.4]: I move:

That at page 5, after line 31, there be inserted the words

(2) A licensee shall not have any electrical or mechanical device or equipment that affects the outcome of the game in more than one location approved by the Minister under subsection (1).

(3) An agent shall not have more than one electrical or mechanical device or equipment in connection with the registration or processing of any person's entry in the game in a location approved by the Minister under subsection (1).

(4) An agent shall not use, in relation to the conduct of any game of lotto, any electrical or mechanical device or equipment for the display of results, unless the device or equipment is operated in only one place in a location approved by the Minister under subsection (1).

In moving that amendment I should like to state briefly that the bill will set no limit on the playing of keno. The Government has controls over some forms of gambling but does not intend that the proposed legislation should restrict the playing of keno. It will set no limit on the number of terminals and the spread of the game. Poker machines were first introduced into clubs in a small way, but they proliferated to the extent that in some clubs they surround the walls and take up most of the floor space. Many club members have complained about the extent to which poker machines have taken over their clubs. The Government faces the same danger with this proposed legislation. My amendment would help to control the impact of keno and ensure that it does not spread in the same way that poker machines have spread. There should be one place in each club at which the person may collect money or lodge his or her entry form; the game should be limited to one room in a club and not be

spread throughout the club; the central game should be played in one place. If the game is played in more than one place, it will be harder to supervise it and to avoid corruption.

Corruption in clubs is a serious problem—that is, skimming off money and stealing money. Money has been stolen even where there has been supervision of full-time staff handling large sums of money. There is a temptation. The ability to control the situation will be improved by focusing the game on one location. My amendment will ensure that only one game is played, and the result will then be transmitted to the clubs in a controlled way. It is a moderate amendment, which will be in the Government's interests. The Government should not accept the amendment today and then in six months' time repeal the Act to allow the game to expand. It may be to the Government's advantage to have an ability, through the Minister, to control the spread of keno. I am not in favour of keno in principle, but, if it is to be introduced, the Government should at least have some ability to control its expansion and not have it expand overnight until it becomes as offensive as poker machines have become. I trust the Government will accept the amendment.

The Hon. ELISABETH KIRKBY [6.8]: I support the amendment of my colleague Reverend the Hon. F. J. Nile. In his remarks in reply, the Minister made it absolutely clear that keno would be confined to one area of a club. The Hon. P. F. O'Grady and, of course, Reverend the Hon. F. J. Nile and I have said that registered clubs should have facilities for teenagers as well as for adult members. Honourable members know this is controlled at present because poker machines are placed in areas where young people are not permitted to go. However, if the introduction of keno into clubs means the proliferation of screens in all parts of the club, young people will not be able to go to clubs, and many parents in those circumstances would not permit their children to attend clubs. Children will lose the use of the club and particularly the use of the sporting facilities of the club. Registered clubs are not intended to be quasi-casinos; they are intended to be community centres. If the Government wants clubs to offer a variety of forms of gambling with outlets in every room—as casinos have keno outlets in every room—I suggest that the Government introduce legislation to provide for the establishment of casinos. I think it is totally against the public interest to use registered clubs as quasi-casinos. That is why I propose to support the amendment moved by Reverend the Hon. F. J. Nile.

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [6.10]: The Government does not accept the amendment moved by Reverend the Hon. F. J. Nile for the reasons that I stated in my response to the queries that were raised during the second reading debate. Screens will not proliferate throughout the clubs as was suggested by the Hon. Elisabeth Kirkby. The situation will not be the same as that which she found in the casino in Darwin. These screens will be placed only in those areas where adults at present can gamble on the poker machines. The Government is conscious of the need for clubs to provide areas where young people can congregate. I think the Hon. Elisabeth Kirkby mentioned in particular the Hakoah Eastern Suburbs Soccer Club which provides sporting facilities. The proposals in the bill will not mean that clubs will become quasi-casinos; far from it. It is the last thing on the Government's mind.

Proposed section 9C will provide for the Minister's approval in respect of the type and location of gaming equipment under this Act. This equipment will include the club-based terminals. The reason for requiring approval for the location of this equipment is so that its access by children will be restricted. It

is envisaged that approval will not be given for the location of terminals in any restricted areas of clubs. A further control available will be the limiting of the maximum amount of any one wager under the rules of the game; it must be approved by the Minister. Throughout this bill mention is made of the Minister's powers and the supervisory role that the Minister will play. The details of these rules are still being finalized. These controls are considered to be sufficient to limit access to keno by inappropriate persons such as children. If the number of terminals in any one club proves to be of concern, the number can be restricted under the Minister's approval powers already provided under the Act, in particular, under proposed section 9 (6) but also under the conditions of licence in section 6. Proposed new subsection (3) of proposed section 9c in Reverend the Hon. F. J. Nile's amendment reads:

An agent shall not have more than one electrical or mechanical device or equipment in connection with the registration or processing of any person's entry in the game in a location approved by the Minister . . .

This amendment will not restrict each club to having only one machine; it will mean that they will be able to have only one machine in each location. Location is not defined, but presumably there are many locations in each club. Again, the Minister will have the power to approve the location of any equipment associated with the conduct of the game under proposed section 9c. There is no way that each individual club will be allowed to hold its own draw. However, it may be that a regionalized system will be approved, in which case several draws may be held under different systems across the State. The controls on any such regionalized system will be just as stringent as those that apply to a central system, and the overall integrity of the game will not be allowed to be prejudiced in any way. I assure Reverend the Hon. F. J. Nile and the Hon. Elisabeth Kirkby that the Government will keep an eye on the operations of this game. If any matter of concern should arise, the Government will be certain to do something about the situation.

Question—That the words be inserted—put.

The Committee divided.

Ayes, 5

Mrs Bignold
Mrs Nile
Revd F. J. Nile

Tellers,
Mr Jones
Miss Kirkby

Noes, 37

Mrs Arena
Mr Brenner
Mr Bull
Mrs Chadwick
Mr Doohan
Mr Dyer
Mr Egan
Mr Enderbury
Mrs Evans
Mr French
Mr Garland
Mr Gay
Dr Goldsmith

Mrs Grusovin
Mr Hallam
Mr Hankinson
Mr Hannaford
Mr Ibbett
Mr Jobling
Mr Kaldis
Mr Killen
Mrs Kite
Mr Manson
Mr Matthews
Mr Mutch
Mr O'Grady

Mr Pickering
Mr Reed
Mr Samios
Mrs Sham-Ho
Mr Rowland Smith
Mrs Symonds
Mr Vaughan
Mrs Walker
Mr Willis

Tellers,
Mrs Jakins
Dr Pezzutti

Question so resolved in the negative.

Amendment negatived.

Schedule agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

CRIMES (AMENDMENT) BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

[The President left the chair at 6.29 p.m. The House resumed at 8.30 p.m.]

SALE OF GOODS (AMENDMENT) BILL

Second Reading

Debate resumed from 15th November.

The Hon. JUDITH WALKER [8.30]: The Opposition is happy to support the Sale of Goods (Amendment) Bill. This measure results from the second report of the New South Wales Law Reform Commission on the sale of goods. As longer serving members of this place would know, the first report resulted from a reference to the Law Reform Commission by former Attorney General Ken McCaw. The bill seeks to provide protection upon rejection of goods that do not comply with the terms of advertisements. This is an important provision these days because so many goods are so sold as the result of advertisements, with payment by Bankcard or American Express cards. At present, where delivered goods are found to be other than expected, or are faulty, the consumer has little protection. The meaning of *caveat emptor* then becomes clear. These amendments of the Sale of Goods Act are sorely needed. I congratulate the Government upon its efforts to bring this legislation forward so promptly. I commend the good work of the New South Wales Law Reform Commission. The Opposition supports the bill.

The Hon. VIRGINIA CHADWICK (Minister for Family and Community Services) [8.33], in reply: I thank the honourable member for her contribution, and I thank the Opposition for its support of this measure.

Motion agreed to.

Bill read a second time, committed, and passed through remaining stages.

HUMAN TISSUE (CORNEA TRANSPLANTS) AMENDMENT BILL

Second Reading

Debate resumed from 15th November.

The Hon. FRANCA ARENA [8.36]: In July, 1976, the Attorney General of Australia at that time, the Hon. Robert Ellicott, asked the Law Reform Commission to inquire into and report upon appropriate legislative means of providing laws in the Australian Capital Territory for the preservation and use of human bodies, and the removal, preservation, and use of organs and tissues.

The Law Reform Commission reported to the Attorney General by June, 1977. The report resulted in the prompt introduction of a law for the Australian Capital Territory, followed by Queensland, Northern Territory, Victoria, South Australia, and New South Wales in 1983 when a bill was introduced by the Minister for Health at that time, the Hon. L. J. Brereton. That measure is to be amended by the bill before this House.

With the passing of this amendment, which the Opposition supports wholeheartedly, the Secretary of the Department of Health will be able to appoint non-medical, but of course suitable, people to remove a cornea for transplant. Suitable people will be deemed to be the Director of the Eye Bank, two Eye Bank transplant co-ordinators, and some selected technicians, a total of six people. We in this country are fortunate that people are still willing to donate body parts or organs. I am sure that all members of this House, from whatever side of the House or on the cross-benches, will agree when I say that I hope that we will never see the day in Australia when people are no longer willing to donate organs and tissues for transplants, but will decide to sell them. This, unfortunately, already happens in countries such as the United States of America, where one has to buy not only blood transfusions but also organs and tissues.

I well remember the day when the Hon. B. J. Unsworth, who was then Minister for Transport, came into this Chamber with a rubber stamp with which to mark our licences with a notation giving consent to organ transplants. We parliamentarians were among the first citizens of this State to have the opportunity of donating our organs and tissues upon our death. Now all drivers' licences have in the left-hand corner a box to note authorization of the removal of organs or tissues of the licence holder upon death. I hope that all honourable members have remembered to sign that authorization on their licences.

Although in the past few years there has been an increasing awareness of the necessity for organ and tissue donation, 350 to 400 people are waiting for cornea transplantation procedures. It is tragic to know that many people are going blind awaiting a cornea transplant. So many of these are children, often born with birth defects. As mothers and fathers as well as members of Parliament, honourable members will understand the tragedy of parents of children born with birth defects who are unable to get a transplant. It must be absolutely tragic. Many people waiting for transplants are teenagers with a disease called keratoconus, the bulging of the cornea. Other patients waiting for transplants are elderly people with cataracts and some Aboriginal Australians who suffer badly from trachoma, especially cicatricial trachoma which occurs generally two or three years after the peak age of follicular trachoma infection.

