has only to submit a report. He cannot be cross-examined, as the inspector was in my illustration. He cannot be asked a question. He simply has to submit a report, and if he is a crook—as that man was—he can clean up a fortune or cause the closing down of various food stores in his area. That is only one other illustration of the objectionable nature of this clause.

The Minister said that delay cannot be tolerated. I join issue with him on that. I appreciate that he has in mind that the quicker the public are protected from a person with unclean premises the better. The motive is good but to gain expedition at the expense of violating every long-established principle of justice to which I have referred is far too heavy a penalty to pay. It would be far better to provide that a magistrate should hear the charge within seven days, or something of that nature.

That there must be some delay between the offence and the hearing is true of all offences. A person charged with rape is not put under lock and key until his trial comes on and treated as a rapist. No one puts the argument that he might commit the offence again should he be put on bail. This is not the way criminals are treated except in the most serious of crimes, murder, when in most cases bail is not allowed. In most of the lesser, but still serious crimes, such as rape, theft, burglary, armed robbery and so on, bail is allowed. A man charged with armed robbery is not shut away in gaol straight away when he is charged. The law presumes that he is innocent. He is not shut up in gaol without a hearing for fear that he may commit that crime again. In every respect the bill violates the principles of justice as we have always understood them.

It is difficult for me to stop talking about this. If I continue to talk about it, I shall only say the same things over and over again in an attempt to impress them on honourable members. I feel quite certain that in introducing the bill the Minister did not appreciate the matters to which the Hon. R. R. Downing and I have referred. The bill needs careful analysis by a lawyer so that the traps may be revealed. I shall be most interested should any legal member on the Government side be able to challenge any of these matters to which I have referred or question my interpretation or, indeed, any of the principles of justice that I say are being outraged. The bill may have been passed in the Legislative Assembly. That is no reason for this Chamber to put a rubber stamp on it. I earnestly appeal to the Minister, who I am quite confident has not appreciated the legal implications of this measure, to reconsider this provision with a view either to deleting it or drastically altering it.

Debate adjourned, on motion by the Hon. F. M. Hewitt.

House adjourned, on motion by the Hon. J. B. M. Fuller, at 10.46 p.m.

Legislative Assembly

Wednesday, 1 October, 1969

Assent to Bill—Printed Question and Answer—Questions without Notice—Hunter Valley Conservation Trust—Public Service (Amendment) Bill (second reading)—C. B. Alexander Foundation Incorporation Bill (second reading)—Solictor General Bill (second reading)—Bill Returned—Prevention of Oil Pollution of Navigable Waters (Amendment) Bill (second reading)—Board of Teacher Education Bill (second reading)—Adjournment (St George Hospital).

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

Mr SPEAKER offered the Prayer.

ASSENT TO BILL

Royal assent to the following bill reported:

Supply Bill

PRINTED QUESTION AND ANSWER

HORNSBY RIFLE RANGE

Mr RUDDOCK asked the MINISTER FOR LANDS—(1) Has the Under Secretary for Lands advised the Commonwealth Department of the Interior that it is proposed to increase the fee levied in respect of land

known as the Hornsby rifle range from $350 to $9,381 per annum? (2) Has the Department of the Interior passed the $9,381 charge on to the Department of the Army, which in turn has sent an account to the local rifle club? (3) Is the charge retrospective to 1st July, 1968? (4) If the answers to the above are in the affirmative what action is it proposed to take to correct the position?

Answer—(1) The area referred to comprises 349 acres 1¾ perches in the parish of South Colah, County of Cumberland. It is held as permissive occupancy 1958/194, metropolitan by the Commonwealth Government. Rental has been increased to $9,381 per annum. This is the first revision of rental since the occupancy commenced on 1st May, 1958. (2) The president of the North Shore District Rifle Club's Union—No. 18, has advised that in a recent communication from Army Headquarters, Eastern Command, it was stated that the increased rental was being passed on to the union by the Commonwealth Government. (3) Yes. (4) In December last, General Sir Denzil MacArthur-Onslow, president of the National Rifle Association, conferred with me on the general matter of rentals on occupancies held by the Commonwealth Government for rifle ranges. He said that he would see the Commonwealth Minister for Defence to seek financial assistance for the National Rifle Association. Areas of Crown land in most centres of population have been made available for the purpose of rifle ranges. These areas were made available to the Commonwealth Government which in turn permits rifle clubs to use the land. The responsibility in this matter rests quite clearly with the Commonwealth Government and Commonwealth financial assistance to the National Rifle Association, as suggested by the president of that organization, is a logical solution.

QUESTIONS WITHOUT NOTICE

HEATHCOTE HIGH SCHOOL

Mr MEAD: I direct a question without notice to the Deputy Premier, Minister for Education and Minister for Science. Has the Minister seen a report in this week's edition of the *St George and Sutherland Shire Leader* relating to a meeting held last Thursday night at the Heathcote high school allegedly for political purposes? Has the Minister received complaints directly about this meeting and the way it was conducted? Was the meeting called by the school's parents and citizens' association? Have residents of the area complained that political material was distributed at the meeting?

Mr CRABTREE: On a point of order. I take the point that when quoting from a newspaper article a member is often asked by Mr Speaker to vouch for the accuracy of the report. I suggest that the honourable member for Hurstville is making an attack on an organization and therefore I request that you, Mr Speaker, ask the honourable member whether he is able to vouch for the accuracy of the article.

Mr SPEAKER: Order! The question being asked by the honourable member for Hurstville is obviously based upon a newspaper report. Is the member able to vouch that the material he is using is from an accurate report?

Mr MEAD: As far as I know, it is.

Mr SPEAKER: Order! I think the honourable member should endeavour to reframe his question.

POLICE: HANDWRITING SAMPLES

Mr EINFELD: I ask the Premier, as ministerial head of the police force, whether his attention has been drawn to the statement made by the Council of Civil Liberties to the effect that New South Wales police have been instructed to use a grossly dishonest method of incrimination to obtain handwriting specimens from charged persons. Does the police rules and instruction book say:

> The fingerprint information form contains personal particulars of the offender which are of value for identification purposes; but is primarily designed to ensure that specimens of handwriting of certain types of offenders are filed for future reference.
>
> For obvious reasons it is essential that the persons completing the form should not be made aware that they are furnishing specimens of handwriting, and in no circumstances should police inform any person, whether charged or not, that the Form P59B is a handwriting specimen form.