Trachoma remains a prevalent disease among Aborigines in Australia, particularly in three major areas of the continent—not so much in New South Wales because our Aborigines are mostly urban Aborigines. Those areas are the red centre, including the Pitjantjatjara homelands communities in South Australia and Western Australia, the western desert communities in the inland Pilbara region of Western Australia, and the cattle country of the Kimberleys in Western Australia and the Northern Territory. It is unfortunate that there is a high incidence of trachoma among Aborigines but it is gratifying to know that people like Professor Fred Hollows and his team work with Aborigines to assist them with this scarring disease, and conduct research in this field. Professor Hollows' project with the Aborigines was funded by Malcolm Fraser, and I pay tribute to him for that. I pay tribute also to Professor Hollows. Yesterday, when the list of the 200 people who made Australia great was announced, I was

disappointed not to see the name of such an eminent man as Professor Hollows on the list. The Opposition supports the Government in this initiative and in any future initiative that will streamline procedures to assist people to receive a transplant in the quickest way.

The Hon. ELISABETH KIRKBY [8.42]: I wish briefly to support the Government for introducing the Human Tissue (Cornea Transplants) Amendment Bill. It is most important that the Government has moved in this direction to make it possible for the secretary of the Department of Health to appoint a suitable person, even though that person may not be a medical practitioner, to remove tissue for the purpose of cornea transplants. It is well known, as has already been pointed out by my colleagues the Hon. Franca Arena and the Minister in his second reading speech, that there is a demand for corneas for transplant. It is a simple, safe procedure. It gives great relief to many sufferers and enhances their quality of life. The previous provision that allowed only a medical practitioner to remove tissue from the body of deceased persons was acting against the best interests of everyone in the community. Corneas that could have been used to assist living people could not be taken. In some instances those corneas were removed by people who were not allowed by law to remove them. That was a totally unfair and wrong practice. Therefore, to introduce this legislation to make it legal for any individual authorized by the secretary of the Department of Health to remove that tissue is a sensible and valuable procedure. I do not think any honourable member of this Chamber could oppose it.

I said yesterday that I wished New South Wales could have been the premier State in introducing certain legislation. This is certainly an occasion I wish we could have been the premier State. The South Australian Government passed similar legislation in 1984; Western Australia in 1987; and Victoria in 1987. However, this House now has the legislation before it and it is most important that it receives the unanimous approval of every honourable member. I am delighted the Government has seen fit to introduce it. It is a valuable measure, particularly for all those members of the community who, like myself, in the time of the previous Government had their driving licences stamped to make it clear that, if they were unfortunate enough to suffer some road accident, any organ of their body which was valuable and necessary to a living human being should be available for transplant if that was possible. The stamping of driving licences, which was an important measure at the time, still did not permit the taking of corneas from deceased persons, except by medical practitioners. Although people might have wished their tissue to be used to assist other human beings, this legal barrier existed. Again I applaud the Government for removing that legal barrier, and I support the legislation.

The Hon. Dr B. P. V. PEZZUTTI [8.46]: Having been in the profession of providing anaesthesia for people, I could not let the opportunity pass without informing honourable members why this bill is important. For all other organ donations there is a requirement that the person taking the donation come in and take the donor organ within a short time of the death of the donor. With eye surgery this can be done at any time within 12 or 24 hours.

The Hon. E. P. Pickering: Six hours.

The Hon. Dr B. P. V. PEZZUTTI: The Minister knows more about these matters.

The Hon. E. P. Pickering: It was in the second reading speech—six hours.

The Hon. Dr B. P. V. PEZZUTTI: As there is a considerable delay in the time in which one can take the organ, and because the procedure for taking the organ to preserve it in a manner suitable to use does not require extraordinary surgical skill, it is important that this bill be passed. It is hoped that in future there will be other methods of keeping organs alive for transplant patients and that they will not require the enormous cost of bringing in two or three surgical teams at the same time. I thank the Government, and the Labor Party when it was in Government, for the support organ transplantation had in this State.

The Hon. VIRGINIA CHADWICK (Minister for Family and Community Services) [8.48], in reply: I thank honourable members from every section of the House for their succinct contributions and solid support. The proposed amendment will allow a small number of suitably trained non-medical personnel to be authorized by the secretary of the Department of Health to perform enucleations for cornea grafts. At the moment only medical practitioners may perform this task. To address the legitimate concern of the Hon. Franca Arena, which is shared by every honourable member and is indeed the driving force behind the Government in introducing this legislation, the result will be a larger number of corneas available to those in need of cornea replacement. The Government hopes that this measure will result in a reduction of what has been demonstrated to be extraordinary long waiting times for corneal grafts of three to six months. I thank honourable members for their support for the legislation.

Motion agreed to.

Bill read a second time, committed, and passed through remaining stages.

STATE DRUG CRIME COMMISSION (FURTHER AMENDMENT) BILL

Second Reading

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [8.52]: I move:

That this bill be now read a second time.

The objectives of the bill are to amend the State Drug Crime Commission Act 1985 by changing the constitution of the commission and management committee; conferring on the commission and the management committee functions in relation to investigating all types of organized crime and reviewing police inquiries into criminal activities; and by providing for police task forces to assist the commission to carry out investigations. The bill also includes provisions in respect to the conduct of hearings under the Act, the content of the annual report and necessary consequential amendments. The sunset provision in respect of the principal Act will also be repealed.

The State Drug Crime Commission Act 1985 established the State Drug Crime Commission to investigate matters relating to drug activity referred to the commission by the management committee. This bill, in widening the ambit of the commission's activities and increasing its effectiveness, reflects the absolute commitment of the Government to combat drug trafficking and organized crime. Both of these insidious evils now impact upon every member of society in a manner unparalleled in our history. This Government is unequivocal in its determination to pursue and suppress those involved in drug trafficking, organized crime and corruption. The Government accepts its

responsibility to do all it can to provide young people of New South Wales with a society in which they can develop to their full potential without falling prey to those who place self-gratification above human dignity.

The Government regards the drug problem as the most significant threat to our society today. This Government will not be moved from its resolve to vigorously pursue those who seek to perpetuate the problem. Its overall aim is to minimize the harm to the community caused by illicit drugs. In the area of law enforcement, the Government has already put into effect three strategies directed towards those who seek to profit from the destruction of young lives. The first strategy is to review drug and related legislation to determine whether it is appropriate to the needs of the community. In this area, the Government has acted positively and decisively. The Bail Act has been amended to make it more difficult for those who traffic in drugs to obtain bail. No longer do drug traffickers have the comfort of knowing that if they are detected there will be a presumption in favour of them being granted bail and they will therefore have the opportunity to abscond. On the contrary, the presumption has not only been removed but in serious cases reserved in favour of bail being refused.

New and more realistic trafficking categories have been included in the Drug Misuse and Trafficking Act 1985. Prison sentences and pecuniary penalties that may be imposed on traffickers have been substantially increased. The Government is unbending in its resolve to replace profits with penalties. A second strategy is to determine an integrated and co-ordinated drug law enforcement portfolio to maximize the fight against drugs at both the street level and the trafficking level. This strategy involves establishing a new centralized drug body within the police force known as the drug enforcement agency; injecting new life into regional police efforts, and restructuring the State Drug Crime Commission. The drug enforcement agency will be operational in the first half of next year. It will be a multidisciplinary body of police, lawyers, accountants, analysts and other civilian supporters. It will have as its charter the targeting of traffickers, and in this regard will work closely with the State Drug Crime Commission.

This Government is establishing a response that will utilize all New South Wales police—not only the 150 or so at the centralized drug enforcement agency. A third strategy is the complete review of police drug education. Police must know and understand the problem to be able to respond to it effectively. To this end, the New South Wales Police Academy at Goulburn is in the process of significantly upgrading the importance of drug law enforcement at all levels of the police educational process.

I turn to specific provisions of the bill. The bill will expand the role of the State Drug Crime Commission by replacing the existing definitions of “relevant drug activity” and “relevant drug offence” with the new wider definitions of “relevant criminal activity” and “relevant offence”. The new definitions are similar to those used in the Commonwealth National Crime Authority Act 1984. This means the commission will have a role which will go well beyond illegal drug trafficking and extend to all aspects of organized crime. A significant amendment to the existing Act is the expansion of the functions of the commission to include the review of police inquiries into matters relating to any criminal activity. This will enable an independent audit of the investigative operations of the police force generally. It is a first in this country. This initiative will serve to enhance, to an unprecedented extent, the integrity and effectiveness of criminal investigations conducted in this State.

The constitution of the commission has been amended to provide that the commission shall be constituted by one full-time chairperson and one or more full-time or part-time members. This will provide greater flexibility in the operations of the commission. In future, a hearing may be conducted by one or more members of the commission, instead of two as required at present. However, the member presiding must have special legal qualifications as defined in section 3 of the principal Act. Part-time members will be able to require information from certain State agencies and to apply for the issue of search warrants. The present situation where these powers may be exercised only by full-time members is considered to be unnecessarily restrictive and to impair the full operational potential of the commission. Membership of the management committee will be increased from four to five members, the extra member being the chairman of the Police Board.

The Commissioner of Police will be required to provide police task forces to assist the commission to carry out investigations. The members of these task forces will be bound by the secrecy provisions of the present Act in their activities with the commission. The bill envisages a co-operative role between police and the commission. Support for such a relationship can be found in a recommendation of the Commonwealth Parliamentary Joint Committee on the National Crime Authority. Specifically, the joint committee recommended the National Crime Authority give consideration to the use of task forces external to the authority to carry on investigations under the co-ordination of the authority. The value the Government attaches to the role of the commission in the fight against drug trafficking and other organized crime is reflected in the fact that the sunset provision will be repealed. This reflects the Government's determination to give the commission its full support in the fight against illegal drug trafficking and organized crime. It is with pride that I commend the bill.

Debate adjourned on motion by the **Hon. R. D. Dyer**.

CROWN PROCEEDINGS BILL

Second Reading

Debate resumed from 15th November.

The Hon. B. H. VAUGHAN [9.1]: The objects of the Crown Proceedings Bill are to repeal the Claims Against the Government and Crown Suits Act 1912, in particular to abolish the procedure of appointing and suing nominal defendants in place of the Government; and to make new provisions for civil proceedings by and against the Crown. The nominal defendant is a corporation constituted by a government appointee, pursuant to motor vehicle legislation as a rule, in some jurisdictions to serve as the defendant in actions where the identity of the owner or driver responsible for the injury is unknown. A successful claim against the nominal defendant is recovered from insurers. The bill is a creature of the Law Reform Commission's 1975 report on proceedings by and against the Crown. That Law Reform Commission inquiry was chaired by Mr Justice C. L. D. Meares, as he then was.

The Hon. E. P. Pickering: That long ago?

The Hon. B. H. VAUGHAN: The Leader of the Government in this House has just interjected, "That long ago". As I was travelling to Parliament this morning I was thinking about the fact that there is Parkinson's law and Murphy's law and that somewhere along the line someone has to invent an apposite description of the law by which parliamentary appointed committees,

commissions and the like report to the government of the day but no action is ever taken on their reports. This report was presented in 1975. The pink document which I have with me is the summary of that report. There has been the Lusher report and all sorts of other reports; one could become almost missionary on the subject. Anyway, this bill is the creature of that report.

On page 13 of the report the commissioners refer to what was a bold Australian innovation. The innovation was to equate the State, as nearly as possible, to the subject; that is, to the citizen. Earlier the Hon. Elisabeth Kirkby said that she wished that this State had pioneered a certain piece of legislation. It is rather interesting to note the extent to which the premier State has been a little behind the smaller States, the mendicant States, in the introduction of legislation. Mr Deputy-President, you will recall that the Claims Against the Government Act of 1857 in this State was the legislation that established the concept of the nominal defendant. Yet, regrettably yet again, as in the instance that the Hon. Elisabeth Kirkby put to us, the State of South Australia led this young country, as it then was, in introducing the concept of a nominal defendant. In 1853 South Australia enacted a Claims Against the Government Act. But what our legislation of 1857 did—and it imitated the legislation of South Australia four years earlier—was to begin a new procedure for obtaining relief against the Crown. The preamble to the 1857 Act recited as follows:

... the ordinary remedy by petition of right is of limited operation and is insufficient to meet all ... cases and is attended with great expense, inconvenience and delay.

The new procedure of 1857, like the petition of right procedure, involved a petition. It provided that, upon petition, the Governor-in-Council could refer to the Supreme Court for trial against a named nominal defendant “all cases of dispute or difference touching any claim between any subject of Her Majesty and the Colonial Government of the Colony of New South Wales. . .” Two things worthy of note came out of that. The first is that no limitation was imposed as to the type of disputes or differences which, upon reference to the Supreme Court, were justiciable. The second is the reference to the colonial government. Traditionally, the reference would have been to Her Majesty, or some other expression would have been used which would have perpetuated the confusion between the Sovereign and the State.

The Claims Against the Government and Crown Suit Act 1912, which this bill seeks to repeal, re-enacted the essential provisions of an Act of 1876 in this State which, in turn, strengthened the innovations made by the Act of 1857. The features of that legislation were these: first, the intending litigant petitions the Governor to appoint a nominal defendant; second, in default of appointment the Treasurer becomes the nominal defendant; and third, the nominal defendant may be sued in any competent court and “the proceedings and rights of parties therein shall as nearly as possible be the same, and judgment and costs shall follow or may be awarded on either side as in an ordinary case between subject and subject”; or citizen and citizen. The drafting of the Claims Against the Government Act left open to the Crown an argument that it could still shelter behind the maxim that the King or Queen can do no wrong. In 1885 in the case of *Farnell v. Bowman*, which is reported in 1886 New South Wales Law Reports, the Crown relied upon that argument in an endeavour to avoid suffering judgment to pay damages to a subject, or citizen, whose property was damaged by fire negligently lit by servants of the Crown. The Crown invoked that right from time immemorial to protect itself against an action where servants of the Crown had brought about damnification. The argument was that the Act applied only in respect of a just claim which the plaintiff had, or believed he had, against the Government. At that time the Crown was willing to wriggle out of its responsibility.

Admittedly where there was such a just claim the Act required that the case proceed against the nominal defendant as nearly as possible the same as in an ordinary case between subject and subject or citizen and citizen. The edge was always with the Crown. This report made certain recommendations, as I pointed out earlier. There were procedural difficulties that were discussed in the report of the commissioners. The procedures for suing the Crown provided by the 1912 Act were considered by the commissioners to be unsatisfactory. For example, the intending plaintiff had to petition the Governor to appoint a nominal defendant and to bring the proceedings against the person appointed, or, as I said earlier, against the Treasurer if the Governor did not appoint a person to be the nominal defendant. The commissioners went on to say:

The practice is that the Governor appoints the Under-Secretary of the Department of Attorney General and Justice to be the nominal defendant. He does so promptly where an appropriate petition is presented.

By "promptly" is meant the follow-up. The proceedings and the procedures inevitably resulted in some delay. Where the misfortune occurred that, for example, the under-secretary died before the proceedings were concluded, prosecutions were delayed by the necessity to appoint a new nominal defendant. Further difficulties were identified by the commissioners. For example, where a citizen is sued by the Crown under the title of the Attorney General as its law officer, the Act did not enable him to plead by way of counterclaim against the Crown in those proceedings. In short, to prosecute his claim against the Crown, even though it related to the claim of the Crown against him, the subject was obliged to petition under the Act for the appointment of a nominal defendant and, having obtained the appointment, to sue the Crown in separate proceedings led to a tortious delay.

The procedure was more exaggerated, say, 20 years ago than it has been in the past 20 years. The commissioners recommended that proceedings should be brought directly against the Crown. In 1975 they recommended that the nominal defendant procedure be abandoned and in lieu thereof it be provided that proceedings may be brought directly against the Crown under the style and title of the State of New South Wales. As I adumbrated, there is ample precedent in the legislation of the Commonwealth and of other States. From the 1960s until 1975 the Commonwealth Judiciary Act, which enacted the idea of the nominal defendant being replaced by something more practical, together with the Victorian Crown Proceedings Act, the Western Australian Crown Suits Act, and the South Australian Crown Proceedings Act, put into effect what we are doing belatedly here tonight. A salient benefit to the community of New South Wales is that the requirement to give four weeks' notice of action to the Crown, to wit, the notice required to be given to the nominal defendant, will be eliminated. Often it is overlooked that the notice gave an unfair advantage to the Crown. This legislation will overcome that advantage, although belatedly, as I say. Let us look forward to erudite reports of learned commissioners being acted upon more quickly. I support the legislation.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [9.15], in reply: I thank the honourable member for his erudite contribution to this debate and his support of the legislation. I share with him the frustration he expressed as to the way governments have traditionally, and in a fairly cavalier way, disregarded reports they commission with good intention, and from which they back away, for one reason or another. In fairness, the report of the law reform commissioners on proceedings by and against the Crown followed a reference to the commission to review the law relating to proceedings by and against the Crown, and incidental matters. The report was presented in 1975. In fairness,

it should be said that it has previously been implemented in part, if not completely.

The report made three recommendations. The first was that the procedural reforms of the Claims Against the Government in the Crown Suits Act of 1912 be undertaken to remove certain deficiencies in the Act. The second was that the State and private employers be liable for the torts committed by those in their services in the performance of a function imposed by law. The third was that the rules of construction that statutes do not bind the Crown, except by express words or necessary implications, be abolished. The second recommendation is contained in part 13 of the report. This reform was implemented in the Law Reform (Vicarious Liability) Act of 1983. At that stage the Government decided not to proceed with other matters contained in the report. The Attorney General is to be commended for acting quickly to redress some of the inequities in the interface between the community and the Crown. The Government supports the previous Government for its action in this matter. I commend the bill.

Motion agreed to.

Bill read a second time, committed, and passed through remaining stages.

TREASURY CORPORATION (AMENDMENT) BILL PUBLIC AUTHORITIES (FINANCIAL ARRANGEMENTS) AMENDMENT BILL

Second Reading

Debate resumed from 15th November.

The Hon. M. R. EGAN [9.22]: The Opposition supports the bills.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [9.22], in reply: The Government thanks the Opposition for its wholehearted support.

Motion agreed to.

Bills read a second time, committed, and passed through remaining stages.

MOTOR VEHICLES TAXATION MANAGEMENT (AMENDMENT) BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. G. BRENNER [9.27]: I have great pleasure on behalf of the Opposition in supporting these amendments. I have personally visited high schools in the metropolitan area and country areas where motor cars are being used to teach our youngsters driving skills, under proper supervision in approved areas, before they qualify to apply for the issue of a learner's permit by the Department of Motor Transport. As the Minister said in his second reading speech, these measures are aimed at road safety. By them we hope to promote better handling and understanding of motor vehicles. Those engaged in high school driver teaching are also highlighting other aspects of road safety

with which I am very much concerned, the most important aspect of which is driver behaviour on our public roads. The schools, or police youth clubs as they are called in the bill, that have programmed driver education mostly get their vehicles on loan from local car dealers, a gesture greatly appreciated by the communities involved. If through government legislation, either in this bill or any other measure, or through government action, we can encourage the involvement of more schools or police youth clubs, we must do so. We invest in our children's future through their safety and well-being, as well as the well-being of the community.

I am particularly pleased to note that one of the country high schools conducting a driver education course is the Murrumburrah High School, with which I have a close affinity in many ways. I was one of the main initiators of the school, which was built in Harden. It used to be a central school in Murrumburrah but because of progress there was need for a high school to be constructed in Harden. I could go on and tell honourable members its history and about the conflict between the twin towns of Harden and Murrumburrah. There have always been problems because the dividing line between those towns was only a street. There was always conflict why certain things should be built in Harden when Murrumburrah was the original place of settlement. To overcome the problem I proposed at a council meeting, and subsequently at a parents and citizens association meeting, that the school should be called the Murrumburrah High School even though it was located in Harden. I did not receive too much flack, and eventually that is where it was located. I was pleased to have been associated with that proposal.

The Hon. Virginia Chadwick: What electorate is it in?

The Hon. G. BRENNER: It is in the electorate of Burrinjuck, which was held by the Sheahan family for more than 40 years. If the Sheahans so desired, at the next election they could take it back again without any difficulty. The Ministers in this House would appreciate that because prior to the election all three of them campaigned in that electorate and made numerous promises which they could not keep, have not kept, and will never be able to keep. They should be ashamed of what they did in that community. Members opposite asked for that comment. I had been talking about something altogether different.