Inquiries as to the purpose of the form will be met by the reply that the form is required in connection with fingerprints.

If this is true, can the Premier say why police have been instructed to adopt this method to obtain handwriting specimens to which they have no legal right? As these rules are made under the Police Regulation Act, will the Premier, to avoid any future charges of this nature, table a copy of the rules, and order that any additions or alterations also be laid on the table before becoming effective?

Mr ASKIN: I regret that the Deputy Leader of the Opposition, together with some of his colleagues on the other side of the House, seem to have formed the habit of constantly criticizing our police force, which I believe to be second to none in the world.

Mr EINFELD: No one is criticizing the police force.

Mr ASKIN: If there is any instruction, and I say if, it is one which has obtained since before my Government came to office. No instruction has been given along these lines by my Government. If there is such an instruction it has obtained for a long time.

Mr K. J. STEWART: It could not have been an instruction by the Labor Party. You say that we did not do anything for twenty-four years.

Mr ASKIN: That is probably right. Labor did not do much in its twenty-four years in office. The other day I read an article in the press about the subject the Deputy Leader of the Opposition has raised in his question. I asked the Commissioner of Police to let me know what the position was. I was not aware that the honourable member was going to ask this question otherwise I would have had with me the written reply I have already received. I may be able to get it and give an answer before the expiry of question time today. I have the reply, and the position as I remember it is not strictly in accordance with what has been suggested. Parts of what the Deputy Leader of the Opposition said may be correct. As I have a written reply, I think it would be much preferable from his point of view and my own—and from the point of view of the House generally—to try to have the written reply here before the end of question time or to lay it on the table tomorrow. I have it in my office.

TEACHERS: ILLEGAL STRIKE

Mr BARRACLOUGH: I address my question to the Deputy Premier, Minister for Education and Minister for Science. Has the Minister seen a letter sent last week to schools in the Sydney, Newcastle and Wollongong areas by Mr R. F. Moore, care of a post office box in North Springwood, asking teachers to engage in an indefinite illegal strike? Does the Minister agree that this is another effort by certain teachers who are members of the federation to engage in strikes within the public school system without consideration for the welfare of the children? Will the Minister tell the House what action he proposes to take on letters such as this which are being sent to public schools in the State of New South Wales?

Mr CUTLER: I had not previously seen the roneoed letter mentioned by the honourable member until, I think, last Thursday. That is the first time that I had sight of it. I must say, too, that I had not previously heard of a group called, I think, group B of teachers. It is quite new to me but I must admit, and everyone here would admit, that some people in the community are interested in using any group of citizens for their own purposes and have as their main aim the establishment within New South Wales and Australia of a lawless society. I do not exactly know what is meant by a lawless society but on one occasion I was threatened that if I and the Government did not accede to certain requests there would be anarchy in the teaching services. I think anarchy means a lawless society in which everyone makes his own laws. To some people this might be a wonderful concept but it is not my belief. I believe in loyalty to the country and so, I am sure, does every member of this Parliament.

I have had a look at the roneoed letter referred to by the honourable member for Bligh. It was not sent to schools in New South Wales; it is sent—or it is addressed anyway—to the representative of the Teachers' Federation in the various schools. I do not know whether it is delivered to the federation representation at the school or addressed to the representative at his home address. In either case it is a private letter sent from one person, Mr R. F. Moore—the person referred to by the honourable member for Bligh—to another private person. I do not see that I have any right to intervene, or to interfere with private letters between teachers. However, I think it fair to draw attention to some of the things set out in this letter. For example, the letter says that group B—whoever group B might be, and I have no idea why a name of that description should be adopted—is a group of teachers who feel that the action taken by the New South Wales federation is not strong enough.

They propose certain other action. This action is aimed at various things. Among those aims is a 25 per cent wage increase for teachers at all levels. The group also aims at an increase of 100 per cent in the expenditure on education in New South Wales. That would indicate just how stupid the letter, in fact, is. Last year education accounted for 43 per cent of this State's Budget. I do not know what the percentage is this year; I have not had the opportunity to work it out. It seems that this year this group B, according to the letter, is aiming at an expenditure on education of 86 per cent of the total budget of New South Wales. I do not think that even my friends on the Opposition side would advocate such an expenditure on education. They realize that many other fields of government must receive attention, including health, police, law and order, and so on. The letter goes on to stress that action taken by the Teachers' Federation is not strong enough and the group calls not for a general strike of all teachers but a general lasting strike of all teachers who can afford it. This, of course, implies a financial division in the teaching service, with one portion being able to afford to go on strike. The letter also appeals to the teachers who cannot afford to go on strike to continue working and, out of their income, to support those who do go on strike.

Mr EINFELD: May I have a copy of that letter?

Mr CUTLER: Yes, if you want it. In this way apparently they seek to overcome some of the problems that exist in education. No one will deny that there are problems in education, but the main point is that the attention of parents particularly should be drawn to the activities of people like those in group B not only in the teaching service but also in association with schools and education generally throughout the State. I have no objection whatever—indeed I have no right to object—to one group of people writing to another group of people. I have no right to object to a group being organized, and there is nothing I can do about it, but I have not only a right but also a responsibility to draw to the attention of parents and senior school students particularly the activities of some people who are not really interested in education. These people are interested ultimately in creating what they refer to as a lawless society in our community, and see an opportunity to do this through the organization, perhaps, of portions of the teaching service, and certainly through the organization of senior students. I deplore action of the kind; I especially deplore irresponsible documents, such as this one which advocates, for instance, that 86 per cent or 90 per cent of the total expenditure in Australia should be devoted to education. This just cannot happen; that is perfectly obvious to everybody. They try to compare the percentage of the gross national product that is spent on education in Australia with the percentage that is spent in other countries. Of course, they do not take into account that many different items that are not included in education expenditure in Australia are included in education expenditure in other countries. For instance, Japan would include expenditure such as that on the Sydney Opera House in its education expenditure; Canada and some other countries include the money spent on repatriation and rehabilitation;

other countries include expenditure on television and radio. This is one reason why some other countries show a greater expenditure on education. When a true comparison is made, Australia compares favourably in this field with other countries in the world, and it is quite irresponsible to make these claims.

Mr L. B. KELLY: Even Canada?

Mr CUTLER: Yes, even Canada.

Mr L. B. KELLY: No, that is not so.