The Hon. Virginia Chadwick: The Hon. G. Brenner is a bad loser.

The Hon. G. BRENNER: The Minister knows what I say is correct.

The DEPUTY-PRESIDENT (The Hon. Sir Adrian Solomons): Order! The honourable member will adhere to the principle of debating the bill before the House.

The Hon. G. BRENNER: I shall do so. If I am allowed, I shall gladly proceed.

The DEPUTY-PRESIDENT I shall certainly stop any unseemly interjections.

The Hon. G. BRENNER: I do not think it was unseemly: I just told the Minister the facts. For years before and after the high school's completion I was vice-president of the parents and citizens' association of the school. My children were educated at the school, and my wife still provides a feeder bus service to the school. The Murrumburrah High School co-ordinator had this to say to the Staysafe committee in a submission on driver education. Paragraph 21 of the submission reads as follows:

The aim of this course is to introduce young people to the important aspects of owning and driving a motor vehicle. Owning and driving require experience and attitudes that, if developed properly, will enable the future driver to be able to make sound judgments concerning the purchasing, maintaining and safe handling of a vehicle while showing due consideration and responsibility to other members of the community.

That is an important statement. That is what I believe the bill is all about. If Parliament can foster and further promote the same or similar projects in New South Wales as that in Harden by extending tax exemptions for motor vehicles used for educational purposes, for safety's sake let us do it at the double.

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [9.35], in reply: I thank the honourable member for his support of the legislation. I know how keen he has been about safety on the roads, particularly the importance of driver behaviour to encourage a generation of safer road users. Where better to start than with our schoolchildren. The work he has done at Murrumburrah High School has been first class. I am delighted that he has supported this legislation. It is most important legislation, as I stated in my second reading speech, to encourage a generation of safer road users. I commend the bill.

Motion agreed to.

Bill read a second time, committed, and report adopted.

Suspension of certain standing orders agreed to.

Bill read a third time.

MOTOR TRAFFIC (BLOOD SAMPLES) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. G. BRENNER [9.39]: The Opposition supports the bill without reservation. The bill will tidy up a problem that occurs in border areas of our State when blood samples are taken from motor vehicle accident victims. The bill provides that medical practitioners in New South Wales who take a blood sample from a person injured in a road accident will be indemnified, irrespective of the jurisdiction in which the accident occurs. The introduction in 1982 by the Labor Government of random breath testing has saved many lives in New South Wales. Legal loopholes should not allow drink-drivers to escape legal proceedings in the State's courts. At a meeting convened under the auspices of the Australian Transport Advisory Council, our neighbouring States agreed to investigate measures to eliminate problems with drink-driving prosecutions of road accident victims in New South Wales treated in another State. If a drink-driver has an accident at Buronga in New South Wales, for example, and is taken by ambulance across the bridge to Mildura in Victoria, he should be just as liable to prosecution as if he or she had been taken to a hospital at Wentworth in New South Wales. The Opposition therefore supports the amending bill.

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [9.41], in reply: I thank the honourable member for his support and the Opposition for its support of this important piece of legislation. Potential difficulties with drink-driving prosecutions where a road user injured in a traffic accident in New South Wales is treated in a hospital in another State or Territory have been identified. To overcome those difficulties the

Government proposes, as the bill provides, that certificates of analysis of blood samples taken in interstate hospitals in accordance with the State's laws may be used as evidence in drink-driving prosecutions. The purpose of the proposed legislation is to cut back the dreadful death toll on the roads, and this measure will do just that.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MOTOR TRAFFIC (DRIVING HOURS) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. G. BRENNER [9.45]: The Opposition does not oppose the bill. As the Motor Traffic Act relating to driving hours has not been amended since 1952 there is, no doubt, a need to amend or update the Act. In his second reading speech, the Minister for Transport in the other House said that the bill will revise driving hours to give effect to an agreement reached between the Victorian and Queensland transport authorities; and, incidentally, that agreement has been endorsed by the Australian Transport Advisory Council. I might add that the agreement, which provided for uniform driving hours, was reached at a meeting chaired by the former Labor Minister for Transport and former member for Burrinjuck, Mr Sheahan. The Minister mentioned that in his second reading speech. I look forward to hearing, or seeing, as the Minister said in his speech, details of the arrangements to be introduced by regulation following the passage of the legislation. That most certainly will be of interest to the House. Perhaps the Minister for Sport, Recreation and Racing will elaborate in his reply on the meaning of the words used by the Minister for Transport.

Though I agree with the Minister that drivers making short trips, or trips less than 80 kilometres from a depot, who have to date been exempt from driving hours regulations, make many short trips within a given time and become just as tired as those who undertake interstate carrying, anyone who works long hours feels tired towards the end of the day. I do not accept fully, however, that a short-haul driver becomes as fatigued as a long-distance haulier. A truckdriver carrying building materials on short hauls, for instance, though working long hours, performs work constantly interrupted. He has to stop at traffic lights, change gears to build up speed, and stop at intersections. A concrete mixer driver, who may make numerous trips to one or more building sites in his daily work, performs a variety of work that is interrupted.

On the other hand, a long-distance driver operating between, say, Sydney and Adelaide or Sydney and Brisbane remains behind his steering wheel hour after uninterrupted hour. That is particularly so these days with the use of powerful so-called rigs, as with those vehicles there is little need even for the driver to change gears. So the driver is subjected to the monotonous drone of the engine of the vehicle. I can assure honourable members that after listening to that sound hours on end, one becomes so used to it that one does not even hear it. The eyelids then start to become heavy and drop as fatigue sets in. The important thing is that the driver must recognize when fatigue has set in. All that that driver is worried about is getting back to his base so that he can meet his or her hire purchase commitments; that is why long-distance drivers keep

going. To put it bluntly, that sort of economic situation must be faced not only by truckdrivers but also by members of society in general.

It should not be forgotten that interstate truckdrivers may also be involved in loading and unloading their vehicles. That is a very time consuming and tiring activity, particularly if the sort of cargo he or she carries involves numerous pickups and deliveries. An interstate truckdriver who is a subcontractor carrying a load of 20 tonnes may be required to make three or four deliveries upon reaching his destination before reporting to his depot. That means that he could be involved in unloading that truck for four or five hours upon arriving at his destination. If that truckdriver is lucky enough to get a return load immediately—he will be hoping that he is that lucky—he may once again be required to spend hours loading his vehicle before setting off on the return journey. The time that he spends loading and unloading his vehicle will not be recorded in his logbook, as only the time he has spent driving is recorded in his logbook as working hours. That creates a big problem. This added workload probably affects owner-drivers more than it does drivers who work for a company.

It concerns me that no mention is made of buses in this amending bill. As I understand it, bus drivers will be allowed to work the same hours as truckdrivers, as that is based on the carrying capacity of the vehicles. However, this will apply only to drivers of buses that weigh more than 12 tonnes. Will this mean that the driver of a bus carrying 30 or 40 passengers but weighing less than 12 tonnes will not be restricted in the number of hours that he can work? If that is the case, it will create real problems. If a bus driver who becomes fatigued is involved in an accident and if the other road users are lucky enough to escape the consequences of that fellow's fatigue, that might not be the end of the matter, as that bus driver could be carrying 30 or 40 passengers. That matter has not been addressed in this amending bill, and this concerns me greatly. I am sure that the Government does not believe that bus drivers do not get fatigued.

As I said at the outset, I support the bill, as really it seeks to amend an Act that was an initiative of the Labor Government. Unfortunately, the proposed amendments are not as tidy as I would have hoped. I have no problems with the proposal to extend driving hours from 12 to 15, with rest breaks in that time. The bill provides also for six hours continuous rest in the preceeding 24 hours and a full 24 hours rest in seven days. When I was engaged in this industry, had I adhered strictly to the regulations I would often have been required to stop my vehicle just the other side of Gundagai and remain there for umpteen hours in order to comply with the regulations before I could travel another 30 miles to my residence in Jugiong. It was ridiculous that I was required to do that. Therefore, I and the Opposition have nothing against this proposal to extend the number of driving hours. I am not satisfied that the new provisions will be adhered to in practice. I must confess that I did not adhere to the existing provisions.

The Hon. R. B. Rowland Smith: The honourable member drove home that extra 30 miles to Jugiong.

The Hon. G. BRENNER: I did, at the risk of being pulled up; but luckily I was not. Thousands of owner-drivers have heavy financial commitments. I can assure the Minister that many of them do not know how they will meet the next payment on their vehicles. So those with heavy financial commitments will be trying to circumvent the proposed regulations.

The Hon. R. B. Rowland Smith: This is crazy, and the honourable member knows it. Surely this is being done in their interests.

The Hon. G. BRENNER: The Minister should tell that to those drivers who have heavy financial burdens hanging over their heads. In order to meet their commitments, they will try their hardest to work extra hours, even with the assistance of a so-called co-driver, pep pills.

The Hon. R. B. Rowland Smith: Therefore the honourable member does not want regulations; he does not want the Government to do anything about the situation.

The Hon. G. BRENNER: The Minister just said that we do not want regulations. In the past we have been accused of overregulating. Of course we want regulations, but we also want enforced the regulations that this Parliament introduces. We must ensure that the regulations we introduce can be and are enforced. It is that aspect of this amending bill with which I am not satisfied. I hope that the Minister in his reply will be able to provide me with a satisfactory response to that aspect.

The Hon. R. B. Rowland Smith: I will do the best I can.

The Hon. G. BRENNER: I am sure the Minister will do the best he can. I hope the Government will not become overcomplacent merely because it has introduced this amending bill. The Minister stated that State and Territorial authorities are completing the development of a new enforcement system. I shall be interested to learn about that system. The problem of logbooks has been enunciated previously in this Chamber and in other places. Previously I have mentioned that the logbook, as it was used in the past, was absolutely hopeless. What the Minister said in his second reading speech does not convince me that the legislation provides a foolproof system. We need a foolproof logbook system. If a logbook can be issued only in the State in which the licence is issued, it will not prevent a driver from obtaining a licence and logbook from another State. The matter needs scrutiny.