Mr CUTLER: I am sure that the honourable member for Corrimal does not understand what he is talking about.

Mr SPEAKER: Order! I ask honourable members to cease audible conversation.

Mr L. B. KELLY: The Minister said——

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

Mr CUTLER: I am sure that the honourable member for Corrimal does not know what Canada includes in its education expenditure.

Mr L. B. KELLY: I know a good proportion of it is spent on ordinary education.

Mr CUTLER: The honourable member might know something about a good proportion, but he does not know anything about the facts. He, as an ex-teacher, would be well advised to learn the facts before he makes statements in this House. The so-called facts that are produced are not facts at all.

ROYAL NEWCASTLE HOSPITAL

Mr WADE: I ask the Minister for Health whether he agrees that the Royal Newcastle Hospital is one of the most efficiently administered hospitals in the State, and to maintain this efficiency the board employs permanent specialist doctors.

Mr SPEAKER: Order! I ask the honourable member for Newcastle to wait until the audible conversation ceases on both sides of the House.

Mr WADE: Is the Minister aware that applications have been called for the position of radiologist at the Royal Newcastle Hospital? Does he know that the Australian Medical Association has inserted advertisements in its medical journal in Australia, and also in the British Medical Journal, requesting its members not to apply for the advertised position? Will the Minister take immediate action to resolve this impasse in the interests of the hospital and the people of Newcastle and district?

Mr JAGO: The Royal Newcastle Hospital is the second largest hospital in New South Wales and has a most distinguished record in many fields of hospital service. To a great extent it has a salaried staff, and it receives some part-time assistance from other members of the medical profession. There have been problems and differences of opinion concerning the continuation of the policy of the hospital. The distinction of the Royal Newcastle Hospital is due to the service of a number of people of great skill and standing in the medical profession who, over the years, have assisted in its development.

I have heard of the difference of opinion that occurred about the filling of a vacancy for a full-time radiologist on the staff of the Royal Newcastle Hospital. I know that the matter is under consideration at present by the Hospitals Commission. The Australian Medical Association has expressed certain opinions in writing and in various publications on this matter. I shall ascertain the present position and make the information available as soon as possible.

LAKE BURRENDONG ARBORETUM

Mr WOTTON: I address my question without notice to the Minister for Lands. Is it a fact that under the Minister's administration it is intended to build an airstrip on the foreshores of Lake Burrendong within the Burrendong arboretum? Following widespread protests at any such proposal, will the Minister give an undertaking that the construction of an airstrip will not harm or disturb in any way the

work that the Burrendong Arboretum Association has put into this project in a voluntary capacity over the years to make it one of the outstanding flora and fauna areas in the State?

Mr LEWIS: The honourable member for Burrendong has spoken to me on a number of occasions about this matter and has made representations on behalf of his constituents, particularly those interested in the arboretum around the Burrendong Dam park. May I congratulate Mr G. W. Althofer, who is in charge of the aboretum. He and his colleagues have done a magnificent job in establishing the area despite many difficulties, including a drought two or three years ago. As a result of their efforts many thousands of trees have been planted in this most attractive area, which is slightly to the south of Lake Burrendong Dam. However, there are some difficulties. The trouble has been that the Burrendong Lake Park Trust wished, with good reason, to build an airstrip so that persons living farther inland could fly by private chartered aircraft to use this magnificent waterway.

I recently approved a plan of management for use of the Burrendong Dam park and this will probably be published within a month or so. I understand from my observations and from my memory of the file on the matter that the officers of the Department of Lands, together with the Burrendong Lake Park Trust and the local shire council, will ascertain whether some other area can be opened and used to build a landing strip, thus avoiding the need to use any part of the arboretum for a landing strip. I think that the honourable member for Burrendong will agree that the construction of a landing strip would be desirable to serve the needs of those persons farther inland who wish to come to the dam area during their holidays or over the weekends, and for whom the best means of transport would be the aeroplane. We are endeavouring to find property elsewhere, whether private property or Crown land, on which to construct an airstrip. This would serve the township of Mumbil and Lake Burrendong Dam and at the same time avoid any damage that might result to the aboretum which has been developed, maintained and beautified by many hours of arduous work.

WOLLONGONG UNIVERSITY COLLEGE

Mr PETERSEN: My question without notice is directed to the Deputy Premier, Minister for Education and Minister for Science. Has the Minister's attention been drawn to a speech that I made in this House on Thursday last on the need for planning the further development of and autonomy for Wollongong University College? Has the Minister's attention been drawn also to the remarks of the Assistant Minister, the honourable member for Kirribilli, that my doing so was a political manoeuvre, and because I had raised the matter time and again, he does not propose to take any action? Does this mean that any representations made by me on this matter are to be completely disregarded? Is it the intention of the Minister to take any action on further planning for the development of the college?

Mr CUTLER: My attention has been drawn to the speech made by the honourable member for Kembla on the adjournment recently, and in addition I happened to hear him through the amplifying system. I was busy at the time. The honourable member for Kembla did not have the courtesy to advise me that he would be speaking on the subject. It seemed obvious to me that he was more interested in getting across a good political story than he was in achieving autonomy for the Wollongong University College. Had he advised me of his intention, I should have been here, as he knows very well, and I should have repeated what I have already told the House on a number of occasions about the exact position relating to the Wollongong University College.

I heard the Assistant Minister, the honourable member for Kirribilli, say that in his opinion the honourable member for Kembla was engaging in a political manoeuvre. I agree one hundred per cent with the Assistant Minister. I have received numerous sincere representations on this matter, including sincere representations

from the honourable member for Wollongong. The honourable member for Kembla knows very well, because I have said it in this House, exactly what is proposed in relation to the grant of autonomy to Wollongong University College. He knows that this matter has been considered by the University Board, a body that was established for exactly this purpose. He knows also what is contained in that board's report. At least, if he were sufficiently interested in the matter he would know it, but if he has not been sufficiently interested in it in the past, I suggest that he refer to *Hansard* to learn exactly what the University Board has reported on the matter. Some considerable time ago, in response to representations by the honourable member for Wollongong, I made a clear statement on this matter. I suggest to the honourable member for Kembla that instead of trying to play party politics on a matter like this, he might cooperate closely with the honourable member for Wollongong in trying to obtain autonomy for this university college as early as possible.

WATER BOARD RATE REBATES

Mr MUTTON: I ask the Premier and Treasurer whether some pensioners have difficulty in meeting council and water rates. Do some councils give pensioners an opportunity of electing to allow rates to accrue against their estates? Will the Premier and Treasurer ask the federal Government to lend the Metropolitan Water Sewerage and Drainage Board a sum of money sufficient to enable it to introduce a similar scheme for remitting water rates of pensioners and would the granting of a short-term loan by the federal Government to the water board relieve the hardship of some deserving pensioners?

Mr ASKIN: It is certainly true that some pensioners have difficulty in meeting council and water rates. For many years the Government has been making a contribution to councils for the remission of council rates, as distinct from water rates, payable by pensioners. The Government's annual contribution has gradually risen to some $1,250,000 to subsidize councils in writing off wholly or in part rates payable by pensioners of various categories. A similar system does not apply to water rates. Recently an honourable member asked me a question on this matter.

Mr K. J. STEWART: That is what reminded the honourable member for Yaralla of the matter.

Mr ASKIN: No; he is tidying up a loose idea and presenting it more appropriately. I am sure that most members will concede that the federal Government has responsibilities to pensioners. All States in Australia, at considerable cost to State taxpayers, perform many functions on behalf of pensioners. I believe, and my view is shared by the other State Premiers, that these matters should be financed from the Commonwealth purse rather than from State treasuries. The honourable member for Yaralla has asked me whether I would request the Commonwealth Government to make a grant, in effect, to the water board so that it might allow rate concessions to pensioners. I do not think this would be the appropriate way to go about it. I believe that there is too much Commonwealth interference in matters that are essentially State functions. What we need is enough money to perform these functions. We can do them as well as, if not better than, the Commonwealth.

Mr SOUTHEE: The Premier had better listen to the radio tonight to hear the policy speech of the federal Opposition leader.

Mr ASKIN: I might do that. I should like his audience to reach double figures. I shall add another one or two to bring them up to double figures.

Mr EINFELD: I might try to get the Premier a seat.

Mr SPEAKER: Order!

Mr ASKIN: From the tenor of the interjections it is obvious that the Opposition is not interested in the effect of rates on pensioners. The proper way to handle this matter is for the Commonwealth when distributing loan funds each year, to use its weight and voting power on the Loan

Council. The Commonwealth has the dominant say. It has two votes, as the Leader of the Opposition well knows.

Mr HILLS: It has a casting vote but it would still be six to two.

Mr ASKIN: In addition to having two of the eight possible votes the Commonwealth has a casting vote. Each State Premier has one vote. The Leader of the Opposition knows as well as I do that even if the votes went against the Commonwealth, it is not necessarily bound to carry out the decision of the Loan Council.

It is on record that on two occasions at meetings of the Loan Council the chairman said, when the vote had been cast and the Commonwealth was in the minority: "The vote is in favour of the ayes, but my decision is against it." Those two Prime Ministers were the Rt Hon. J. B. Chifley and another honourable gentleman who was not on my side of politics. In those circumstances, those who have been to meetings of the loan council will appreciate how difficult it is to get enough money even to provide loan funds for schools, hospitals, dams, port services and all the other capital works which the people of New South Wales and the other States urgently need.

To achieve what the honourable member suggests would be no easy matter at all. I congratulate him on his interest in pensioners and I believe he has done the right thing in raising this matter in the House, but I think the proper solution is for the Commonwealth Government to use its influence—the State will certainly do its part —in prevailing upon the loan council to grant a little extra loan money at the time of the June talks so that the State might in turn provide extra money for their water boards with a view to giving a concession of this sort. This definitely depends upon whether the loan council will grant extra money for the purpose. On that aspect we shall do our best, but we can make no promises.

BOTANY FIRE

Mr CAHILL: I ask the Minister for Labour and Industry, Chief Secretary and Minister for Tourism, whether, following yesterday's disastrous fire at the Commonwealth wool stores at Hale Street, Botany, statements have been made criticizing the inadequacy of the water supply for fire-fighting purposes. Are there a large number of similar buildings near Booralee Park, Botany, and also on the banks of Alexandra canal? Are hundreds of persons employed in these buildings by various government departments as well as by private industry? Will the Minister as a matter of urgency set up an expert committee as distinct from a coroner's inquiry to inquire into yesterday's fire and to investigate all aspects of fire prevention in order to safeguard the lives of people in and adjacent to these buildings, which are often described as fire traps?

Mr WILLIS: I have not seen the reports about inadequacy of the water supply, to which the honourable member referred in his question, but I do not deny that there may have been such reports. Quite often allegations of this kind are made after a fire, sometimes with foundation and sometimes without. Members will understand that throughout this State there are many buildings within fire districts where the water supply for fire-fighting purposes is not as good as one would like it to be. I do not know the locality well enough to verify the locations and the employment statistics, but I accept the honourable gentleman's word as to those facts. The last part of his question is, I imagine, the most important part. I have not sufficient reasons before me at this stage to appoint an expert committee to investigate these matters, but I shall ask the Board of Fire Commissioners to let me have a report on the matters raised in the honourable member's question, and also a report on the adequacy of services in that suburb. If after receiving those reports it appears that there is any need to take further action, I shall give it serious consideration.

RAILWAY ACCIDENTS

Mr OSBORNE: I ask the Minister for Transport whether the recent derailment of the *Spirit of Progress* resulted in injury to some thirty people. In spite of this unfortunate accident, is the record of the New

South Wales railways in relation to passenger safety one of the best in the world? Will the Minister tell the House how many passengers have been carried by the New South Wales railways in the past five or ten years and how many of them have been killed or injured on rail journeys in that period? Will the Minister also give the number of casualties suffered by passengers in motor vehicles in the same period?

Mr MORRIS: I am sure that all members recognize that the safety record of the New South Wales Government Railways is second to none in the world. It is a fact that there was an unfortunate derailment of the *Spirit of Progress* near Mittagong on 15th September last. I think it would be fitting to pay a tribute to the great work of the doctors, nurses and townspeople of Mittagong following upon the accident. I am sure that their work was rewarded by the speedy recovery of many of the injured people.

This derailment was caused by a rare type of fracture in a 340-feet section of welded rail which had been in use for about thirteen years. The normal life span of such a rail is from twenty-five to thirty years. The honourable member asked whether I have information concerning accidents, injuries and deaths on the railway services over the past few years. During the past ten years the average number of passengers carried annually by the New South Wales Government Railways has been 255,600,000. During that time three passengers on the New South Wales railways have been killed and eighty-seven have been injured. It is a regrettable fact that during the same ten-year period 7,125 people have been killed on the roads in this State and 222,598 have been injured.