I know that photographic licences are to be introduced and that is an improvement. We are all working towards an improved system. I support the measures in the bill but I doubt whether enough work has been done to ensure that there are no loopholes. I am strongly supportive of the introduction of tachographs, with full policing powers by the relevant authorities. The system should not provide that tachographs in trucks can be pulled out and looked at only by the depot manager when the truckdriver returns to the depot. The legislation should provide that a driver can be stopped by the police or motor traffic authorities and the tachograph checked. If it appears from the tachograph that the law has been abused, the evidence should be permitted to be used in court. There is nothing in the legislation to provide for that, and the omission is a bad mistake. It will prolong the problems on our roads and more people will be killed.

Recently a couple of truckdrivers were killed near my home at Coolac. Last night there were another couple of accidents in the area and fortunately no one was killed. Accidents do happen on some roads that are as straight as an unbent steel bar, as well as others, on approaching a divided carriageway. They happen because we have no control and the police have no control. Police are reluctant to intercept drivers because proof of guilt of offenders can rarely be proved in court. Having expressed my concerns, the Opposition supports the bill. I await the details of the arrangements yet to be introduced by the regulation.

The Hon. ELISABETH KIRKBY [10.4]: I support the Motor Traffic (Driving Hours) Amendment Bill. I wish to add weight in support of the remarks of my colleague the Hon. G. Brenner. During the course of his speech he made some extremely important statements. One of the most important related to one of the objects of the bill, that is, the restriction on the number of hours a person may drive certain heavy motor vehicles continuously or over specified periods. It would appear this applies only to freight transport vehicles. It does not apply to buses, that is, to transport vehicles where human beings are concerned. I believe that was an important distinction the honourable member drew and I hope it is something the Minister will address in his reply.

As has already been pointed out, the issue of driving hours is not so much a legislative matter as a policing matter. Inspectors must check on the number of hours driven. A far more accurate and less imprecise method than logbooks must be introduced as soon as possible. We know that the Minister has signalled this. These advances are possible and I hope they will be introduced rapidly. With the increased size of trucks, this measure is important. In New South Wales we are facing the introduction of B-Double trucks, and the introduction of volumetric loading to bring us into line with Queensland so far as the transport of livestock is concerned. All honourable members would be aware, and in particular members of the National Party, of the appalling state of the roads in certain parts of New South Wales.

At a time when our roads are in such a bad state of repair, we are introducing heavier vehicles. These heavier vehicles will make a greater impression on our roads. The Government must introduce some method of funding for shire councils and for the Department of Main Roads in order for them to cope with increased motor traffic, particularly if the Government goes ahead with its plan to cut down country freight rail lines, which in turn will force more traffic on to the roads. I return to the bill. I have stated that the Government will provide for revised driving hours, which will bring this State into line with Victorian and Queensland transport authorities. The agreement is one that has been endorsed by the Australian Transport Advisory Council. It is a pity that the amendment allows driving hours to be introduced by regulation. However, that is the way the Government has seen fit to deal with it.

This amendment bill will provide an exemption from the requirement relating to hours driving if the journey takes the driver less than 80 kilometres from the depot. As has been mentioned by other members, this is an outrageous situation because vehicles operate in the city where traffic is heavier than on other roads. Obviously the stress involved in driving in heavy traffic is greater on the driver than driving in other situations. In many cases roads are more dangerous because they are more crowded. The fact that the drivers might not travel more than 80 kilometres from a depot does not alter the fact that many journeys are made and therefore the stress upon them of driving is far greater than for other drivers on roads other than city roads.

As has been pointed out by the Hon. G. Brenner, the requirement now applies only to vehicles of more than 12 tonnes maximum laden weight. That is an increase from the previous provision of 2 tonnes maximum unladen weight. The problem still arises that these provisions do not cover buses. There are an increasing number of tourists on our roads because buses are far cheaper than air travel. This provision increases the maximum driving hours from 12 to 15. At present drivers are required to have five consecutive hours of rest in the 24-hour period preceding their setting out on journeys. Under the new requirements, drivers must have nine hours of rest in the preceding 24-hour

period. This most important provision will mean that heavy vehicle drivers must have a continuous period of rest of not less than six hours in the preceding 24 hours. Not knowing much about road transport regulations, I was amazed to discover that under current arrangements it is possible for drivers to drive for 12 consecutive days, so long as they have two days off. That must be taken into consideration and related to what happens to people who drive trains and pilot aircraft.

The Hon. G. Brenner: Drivers must have half an hour's break after every five hours of driving, and a five-hour break after the next five hours of driving.

The Hon. ELISABETH KIRKBY: I am being told that I have missed the point. It is most dangerous that a driver is able to drive for 12 consecutive days so long as that driver has two days off. I am glad the Government has seen fit to revise that provision. Under the revised package—and I read from the Minister's second reading speech, so I am confident that I make the correct assumption—drivers will be required to have one continuous period of 24 hours rest within the seven days prior to driving. Surely that is a much better provision than that now in force. Under the present requirements, a driver of a heavy vehicle could drive for as many as 84 hours in a week. That in itself must be posing considerable traffic hazards for the heavy vehicle driver and other road users. The revised package will limit weekly driving to 75 hours.

The Minister in another place made the point in his second reading speech mentioned in this House by the Hon. G. Brenner, that is, the shortcoming on driving hours is that the enforcement system is not as effective as it should be. In the course of debate this evening these matters have been brought to the attention of the House by the Hon. G. Brenner, but as yet the Minister has not said how the enforcement system will be brought into operation, and what the strength of it will be. As I said at the beginning of my remarks, enforcement is probably the most important aspect of all. It would appear from the Minister's second reading speech that the new enforcement system has been discussed with officials from all States and Territories. It relates to a logbook written in plain English, and issued only in the State where the driver's licence was issued.

Apparently this provision was introduced to prevent drivers from having several logbooks by obtaining them from other States. Information about logbook issue and driving hours offences will be shared between the States and Territories. It is planned that drivers who obtain or use multiple logbooks will have their logbooks cancelled. That may sound good in theory, but it appears to me that undue reliance is being placed on the logbook, and on the fact that enough inspectors will be made available to stop vehicles and inspect logbooks. That will not be sufficient to make heavy road transport as safe as it needs to be. One problem we face in Australia is that on our roads are vehicles that are in use in America and in Europe when our road system does not match the road systems of continental Europe or of the United States of America.

The Hon. R. B. Rowland Smith: Of course it does not, because we do not have the roads that they have.

The Hon. ELISABETH KIRKBY: No. But we are still introducing on to our roads similar types of heavy vehicles, carrying the same weights and travelling at the same speeds. Quite frankly, our roads are not up to the standards of continental or North American roads. That is probably why we have such a high road toll. It is common knowledge that our road toll statistics are higher than those of the countries mentioned. So, although I am glad that the Government has introduced this legislation, I must emphasize that it is a

great pity that all requirements are to be set by regulation. I hope that in his reply to this debate the Minister will assure the House and the citizens of New South Wales that the mechanism to enforce this legislation will be introduced and that it will be more effective than a simple logbook system. The Hon. G. Brenner went into this matter in some detail.

Obviously, those well versed in how these matters can be regulated know the procedures. I hope the Minister and the Government have well in mind the early introduction of further procedures, and are not simply proposing their introduction at some time in the future. If we delay the introduction of further measures, many more fatalities may occur. What has happened in the past 24 hours should make us aware of that. After six weeks of dry weather we have had 24 hours of rain. This has resulted in an enormous increase in road deaths in a 12-hour period. We must be aware of that. Another problem we face in New South Wales is that a slight fall of rain on our roads after a prolonged dry period makes our roads very slippery, and heavy trucks and other vehicles cause accidents involving serious injury and even fatalities.

The Hon. R. B. Rowland Smith: The Government can hardly do much about that, can it?

The Hon. ELISABETH KIRKBY: The Government can probably do a great deal about it.

The Hon. R. B. Rowland Smith: Should we bring down more rain, have drier roads, or what?

The Hon. ELISABETH KIRKBY: We should provide for greater supervision of heavy vehicles through the establishment of more vehicle checking stations and weighbridges, which are manned more frequently, and also have more traffic police on the roads to control the speed of trucks. Those measures can be taken. I travel the freeway between Sydney and Newcastle quite regularly, and even if I am exceeding the speed limit by perhaps five kilometres an hour, doing 115 instead of 110 kilometres an hour, heavy vehicles are passing me in the night at 120 and 130 kilometres an hour, which is far too great a speed for vehicles of that size. I am not referring to experience with just one isolated heavy vehicle; these vehicles are more or less travelling in convoy. They follow closely on the tail of ordinary motorists, particularly at night, making the life of the ordinary motorist a misery. This practice is particularly bad on the F1 Freeway, and is even worse on the Pacific Highway. The Pacific Highway is nowhere near as good a road as the F1 Freeway or any other freeway.

The worst traffic accidents are occurring on the section of road between the Hexham Bridge and the North Coast of New South Wales. Many of those accidents are due to the presence of heavy trucks travelling above the speed limit. This matter should be subjected to closer and more careful policing. The Hon. G. Brenner said that he believes the police are not game to crack down on these speeding truck drivers. I have no way of knowing whether what the honourable member said is correct but the Minister for Police might investigate that in greater detail. With those remarks, I shall conclude. I support the bill. It is only the enforcement of the provisions of the bill that cause me concern.

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [10.20], in reply: I thank honourable members for their contributions, particularly the Hon. G. Brenner, who has had long experience in the road hauling industry. It is most important that people understand that the Government is concerned about problems on the roads. It is doing everything in its power to try to clamp down on speed on the roads and make

roads more safe. It is important honourable members recognize the comments of people of the calibre of the Hon. G. Brenner, who has had long experience of these matters. Let me make it abundantly clear to all honourable members that the Government is concerned about the problems that exist. That is the reason for bringing down this legislation. The Hon. G. Brenner and the Hon. Elisabeth Kirkby raised the question of regulations. Let me refer to my second reading speech in which I said:

Regulations will be made to specify the revised driving hours requirements. The present inclusion in the Motor Traffic Act of specific details regarding permitted driving hours is inconsistent with other aspects of the arrangement of the Act.

Surely that is self-evident. I shall refer now to matters raised by the Hon. G. Brenner. He spoke specifically about tachographs as enforcement measures. Tachographs tell what vehicles do, not what drivers do; is that correct?

The Hon. G. Brenner: That is sufficient.

The Hon. R. B. ROWLAND SMITH: They are costly to enforce with current technology. They are no more proof against falsification than are logbooks.