ROADS: BALMAIN CONTAINER TERMINAL

Mr DEGEN: I ask the Minister for Local Government and Minister for Highways whether recently the Commonwealth Government agreed to make substantially increased grants for the State's road works. Is the Minister aware that the gross inward and outward annual cargo, in 15-ton units, carried by road to the Mort Bay container terminal at Balmain will exceed 175,000 tons? So that the ratepayers will not be called upon to meet the cost of road damage caused by this commercial operation, what action will the Government take to provide some additional funds for the maintenance of roads in the Balmain area that are used by these heavy trucks travelling to and from the terminal?

Mr MORTON: It is a fact that the Commonwealth Government has made available additional sums for certain road works within New South Wales. It is fair to say that emphasis has been given by the Commonwealth to major works within the Sydney, Newcastle and Wollongong areas. We, for our part, have given an undertaking that certain sums of money will be spent in the country and we have in fact stated the amount that will be spent in those areas. It is a fact that the Commonwealth is making certain sums of money available but it is a fact also that it is stipulating where the money shall be spent. This State has, through the Department of Main Roads, submitted certain matters to the Commonwealth and the programme for a period of twelve months has been endorsed. At this stage I am unable to say whether any specific sum of money will be spent in the area to which the honourable gentleman referred, but I will say that this money will definitely enable the department to give serious thought to expressways and urban roads. For instance, we have let a contract for the first section of the western distributor, and are planning other roads. Also, I shall soon make a statement on the opening some time this month of the new route to the airport. The honourable member for Balmain will appreciate that we shall be getting right on with the job, but if he has some specific problem and he supplies me with details of it I shall endeavour to give him an answer.

BREATHALYZER TESTS

Mr RUDDOCK: I ask the Minister for Transport whether Breathalyzer tests since their introduction have done more than any other single measure to increase road safety. Is the system being extended further and further within the State?

Mr MORRIS: Soon after the breath test legislation had been passed by this Parliament I said that after the Breathalyzer had been in operation for twelve months an analysis of road accident figures would be prepared. I propose to do this and to present details of the analysis to Parliament and to the people of New South Wales. According to figures released last week by my colleague the Minister of Justice, it is a fact that the Breathalyzer has played a part in reducing the number of accidents and the number of fatalities in the areas in which it has been operating. I assure the member for The Hills that it is expected that by the end of this year Breathalyzer units will be in operation in most parts of the State. Even now the police Breathalyzer squad makes visits to remote parts of New South Wales. I am sure that we shall all be interested to study the analysis which will be prepared early next year.

ST GEORGE HOSPITAL

Mr CRABTREE: I ask the Minister for Health whether recently he informed the House that he had on his desk a list of hospital works which are to be carried out in this financial year. Is it a fact that the Minister assured the board of the St George Hospital that the urgent need for additional ward accommodation at that hospital was receiving sympathetic consideration? Will the Minister inform the House whether this urgent work at St George Hospital is on the current list and, if so, what amount of money has been set aside for the project?

Mr JAGO: It is a fact that a list of proposed works, recommended by the Hospitals Commission of New South Wales, is under consideration. Great difficulty is experienced in coping with increasing costs. We are endeavouring to use the funds available to best advantage for the wide range of works urgently required at many hospitals in the State. I am not able to give the honourable member any precise information about what is proposed to be done at the St George Hospital. This hospital recently changed its identification as a teaching hospital from the University of Sydney to the University of New South Wales.

Mr EINFELD: Are you going to do it or not? That is the question.

Mr SPEAKER: Order!

Mr JAGO: Fortunately there is not a hospital at Bondi. As a matter of policy the Government has decided to give teaching hospitals a high priority so that the number of medical graduates will be increased. At present about half the practitioners coming on to the medical register of New South Wales are from outside the States—indeed, from outside Australia. The work required to be done at St George Hospital, Royal Prince Alfred Hospital, Prince of Wales Hospital, Royal North Shore Hospital and a number of other hospitals is important so that those hospitals can provide medical education services and meet patient-care requirements. However, the work can be done only at great cost, and this presents a number of problems. I shall see what the position is in an endeavour to assist the honourable member. I have deplored some of the statements he has made recently attacking the board and other people identified with St George Hospital. That hospital is entitled to enjoy the confidence and respect of the important district it serves. The Treasurer has kindly increased funds available for hospital services in this financial year and he has given an indication that an additional amount of not less than $2,000,000 will be available for these works in the financial year 1970–1971, thus enabling forward planning to be undertaken. I am conscious that there is much heartburning among many members of this House about delays in undertaking works but I assure the House that the Hospitals Commission of New South Wales is making every effort to assist the St George Hospital and many other hospitals in metropolitan and country areas. I shall see what can be done to make the information sought by the honourable member available to him and to other interested members who may be concerned with other projects.

POLICE: HANDWRITING SAMPLES

Mr ASKIN: Earlier today the Deputy Leader of the Opposition asked a question relating to the police force and handwriting samples. I have received a letter from the Commissioner of Police which contains details somewhat different from those suggested by the honourable gentleman in his question. The commissioner has informed me that it is one of the essential aids to criminal investigation to have as complete as possible information regarding the physical identification of criminals and suspects, and also to have, wherever possible, handwriting specimens. The commissioner mentioned that the instruction concerned has existed in its present form since 1946 and he has refuted the allegations that the procedure laid down is a dishonest method of self-incrimination.

The commissioner has stressed that the instruction is merely designed to place on record a genuine specimen of the handwriting of a person arrested and charged with any of the offences to which the instruction applies. It is a notorious fact known to persons who have had any experience whatever in dealing with the criminal class that if it is desired to obtain a genuine specimen of handwriting the person who is supplying it should do so in circumstances and under conditions where the specimen will not be deliberately camouflaged. It must be kept in mind, of course, that if the handwriting on the form is identified as that of a suspect required for questioning in connection with a crime, such person must be interviewed, the suspect handwriting must be brought to his notice. and he must be advised of the fact that his handwriting as supplied on the form has been identified with the suspect document. The person interviewed is not obliged to answer any questions regarding the matter which he considers may incriminate him and he is so warned as to his rights. Should court proceedings be instituted, not only the suspect document upon which the person was questioned but also the form are required to be produced at the court and evidence is given of the time, date and place at which and the circumstance in which the handwriting on the form was obtained.

The commissioner considers that there is no justification for the criticism by the Council for Civil Liberties. As to the suggestion that the book of police rules and instructions is not freely available, police rules are in the nature of regulations made pursuant to the Police Regulation Act, 1899–1965, and are normally available from the Government Printer. However, the instructions are quite different. They are confidential and are issued only for the information of police. The Commissioner of Police has informed me that he very much opposes making them available to persons other than police officers.

FUEL OIL POLLUTION

Mr ASKIN: Yesterday the honourable member for Wollongong asked me a question concerning the possibility of an oil leak from the vessel *Almak*. I have, as promised, obtained official information from the president of the Maritime Services Board about this matter. The president is a reliable man and the advice received from him seems to indicate that the trouble is not as bad as it may have first appeared to the honourable member. The president of the board has advised me that his inquiries have revealed that the vessel was leaking oil at Fremantle and, as it was there only to obtain stores and to take on board a small quantity of lubricating oil in drums but was not programmed to discharge cargo, it was convenient to hold the vessel outside the port in Gage Roads, and to lighter the stores to the vessel rather than bring it to a berth in the inner harbour. It is significant that the port authority in Fremantle has no oil booms which would have confined any small leakage to a limited area thereby largely modifying the trouble.

The ship is now heading for Port Kembla and, on the information available, although somewhat limited at the moment, the leak is of minor proportions and the board's harbourmaster at Port Kembla is of the opinion that it will not be necessary for it to stand off the entrance of the port. It would either enter the harbour and commence to pump its cargo immediately or it would proceed to another port. The harbourmaster, Port Kembla, will meet the

ship on arrival to determine whether the leak is of a nature which would allow the vessel to use the oil berth where adequate oil booms are available to confine what is understood to be a minor leakage. If so, the board would later disperse any residual oil within the boom in accordance with normal practice.

UNIVERSITY OF NEWCASTLE

Mr CUTLER: Yesterday the honourable member for Waratah asked me a question about the engineering building block at the University of Newcastle. It seems that the honourable member was referring to the electrical and mechanical engineering building. The university's proposals were considered by the Australian Universities Commission, which recommended that $390,000 be made available for this building during the 1970–1972 triennium. The New South Wales Universities Board agreed with that recommendation. I have been assured that the area of the new building will be greater than that of the old building and that it will be adequate to meet the needs of the university. It may interest members to know that the announcement that funds were being made available for this university was well received in the Newcastle district. In fact, the announcement of the 1970–1972 triennium amount was received by the vice-chancellor of the University of Newcastle with the following statement, which appeared in the *Newcastle Sun* of 22nd August:

> We did not get as much as we asked for, but we certainly received more than we expected.

In addition to that on 23rd August, 1969, the *Newcastle Morning Herald and Miners' Advocate* reported Professor Auchmuty as saying that the university was most happy with the $9,260,000 grant which would ensure the smooth transition of the remaining faculties to Shortland and the continued growth of the university for some time. I do not know where the honourable member received his information or who prompted him to ask his question yesterday but it seems, according to the Newcastle papers, that the vice-chancellor is happy with the situation.

TUBERCULOSIS SURVEY AT WENTWORTHVILLE

Mr JAGO: On 11th September, 1969, the honourable member for Wentworthville asked whether the Anti-Tuberculosis Association of New South Wales was refusing to X-ray people under the age of 21 years, and whether citizens who were X-rayed during a previous survey in the district were being refused this service. I wish to inform the House and the honourable member, first that chest X-rays are compulsory for everyone of and above the age of 21 years and no persons in this group are refused the service whether or not they were X-rayed during a previous survey. On the advice of the National Tuberculosis Advisory Council, people under the age of 21 years are refused X-rays because of the extremely low incidence of infection in this age group and the undesirability of exposing this age group to unnecessary radiation. Where persons under the age of 21 years ask for an X-ray, they are advised to present themselves to the nearest chest clinic where a tuberculin skin test is carried out. If they are positive to the tuberculin test they are then given an X-ray. Of course, if the tests are negative, the X-ray would serve no purpose.

HUNTER VALLEY CONSERVATION TRUST

Report for 1968 tabled and, on motion by Mr Jack Beale, ordered to be printed.

PUBLIC SERVICE (AMENDMENT) BILL

SECOND READING

Mr FREUDENSTEIN (Young), Assistant Minister [3.23]: I move:

That this bill be now read a second time.

As honourable members will recall from my remarks when leave to introduce this bill was sought, it deals with three matters—the appointment of an acting member of the Public Service Board; the delegation of certain powers by the Public Service Board; and the permanent appointment of married women to the public service of New South Wales. The great increase in the scope and complexities of government in recent years

has necessarily resulted in the growth of the public service and has imposed an increasingly heavy load on the members of the Public Service Board. The situation was aggravated recently by a temporary vacancy on the board which imposed an additional burden on the remaining members. As was explained when the bill was before the House earlier in the year, no action had been taken, pending a final decision on the question of the establishment of an education commission, to appoint a successor to Mr H. F. Heath, the educationist member of the board who had retired in January, 1968. Under existing legislation there is no provision for the appointment of an acting member of the board during a temporary vacancy such as that which occurred in Mr Heath's case.

It has been suggested that there is no necessity for the inclusion of any such provision in the Public Service Act as the position is adequately covered by section 30 of the Interpretation Act. This is not so. Section 30 does not enable an acting appointment to be made in the place of a member who has retired. No such provision was contained in section 7 (7) of the Public Service Act which was repealed in 1961. The Government feels in the light of its experience in connection with the position vacated by Mr Heath that there should be specific provision in the Public Service Act itself to cover the various eventualities which could arise in relation to a vacancy occurring on the board. The bill accordingly enables the appointment to be made of a person to act temporarily as a member of the board while a vacancy exists. Lest it be thought that the authority and functioning of the board could be adversely affected by some form of political patronage in the appointment of an acting member, may I say that the proposal originated from the board itself. It goes without saying that if the board had any fear of political pressure or nepotism, it would not have sought this amendment to the principal Act. Also, in the interests of the efficiency and economic management of the public service, the bill provides for the widening of the board's existing powers of delegation.