The Hon. G. Brenner: They are.

The Hon. R. B. ROWLAND SMITH: As technology improves, and provided that other States are also willing to consider the introduction of tachographs on a uniform basis, the New South Wales Government will consider their introduction. Surely that is self-explanatory.

The Hon. G. Brenner: Tachographs tell one the time drivers spend behind the wheel.

The Hon. R. B. ROWLAND SMITH: The Minister in the other place pointed out the recent national agreement for one person one licence in Australia. The Minister also informed the House that a national database of logbook issue is to be introduced early next year. Does that satisfy the honourable member?

The Hon. G. Brenner: No, it does not satisfy me. It is not related to that. The Minister has not given me the answer.

The Hon. R. B. ROWLAND SMITH: The permitted hours of driving are designed to give a proper balance between the needs of safety and the reality of the road transport industry. This includes the financial needs of operators. Again, surely that is self-explanatory. Time spent loading and unloading is counted as driving hours and will continue to be counted under the regulations made under this legislation.

The Hon. G. Brenner: Tell me about the enforcement of it. Who is going to check it?

The Hon. R. B. ROWLAND SMITH: Many details of regulations are set out in the second reading speech. The honourable member did not listen to my second reading speech. The Minister for Transport has agreed—

The Hon. G. Brenner: Of course I listened to the speech.

The Hon. R. B. ROWLAND SMITH: The honourable member should stop chattering, and listen. I am trying to answer his queries. The Minister for Transport has agreed to discuss details with the Opposition spokesperson for transport. The honourable member asked about the penalty for breaching the permitted driving hours and about logbook offences. From 1st July this was

increased to \$100. The Department of Motor Transport has 150 inspectors enforcing these requirements. The police also contribute to the enforcement. So far as the bad roads of which The Hon. Elisabeth Kirkby spoke, the Government is committed to increasing road funding, as evidenced by its decision to hypothecate petrol tax to roads. This financial year a record amount is being spent on roads. The honourable member spoke about buses. I am informed that when an application for a bus licence is received details of the proposed service are examined to ensure that the hours requirement can be complied with. Further, to ensure compliance, where appropriate a condition will be included in bus licences that drivers must comply with hours of driving restrictions. This condition on licensing will be applied even though buses weigh less than 12 tonnes gross mass. Buses that were previously subject to hours of driving limitations will continue to be subject to the requirements. In any case, the bill allows regulations to be made for vehicles weighing as little as 4.5 tonnes. The situation will be carefully monitored, and regulations made as required.

The Hon. Elisabeth Kirkby asked why the 12 tonne gross vehicle mass criterion applied to the hours of driving regulations. The national working group that devised the driving hours package reported that vehicles with a gross mass of less than 12 tonnes had an accident involvement not substantially different from that of light vehicles. Clearly, it would be of more benefit to apply regulations and concentrate enforcement efforts in areas where they are most needed. All the matters that have been raised, particularly by the Hon. G. Brenner, will receive the Minister's consideration. I repeat, the Government is cognizant of the need for care and safety on the roads. It recognizes that for a long time very little money was spent on our roads. It intends to do something about it.

[Interruption]

The Hon. R. B. ROWLAND SMITH: While the honourable member's party was in government it did nothing about it. The Government is cognizant of the need to ensure safety on the roads, particularly with regard to heavy transport. I assure the honourable gentleman that all that has been said tonight will be taken into account. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL TRANSPORT (PENALTY DEFAULTS) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. G. BRENNER [10.31]: The Opposition supports the bills. I shall be brief and frank. I have no time for penalty defaulters. This Government has not pulled law and order out of a magician's hat; it is a must in any modern society. Honourable members will be aware that a traffic offence must first be committed before a person becomes a penalty defaulter—the offender broke the law. If a monetary fine is imposed following a breach, these bills provide that no loopholes will exist to allow offenders to escape their obligations. The collection of more than \$4 million, which will follow from the passage of the bills, is not the most important matter. I think the Minister for Transport in

the other House mentioned that sum in his second reading speech. I do not know whether the Minister for Sport, Recreation and Racing mentioned that in excess of \$4 million has been collected. That measure was introduced by the former Labor Government.

The Hon. E. P. Pickering: What?

The Hon. G. BRENNER: The Minister should wait. He will hear about it. I put more emphasis on ensuring respect for law and order in this instance. The traffic laws apply to all road users. If a driver places himself or herself at risk and is caught, he or she must bear the consequences. If the cancellation of licences and vehicle registrations is necessary to eliminate fine defaulting, so be it. The Government is really only going a step further than the former Government when last year it introduced cancellation notices. I am sure the Minister for Police and Emergency Services is aware of that. The Government has gone the full way and removed the statutory limitations that prohibit the cancellation of licences and vehicle registrations. Should a driver become a victim of hardship through circumstances beyond his control, I am sure that even this Government will show compassion and not allow hardship. I hope that will not happen. Some people feel wronged when fined for traffic offences—so much so that some would rather go to gaol than pay a fine. The Government should, and must, avoid that occurring.

The State's houses of correction must not be overcrowded. They are already overloaded with prisoners who have committed far more serious crimes than failing to pay a traffic fine. I hope the Minister in reply will inform honourable members in more detail about the provisions in the bill to prevent discrimination against motorists who, through no fault of their own, have become so-called offenders and defaulters but who in actual fact are innocent. I know that no one likes to cop a fine, and most people do, and will, object to having been caught, though they have committed offences. The Opposition does not object to the proposed legislation. I hope that the Government is not merely proceeding with these bills in order to collect more dollars for the Treasury's coffers. That should not be the intent of the bills.

The Hon. R. B. ROWLAND SMITH (Minister for Sport, Recreation and Racing) [10.37], in reply: I thank the Hon. G. Brenner for his support of the proposed legislation. I make it abundantly clear to him that the Government is not out to fleece the people concerned. If one breaks the law, one has to pay a penalty. It is as simple as that.

The Hon. K. W. Reed: What about technical offences?

The Hon. R. B. ROWLAND SMITH: I am not concerned about technicalities; I am concerned that people who break the law should then turn round and say: "We do not have to worry about this. Let them come and collect the fines".

The Hon. K. W. Reed: Yes, technicalities.

The Hon. R. B. ROWLAND SMITH: It is not a technicality at all. That is a stupid remark for the honourable member to make. The new measures are encouraging people—

[*Interruption*]

The Hon. R. B. ROWLAND SMITH: The Hon. K. W. Reed came into the Chamber only a short while ago. It is a pity that he does not go out and do something else, because he is only a nuisance round the place. If he came into

the House just to cause a stir, he should go out, because honourable members have heard much interesting debate from the Hon. G. Brenner, on behalf of the Opposition. He knows something about the bills, which the Hon. K. W. Reed does not. The honourable member should be quiet. With respect to the cancellation sanctions keeping traffic and parking fine defaulters out of gaol, I am advised that the new measures are encouraging people to pay their debts on time, but when necessary cancellation is imposed—

[*Interruption*]

The Hon. R. B. ROWLAND SMITH: I thought the Hon. G. Brenner wanted to hear the answer.

The Hon. G. Brenner: I am listening.

The Hon. R. B. ROWLAND SMITH: I wish he would concentrate, then, and not listen to his colleague alongside him, who is chattering like a monkey. The new measures are encouraging people to pay their debts on time, but when necessary cancellation is imposed as the final sanction and remains in force until such time as all outstanding penalties are paid. Imprisonment in such cases now occurs only when all other options have been exhausted. The Government is concerned about that—the Hon. G. Brenner has mentioned this in his remarks—and wants to ensure that people pay their fines. It does not want to go to the extent to which the former Government went of putting fine defaulters in gaol. I commend the bills.

Motion agreed to.

Bills read a second time and passed through remaining stages.

CRIMES (AMENDMENT) BILL

Second Reading

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [10.44]: I move:

That this bill be now read a second time.

This bill has been drafted in keeping with the Government's election promises to effectively combat delays within the courts, to increase the efficiency of the administration of the criminal justice system, and to review and reform the law regarding various criminal offences. Four main changes are proposed to be effected by this bill; all of them are significant. The first amendment seeks to abolish the common law offences of riot, rout and affray, and enact certain statutory offences in their place. This reform is much needed. Currently, these are the common law offences relevant to public order. However, they are not often charged because of procedural and substantive difficulties. The maximum penalty for each offence is life imprisonment and there is a consequent inducement to plead not guilty. Additionally, the common law position is less settled than it could be if defined by statute. Appeals have resulted because of this, and the financial cost to the State has been enormous.

The dividing line between the offences of riot and rout is vague. A separate offence of rout is considered unnecessary. Accordingly the offence of rout is not replaced. Two new statutory offences of riot and affray are being enacted. The new offence of riot is found in proposed new section 93B. For the offence to be committed, a group of at least 12 persons must use or threaten unlawful violence for a common purpose in a way that would cause a person

of reasonable firmness present at the scene to fear for his or her personal safety. Each person in the group who intends to use such violence or who is aware that his or her conduct may be violent will be guilty of the offence.

The new offence of affray is found in proposed new section 93C. Affray is similar to riot in that it involves the use or a threat of unlawful violence. However, it does not require the existence of a group; a person who threatens violence without intending to use it may be guilty of the offence. This offence may be committed in private as well as in public places. The maximum penalty for riot will be 10 years' imprisonment. The maximum penalty for affray will be five years' imprisonment. Both of these offences will be placed into section 476 of the Crimes Act 1900 to enable appropriate cases to be dealt with summarily. The creation of these offences will complement the new summary offence of violent disorder that was introduced as part of the Summary Offences Act 1988. As a result of these reforms the law relating to public order will have been completely revised.

The bill seeks to amend the relevant sections of the Crimes Act 1900 to enable *ex officio* indictments to be found in appropriate cases of culpable driving and culpable navigation. At present, if an accused is discharged by a magistrate on either of these charges and is then dealt with on a summary backup charge, the indictable charges cannot be revived by way of *ex officio* indictment. Either the Director of Public Prosecutions or the Attorney General may file an *ex officio* indictment in cases where it is considered that the offender ought to have been committed for trial. Under the present law, a defendant who is discharged at a committal hearing with culpable driving or culpable navigation can frustrate the consideration of an *ex officio* indictment by a timely plea to, for example, negligent driving. The bill seeks to remedy this anomaly.