Mr Freudenstein]

Subsection (1) of section 11 of the Public Service Act of 1902 already empowers the board to delegate any of its powers or functions for the purpose of conducting an inquiry or investigation under the authority of the Act to any one member of the board or, with the approval of the Governor, to any fit person or persons. Subsection (2) of the same section provides that for the purpose of hearing an appeal the board may delegate any of its powers or functions to any one member of the board. The former provision was enacted virtually in its present form in 1902 and the latter provision in 1929.

The bill will insert a new section 11A to permit the Public Service Board to delegate any of its powers under the Act other than those contained in section 11A itself—and subject to three specific exclusions which I shall deal with later—to a member of the board or to an approved officer. Over recent years the board has already delegated many functions to permanent heads of departments but it has retained the power to determine the basic policy involved in decisions made by the permanent head and where necessary by requiring regular reports or returns from departments has kept itself informed of the manner in which the delegation has been exercised. The Government is of the view that had this course not been taken, with the rapid and substantial growth of the service, the board's functions under the Public Service Act just could not have been exercised except at the cost of reasonable expedition in the processing of many matters which are important to the efficiency and well-being of the service as a whole.

The Public Service Board considers, and the Government agrees, that the continued increase in the scope and complexities of the public service has led to a situation where it is essential that the powers of delegation held by the board be widened. Proposed new section 11A is designed to do this. As indicated at the introductory stage, some misgivings were expressed by the Public Service Association about the possible effects of the proposed extension of the powers of delegation but the Government believes that these misgivings will be allayed as a result of assurances given by

the Public Service Board and by the three specific exclusions which have been embodied in this bill. It is important to keep in mind that in regard to the exercise of the powers of delegation proposed under the new section the Public Service Board has given specific assurances. These are, first, that the board will not in any circumstances delegate any policy-making authority and all delegations will be within the limits of policy determined by the board itself; second, that the board will revoke a delegation if at any time it considers that it is not being properly used, and exercise the power itself; and third, that any decision by a permanent head or other officer exercising delegated powers which is considered to be unjust or unreasonable may still be taken to the board for redress and any officer's right to appeal to the Crown Employees Appeal Board would remain quite unaffected.

As well as these specific assurances by the board, additional undertakings were given following a deputation in the matter to the Government from the Public Service Association. These were, first, that where a salary is determined otherwise than by agreement, the individual officer will continue to have a right of appeal to the board under section 19; and, second, where a delegation is given to an officer to make decisions which are appealable under section 19 an appeal will still lie to the board. Such appeals will be heard by the board thus ensuring the board's power to correct a possible error.

The association suggested, also, that the powers provided under sections 34 and 36 which deal with appointments from outside the service should be excluded from the proposed powers of delegation. However, this is considered to be unnecessary as the board must certify that there is no person in the public service qualified and available for appointment to a particular position. It might be as well to mention that it seems that the only difference that exists now between the Public Service Association and the board concerns the powers provided in sections 34 and 36 to deal with appointments outside the service. It is clear that no person can be appointed from outside the service except when the board certifies that there is no person qualified and available for appointment within the service. This duty the board cannot delegate.

To meet the association's objections, however, the Government has agreed to exclude the following three items from the powers which the board may delegate. The first is the making of agreements under section 14B of the principal Act in relation to salaries, allowances, fees and so on. This is regarded as being one of the most important functions of the board. From the association's viewpoint, it is vital that it should have only the one authority to deal with when discussing salaries, allowances and these other items. The second item relates to the promotion of officers by the permanent head of a department in any case where seniority would be infringed. Of course, that is where promotion is not automatic. The third item relates to making regulations under section 20 of the principal Act. I might mention that, although it has now been decided to embody these specific exclusions in the bill, the Public Service Board had earlier given very firm assurances that it had never been contemplated that any of these matters would be made the subject of delegation.

Mr EINFELD: It was not possible.

Mr FREUDENSTEIN: We do not believe that it was possible but we are making sure now that it is not possible. However, as already stated, reference to their exclusion has been specially included in the bill to meet the association's wishes. I am sure that the proposals for wider delegation of the Public Service Board's authority will make the general administration of the public service and the processing of matters of detail arising from the board's functions more efficient and effective. This cannot fail to operate to the advantage of the Government, the board and officers and employees alike—not to mention the public. We see the great public service of New South Wales as a partner in the development of this great State, and we will do nothing to hinder the service it gives. It will be seen from what I have said about the definite assurances given, and from the three specific exclusions now incorporated in the bill, that every care has been taken

to ensure that the position of employees is not prejudiced in any way. The Government would not wish to take any action which would have this effect, but we believe that the stage has been reached where further power to delegate must be given to the board in the interests of efficiency. This greater efficiency within the public service will work in the interests of the members of this organization which has given such great service to the State and to governments, irrespective of their political colour.

Turning now to the last major matter dealt with in the bill, members will no doubt recall that, prior to the last general elections, the Government gave an undertaking to remove any bar to the permanent appointment of married women to the public service. There is no general restriction in the Public Service Act on the permanent appointment of married women, and the Public Service Board has advised all departments that it is willing to approve of action being taken to make such appointments. However, section 42 of the Act imposes some restriction on the employment of married women by providing that:

> Except in the Department of Public Instruction no married woman shall be eligible for appointment to any office in the Public Service if her husband is already in the employment of the State, unless the Board certifies in each case that there are special circumstances which make such appointment desirable.

To give effect to the Government's policy undertaking, section 42 will be repealed by this bill. Section 41 confers power on the board to provide by regulation for the appointment of women. This section is regarded as no longer having any practical application and the opportunity is being taken to repeal it also. In view of the need to streamline and to make more efficient the public service of this State, I ask honourable members to support the bill.

Mr EINFELD (Bondi), Deputy Leader of the Opposition [3.35]: The Opposition supports the bill, but naturally we look at it seriously, having in mind that anything that affects the public servants of this State, who give such loyal and dedicated service to the people of New South Wales, must be regarded as most important. The bill is in substitution for the bill that was presented in 1968; it is a much better bill. I am delighted that the Government took notice of the representatives of the Public Service Association, as we of the Opposition did. We realize, as the Government has now come to realize, that aspects of the previous bill could have had a marked effect on public servants. Though I accept the assurances of the Assistant Minister that it was never the intention of the Government that these powers should be used in that way, nevertheless I am pleased that the bill has been streamlined to make it impossible for public servants to suffer in a deleterious way as a result of the proposed amendments.