The third main area of reform that this bill seeks to achieve is to rationalize the law of assault. A significant amount of the District Court's time and resources is taken up with an increasing number of minor assault matters. To avoid the overcrowding of the District Court lists and reduce the delay in the hearing of all matters in that court, many of the more minor matters will be able to be dealt with in the Local Court. This bill seeks to repeal the summary offences of common assault and aggravated assault, which were similar to the indictable offences contained in section 58 and section 61, and to provide that these indictable offences will be able to be dealt with summarily without the consent of the accused.

The existing indictable offences found in section 56, obstructing a clergyman in the discharge of his duties, and section 59, assault occasioning actual bodily harm, will also now be able to be dealt with summarily without the consent of the accused. The maximum penalty that may be imposed if an offence against section 56 or section 61 of the Act is dealt with summarily under the new section is imprisonment for 12 months, or a fine of \$1,000, or both. Where an offence against section 58 or section 59 of the Act is dealt with summarily under the new section the maximum penalty that may be imposed is imprisonment for two years, or a fine of \$5,000, or both. This reform will prevent accused persons from manipulating the system and causing delays by opting to have their matters dealt with in the District Court. The magistrate will still be able, in an appropriate case, to remit the matter to the District Court.

The bill seeks also to revise the maximum penalty for an offence under section 58, assault with intent to commit felony on certain officers, by increasing the penalty from two years' imprisonment to five years' imprisonment. This rationalization of the law of assault was much needed. The final major reform

the bill seeks to achieve is to create a new offence of car stealing. This reform is long overdue. At present, car stealing is charged under the general offence of larceny in the Crimes Act 1900 which carries a penalty of five years' imprisonment. The new offence of car stealing will carry a penalty of 10 years' imprisonment. This offence will also be placed in section 476 of the Crimes Act 1900 to enable appropriate cases to be dealt with summarily.

In the bill the more serious offence of car stealing is distinguished from the offence of what is commonly referred to as joyriding. In the former case it is necessary to prove that the offender intended to permanently deprive the owner of the car. In the case of joyriding, it is not necessary to prove this intention. On this basis it is rational to retain two distinct offences. The latter offence currently falls under section 154A of the Crimes Act 1900 and will continue to carry a maximum penalty of five years' imprisonment. There is a summary offence in section 526A of the Crimes Act 1900 in similar terms to section 154A. The existing maximum available penalty is 12 months' imprisonment, or a fine of \$1,000, or both. For consistency, the maximum penalty will be increased to a fine of \$5,000, or two years' imprisonment, or both.

There also exists in the Motor Traffic Act 1909 an offence of illegal use of a motor vehicle. The concept of use in this section is wider than that in the Crimes Act 1900 and includes sleeping in a car without an owner's consent and various other minor interferences. It is a charging alternative for a police officer faced with a less serious transgression. The existing penalty is a fine of \$500. This penalty will be increased to a fine of \$2,000. This Government has identified and addressed significant problems in the law and moved swiftly to correct them. These changes to the law will considerably improve the effectiveness of the criminal justice system in New South Wales. I commend the bill.

Debate adjourned on motion by the **Hon. R. D. Dyer**.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for Family and Community Services) [10.53]: I move:

That this bill be now read a second time.

The Residential Tenancies Act 1987 passed by Parliament, but not given effect, was designed to update the antiquated provisions of the Landlord and Tenant Act 1899. What was to have redressed an imbalance against residential tenants resulted in the scales being tipped inappropriately against the landlord. The purpose of this bill is to restore an appropriate balance between the rights and obligations of the landlord and the tenant. It does not attempt to duplicate tenancy law reform in other States of Australia and overseas, but rather to tailor the reform to the particular needs of the Sydney and New South Wales markets. The previous Government consulted widely and at length with representatives of the property industry and with consumer groups in developing its proposals—in fact the Residential Tenancies Act was 10 years in the making. Nevertheless, despite those 10 years of liaison, working parties, consultative

groups and the like, the then Government was unable to achieve consensus. It was also unable to address stumbling-blocks, such as the method and responsibility for adjudication and, in particular, the needs of permanent dwellers of caravan parks.

Hence, when the Residential Tenancies Act was introduced into Parliament the coalition parties, then in opposition, received an avalanche of representations from property-owners and their agents seeking amendments to a substantial part of that legislation. It was seen as an infringement against the rights of the reasonable property-owner to manage property in a reasonable manner. For these reasons, on assuming government the coalition undertook a rigorous review, in close consultation with industry and consumer groups, to determine the areas requiring amendment. In six months, no less, the Government has achieved what the Opposition sought unsuccessfully for 10 years.

As a consequence, this bill proposes 30 amendments to the Residential Tenancies Act. One-third of the amendments are necessary to accommodate the changed responsibility for the Act from the consumer affairs portfolio to the housing portfolio. One-third of the amendments are designed to reduce red tape for the tribunal and for the parties. Two amendments result from monitoring the effectiveness of the Residential Tenancies Tribunal Act 1986 and the remainder restore an appropriate balance of rights. A number of amendments unashamedly restore the balance of rights and obligations of landlords and tenants. An additional ability will be provided to the landlord to obtain an order from the tribunal for access. The tribunal may order access if, on reasonable grounds, the belief is held that the tenant has failed to comply with the terms of the agreement. This provision relates only to the use of the premises for an illegal purpose, causing a nuisance or interfering with the peace, comfort or privacy of a neighbour. It should be made clear that the landlord may not enter the premises if he suspects a breach but must appear before the tribunal and plead his case for an order.

A landlord will be permitted to withhold or refuse to consent to the tenant making alterations, additions and renovations, or subletting, without the requirement that the refusal be reasonable. This is not to say that alterations, additions and, indeed, subletting are prohibited, but tenants must obtain the consent of the landlord prior to these activities taking place. If the landlord, for reasons best known to him or her, refuses consent, that is appropriately where the matter will rest. Surely it is only reasonable that the landlord have full control over these aspects of his or her valuable asset. The bill amends provisions for urgent repairs. Under the Act, the tenant may, in the event of an emergency, after following certain procedures, undertake urgent repairs to the monetary limit of \$800. This is considered to be an excessive amount for effecting temporary repairs and consequently the limit will be reduced to \$500. A similar limit applies in Victoria and is assessed to be adequate.

In addition, where the landlord nominates in the residential tenancy agreement tradespersons to carry out urgent repairs, the tenant will be required in the first instance to contact or attempt to contact the relevant nominated tradesperson. This will ensure that the landlord has some control over the quality and extent of repairs to be effected. Other amendments introduced include the repeal of the provisions for on-the-spot fines and the reduction of the notice period for termination on rental arrears from 14 days to seven days. It should be noted that notice may be given on rental arrears only where tenants have been in arrears for a period of 14 days. There is a provision for rent in advance. Where rent exceeds \$250 a week a landlord or agent will not be able

to require more than one month's rent in advance, nor more than two weeks' rent in advance where the rent does not exceed \$250.

An amendment provides for the payment by the tenant of costs associated with the preparation of an agreement to a maximum prescribed amount of \$25. This is in accord with the standard business practice whereby the party seeking the contract bears the cost of its preparation. The prescription of an upper limit ensures that tenants pay only reasonable costs. Suspension of the operation of an order for possession for a specific period provides that consideration is given to the appropriateness of requiring the payment of an occupation fee. This enables the tribunal to consider the hardship which may be caused to the landlord by the continued occupation of the tenant. Additionally, where the payment of an occupation fee is made a condition of the suspension and the tenant has breached that condition, the former landlord will be able to seek the immediate issue of the warrant from the registrar of the tribunal.

Amendments relating to the administration of the Act include provision for the establishment of the position of Tenancy Commissioner to take responsibility for the operation of the legislation. The functions of providing advice, information, mediation and representation of parties under the Act, previously held by the Commissioner for Consumer Affairs, will be transferred to the Tenancy Commissioner along with the responsibility for investigation of complaints under the Act. The bill will provide for the preparation of an annual report for submission to the Minister on the operation of the Residential Tenancies Act. By this mechanism, automatic annual reviews of the operation of the Act and the Residential Tenancies Tribunal will be undertaken and tabled in Parliament, providing for speedy amendment or refinement. The administrative amendments provide for delegation by the Tenancy Commissioner to appropriate officers for various responsibilities.

Additionally, the New South Wales Land and Housing Corporation has been provided with an exemption under the Act from the ability of the Residential Tenancies Tribunal to recognize certain person as tenants. This is to ensure that the department's objective of controlling allocations and occupants of its housing is not encroached upon. As well, by way of regulation, departmental tenants in receipt of rental rebates will be prohibited from lodging applications on the excessive rent provisions. This is to prevent frivolous matters bogging down the tribunal. Naturally, of course, tenants who are paying full market rent will retain the ability to apply to the tribunal to have the accuracy of the department's rental valuation tested, if necessary. It should be noted that the exemptions applying to the New South Wales Land and Housing Corporation do not apply to the Rental Property Trust, which will continue to be bound by the Act.

Another amendment of an administrative nature is the repeal of those sections of the Landlord and Tenant Amendment Act 1987, never implemented, which sought to transfer functions of the Rent Controller and the Fair Rents Board to the Residential Tenancies Tribunal. This provision will be removed to ensure there is no confusion by applicants as to the role of the tribunal and no perception created that it is a rent control mechanism. The bill will provide for a further eight amendments to streamline the operations of the tribunal and reduce the bureaucratic procedures that were imposed on landlords by the previous Act. The tribunal's jurisdiction will be limited to adjudication of breaches of the Act or the residential tenancy agreement. The deletion of the

provision to hear disputes will remove from the tribunal frivolous and extraneous matters that might be better dealt with in another forum.

Another streamlining amendment is the removal of the necessity of the landlord to appear before the tribunal on two separate occasions in order to gain a warrant of possession. The registrar or the deputy registrar will now, on application by the landlord, issue a warrant of possession after an order has been made by the tribunal without the need for a further appearance. Applications to the tribunal will be permitted by way of facsimile transmission. Wider definition of the term tenant will ensure that it clearly includes a corporation. Jurisdictional disputes will be minimized by the provision of a cost disincentive to any party who pursues unjustifiably a tenancy issue through the general court system. These provisions will improve the tribunal's responsiveness, efficiency and economy.

A number of activities have been refined to eliminate unnecessary procedures for the landlord such as the removal of the requirement for the landlord to provide more than one executed copy of the agreement where multiple tenants occupy premises; the removal of the requirement for the landlord to provide written notice to gain entry; and, in recognition of the relationship between the landlord and his agent, it will be sufficient, where the landlord employs an agent, for the tenant to be informed only of the agent's business address. It should be noted that no change has been made to the provisions of the Act so far as they relate to access notice periods being provided by the landlord and no amendment has been made to the requirement that the landlord may enter only with the consent of the tenant or by order of the tribunal. As an example of the Government's commitment to consistently monitor the effectiveness of legislation, two amendments have already been introduced as a result of the identification of flaws in the operation of the existing tribunal. The tribunal may now, in hearing excessive rent applications, make an order effective from the date of any withdrawal of services or amenities rather than from the date of application to the tribunal and need no longer be required to consider work "intended to be done" by the tenant.

Although the Act provided for the granting of tenancy rights to permanent residents of caravan and mobile home parks, it failed to provide resolution of vexatious and key issues of visitors' fees and the appropriate period after which parties are bound by the legislation. These have now been fully addressed and provided for by way of regulation. It is recognized that although it is a significant step, the provision of tenancy rights to owners of vans and mobile homes on rented sites is not a panacea to the difficulties currently facing such residents. Consequently, the Government is committed to addressing these issues further in 1989 to provide some relief to those who appear to have been largely ignored by the Opposition for so long.

The Government has been able to resolve with relative ease the question of the method and responsibility for adjudication of the Act. It is a comment on the Opposition's lack of concern for the private renter and on its administrative inability that it allowed the implementation of the Act to be further delayed by bitter and unresolved faction fighting on the form and scope of the tribunal. Still, it is not surprising there was some dissension when it is realized that by applying a little lateral logic and sound management procedures the staffing and the budget of the tribunal have been more than halved from \$6.3 million to \$3 million per annum without any significant change to services provided. I am the first to acknowledge that the Act and subsequent bill does not achieve the wish lists of all parties. Nevertheless it does restore an even keel and although there are, no doubt, some disappointed property owners and

tenant representatives, there is nevertheless a general consensus that the proposals are reasonable. I would emphasize, however, that the annual review mechanism built into the bill will allow for any unintended consequences to be quickly redressed.

In conclusion, I draw the attention of all honourable members to this important legislation, which seeks to overcome the inadequacies of last century's law and the extreme proposals contained in the 1987 Act. The previous Government could not complete the reform. What this Government seeks to achieve is something that has eluded our predecessors, which is, to do away with any imbalance and ensure that landlords' and tenants' rights are balanced and fair to all. We will ensure that all people in this State, both landlords and tenants, will have the benefit of modern residential tenancies legislation. That this Government has accepted this challenge in such a short time is evidence of our commitment in this important area of legislation. I look forward to seeing this bill passed so that it can be implemented in 1989. I strongly commend the bill.

Debate adjourned on motion by the **Hon. Deirdre Grusovin**.

ADJOURNMENT

Transport Investigation Branch—Mr Paul Galea

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [11.9]: I move:

That this House do now adjourn.

The Hon. R. D. DYER [11.9]: I wish to draw to the attention of the House and the Minister for Police and Emergency Services, the Hon. E. P. Pickering, certain matters relating to the Transport Investigation Branch. The Premier at that time, the Hon. B. J. Unsworth, announced on 16th November, 1987, that the Commissioner of Police would take over responsibility for the Transport Investigation Branch, which was then under the administration of the State Rail Authority. Mr Unsworth also announced at that time that a new unit to be known as transit police would be established following this transfer. As the Minister will know, the TIB was in fact transferred in an administrative sense from the State Rail Authority to the Commissioner of Police earlier this year. The Minister has indicated recently that legislation is in course of preparation to give legal effect to the transfer that has taken place already at an administrative level. The Opposition does not quarrel with the transfer from the State Rail Authority to the police, as this follows the decision it took when in government. I do take this opportunity to point out, however, that the present Minister for Transport, the Hon. Bruce Baird, when shadow minister for transport, wrote to various members of the TIB on 2nd February this year and stated:

As Transport Minister I would reverse the current decision to transfer your section to the Police. I believe the most appropriate arrangement is to have the TIB as an independent body within State Rail directly accountable to the chief executive.

This is one of the infamous 100 broken promises of this Government. Following the election, Mr Baird, as Minister for Transport, wrote to the relevant trade union, being the Australian Transport Officers Federation, indicating that the Minister for Police had indicated to him and the Premier that he favours the retention of the TIB within the Police Force, and that as a result of this the TIB is likely to remain in its present position unless a decision to the contrary is made by the Premier. Mr Baird went on to say in his letter dated 28th April

this year that he would continue to support the use of the name transit police by TIB officers. However, the Hon. E. P. Pickering, in answering a question without notice by me on 10th November, said that there is some resistance within the Police Department to the use of the word "police" in the name of another organization as that could cause confusion within the community. The Minister went on to say that he believes that this could be the stated position of the Commissioner of Police, Mr Avery and, if so, he supported it.

I would like to indicate to the Minister that if this Government and the Minister fail to name the TIB officers as transit police this will be yet another broken promise of this Government, having regard to the specific undertaking of Mr Baird to which I have referred. However, the matter goes beyond that in the sense that much more than a mere name attaches to the desire of the TIB officers to be renamed transit police. Hoodlums on trains often have the mistaken impression that TIB officers are mere security guards and have no powers of arrest. This is not in fact the case, but the absence of the name "police" on their uniform does not help TIB officers in their difficult task of apprehending persons who are behaving in a disorderly fashion and committing various other criminal acts on trains.

In any event TIB officers are commonly referred to by many people in the community as railway police. It is the view of the Opposition that the desire of New South Wales police to reserve the name of police to themselves and themselves alone is not in the public interest given that the TIB has an extremely difficult task of ensuring public safety on trains. This task is becoming more and more difficult, particularly on late night trains, to the extent that women in particular, but not only women, are becoming frightened to use late night trains. It is the Opposition's view that the TIB officers deserve and need the Government's support in regard to this particular aspect. Their morale is low at the moment owing to a number of factors, including the recent removal by this Government of the 22 cars specially allocated to them, the decline in numbers, uncertainty caused by their transfer to the administration of the police, and lastly the matter to which I have been referring—the failure of this Government to honour its clear undertaking both prior to and since the election to call them transit police.

The Hon. R. S. L. JONES [11.14]: On Monday night I saw a video film which had been taken inside the Galea chicken farm at 5 p.m. on Sunday night. What I saw shocked me. Since Mr Galea had been forced off his farm the place had been vandalized extensively. Cartons had holes punched in the sides, a chicken had been strung up on a noose, and belongings had been thrown around. A large photograph of Premier Nick Greiner was covered with egg. This was not there when Mr Galea was thrown off his farm. The only people who had the opportunity to do the damage were either members of the RSPCA, who obviously would not have done it, or the people who removed the chickens. The video showed quite clearly that the chickens had no feed. They were pecking at empty feed troughs. This would then explain why the chickens were in such a distressed state when they were removed from the farm to be taken to Tamworth. There were also a number of chickens struggling below the cages, stuck in a mixture of manure and water. No attempt had been made to remove them.

On Sunday evening a news report on Channel 10 showed chickens being roughly handled. When the cameraman commenced to film the overloading of chickens into crates the handlers removed half the chickens, throwing already dead ones to the ground. The report showed that when the truck left the farm—and this may be corroborated by other eyewitness reports—many chickens were

dying. If it was apparent that chickens towards the outside of the crates were dying, obviously many more were dying from the stifling conditions inside the crates. Sally Wilson, the director of the Fund for Animals, asked for permission to enter the premises to inspect the condition of the chickens but was refused permission by the police officer at the front gate and, apparently, the Royal Society for the Prevention of Cruelty to Animals. Last Saturday two people followed the trucks that carried Mr Galea's chickens. I shall read to the House a report prepared by them:

We were of the opinion that these trucks were on a short journey because of the way that the chooks were overcrowded in their crates. There must have been at least 10 to 12 chooks stuffed in every crate and were stacked at least 10 to 12 crates high. The temperature and humidity were intense . . . In our opinion the chooks that had survived this ordeal at this point seemed to be in a very stressed condition, there seemed to be a number of them dead especially those in the lower crates . . . At Muswellbrook we came in contact with another two trucks also carrying Paul's chooks, we followed these trucks as far as Tamworth. A number of chooks escaped whilst we were following, twice we saw live chooks on the road and went to pull up to collect them but sadly these chooks were run over by cars and trucks. I would say at least a dozen chooks escaped. Upon passing these trucks we saw chooks by the score dead, mainly in the lower crates. The trucks travelled from 11 a.m. to 10 p.m. that night with the chooks in these appalling conditions. My wife and I had to stop at least 5-6 times during our journey for a drink because of high temperatures and humidity.

I pose the following questions: Why was not a representative of the RSPCA present to prevent this appalling cruelty? Why were the chickens permitted to be taken on such a long and incredibly cruel journey when it was obvious from the start that their condition was poor? Why did the sequestrator permit this cruelty? Why did not police prevent the chickens from being transported? This act was one of the most vile cases of cruelty I have witnessed, yet no one, with the exception of Sally Wilson, attempted to prevent it. What has happened to our society, when it permits sentient beings to be treated in this way? I am disgusted with the Egg Corporation, the sequestrator, the police, and the RSPCA. They should all be ashamed.

Motion agreed to.

House adjourned at 11.18 p.m.

QUESTION UPON NOTICE

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

WYALONG WEIGHBRIDGE

The Hon. ELISABETH KIRKBY asked the Minister for Sport, Recreation and Racing, representing the Minister for Transport—

Will the Minister upgrade the attendance of inspectors at the weighbridge at Wyalong to "intermittent", instead of its present classification of "very intermittent"?

Answer—

I am informed that the weighbridge at West Wyalong is not a heavy vehicle checking station like those at Marulan, Berowra, Mt Boyce, Bell and Kankool, which are manned either full-time or on an intermittent basis.

The West Wyalong facility is not located on a main road. It is simply a weighing device which is used by the Department of Main Roads, when required, in the enforcement of Ordinance 30c of the Local Government Act.

Nevertheless, the DMR is stepping up its mobile patrol activities in the West Wyalong area. Vehicles using main roads in the area, which are suspected of being overloaded, will be directed to the weighbridge for checking.