The bill provides for the appointment of an acting member of the Public Service Board. I readily agree that there could be —and indeed there has been—a need for an acting member of the board. When Mr Heath retired there was no fourth member of the board for a long time, and obviously the three remaining members must have been obliged to carry an excessive burden during the time the vacancy existed. We do not object to the appointment of an acting member but I am concerned about the provision of the Act which provides that the Public Service Board shall consist of four members, one of whom shall be a person trained as an educationist who has been an officer and directly concerned with teaching or administration in education.

During the time that Mr Heath's vacancy remained unfilled, when only three members constituted the board, there was no such member trained as an educationist. It is possible in future for the trained educationist on the board to retire and, pending the filling of the permanent vacancy, his position could be occupied by a temporary member who is not an educationist. So far as I can see, such a position could obtain for a year or two, for no limitation is placed by the bill on the period of service of a temporary member. The Act is careful on this point and obviously much care has been taken to recognize that the teaching service is so important and the staff of the Department of Education has grown

to such an enormous extent that it is essential for one member of the board to be not only trained as an educationist but also a person directly concerned in teaching or in the administration of education.

The amendment provides for a temporary appointment to the Public Service Board but does not make any suggestion that the person temporarily appointed should be directly concerned with or engaged in teaching or administration in education. It would have been proper to include such a provision in the bill. It is suggested that if the member of the board replaced is the educationist member, the person replacing him, even though temporarily, also should be an educationist. In that way the whole spirit of the Act would be adhered to. Perhaps the Minister could look at the suggestion. I am sure that it is the intention of the Government to have an educationist member of the board at all times, especially in view of the decision not to establish an education commission. This position may obtain for as long as the Government is in office—which will probably be until 1971, but no longer. However, if the Labor Party is elected to government, it will set up an education commission. Whether or not it will then be necessary to have an educationist as a member of the Public Service Board will have to be considered, but whatever the result, the need for such a provision will not be so great.

It is important that the thousands of persons occupied in education administration and in teaching have a properly trained educationist as a member of the Public Service Board. Even if the Government is not prepared to include my suggestion in the Act, I am sure that the House would accept an undertaking by the Minister that if the member being replaced is the educationist member, he will be replaced by an educationist, even if the appointment is temporary. Such an undertaking would be accepted in the spirit of goodwill that the Opposition has shown to the bill generally.

I am delighted that the Government has taken note of the representations made by the Public Service Association. This organization represents a vast body of public servants who are tremendously loyal and have given wonderful service. All of us enjoy the fruits of their labours. They are conscientious in their task of carrying on under the aegis of the Public Service Board the administration of government departments in New South Wales. The Public Service Association was concerned about the Government's intention to permit the Public Service Board to delegate all or any of its powers to a member of the board or to an officer. The fear was that it would be possible by such an arrangement to affect adversely the conditions of public servants. I say, therefore, that it is good that the Government chose to listen to representations on this matter and to exclude the possibility of a declaration being made on salaries or the promotion of officers in certain cases by a delegate of the board.

The decision to remove any restriction on the permanent appointment of married women to the public service of New South Wales is an important one. It has been the policy of the Opposition for a considerable period that there should be no bar to the appointment of married women to permanent positions in the public service. Therefore the Opposition supports this proposal wholeheartedly. The deletion of sections 41 and 42 of the Public Services Act will achieve this objective. The Opposition believes that in this year of 1969 when the community has accepted the principle of equal pay for equal work, and when all citizens believe in equality of opportunity for women, where women have the necessary ability they should be able to fill vacancies in the public service and not be debarred if their husbands are already employees of the State. The provision to be deleted was a declaration of the inferiority status of women, and nobody would support such an attitude. The Opposition is delighted to see that as a result of the passage of this bill women will not in future be disadvantaged in any way in applying for positions in the public service.

Mr FREUDENSTEIN (Young), Assistant Minister [3.45], in reply: I welcome the support of the Opposition for this bill. The Government has looked closely at the matter referred to by the Deputy Leader of the Opposition in relation to a vacancy for an educationist member of the Public Service Board. The requirements under the original

Act will still have effect, and if the educationist member's position becomes vacant, it certainly will be filled by an educationist.

Motion agreed to.

Bill read a second time.

COMMITTEE AND ADOPTION OF REPORT

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

C. B. ALEXANDER FOUNDATION INCORPORATION BILL

SECOND READING

Mr CRAWFORD (Barwon), Minister for Agriculture [3.48]: I move:

That this bill be now read a second time.

Honourable members will recall that, when introducing this bill, I indicated that one of its principal objects was to provide for the taking over of the C. B. Alexander Agricultural College at Tocal, Paterson, in New South Wales. The prime objective of the college is to train young men for positions leading ultimately to managerial responsibility on the land or in related service industries. The twelve months' course which will be management orientated, will provide a sound introduction to the basic principles and practices in agriculture. Students at present enrolled in first year at the college will be able to complete the second year when the department assumes control of the college. Also those students who have applied for enrolment will receive seniority in enrolments. Successful students will be awarded a certificate in agriculture similar to those granted at the Yanco Agricultural College.

Although the initial emphasis will be on the one-year certificate in agriculture, it is intended at a later stage to provide an advanced second-year course with emphasis on cattle husbandry and property management. The taking over of the C. B. Alexander College will be of considerable importance in complementing the Yanco College by absorbing students who cannot be accommodated at Yanco and, additionally, will provide for education in intensive farming with particular emphasis on cattle husbandry.

At the moment the college can provide accommodation for ninety-two students. As funds become available however, it is hoped to provide additional accommodation to take in students wishing to complete the two-year course previously referred to.

A foundation is established under clause 3 to be known as the C. B. Alexander Foundation. Its objects will be to promote and advance agricultural education at the C. B. Alexander college and at other agricultural institutions. Out of its funds the foundation may also grant scholarships and may effect improvements to the college and other agricultural institutions.

Clause 5 will enable the Minister and the Treasurer to enter into an agreement with the Presbyterian Church of New South Wales Property Trust, the present owners of the college, with respect to the handing over of the college to the Government. The agreement will specify the terms and conditions of the take-over. The college lands will be vested in the foundation on behalf of Her Majesty the Queen.

The bill will provide also that any instrument used in the transfer of the college or any bequest in favour of the foundation or any receipt of money by the foundation will not be subject to any stamp duty. Clause 6 will require the Minister to be responsible for the operation, maintenance and management of the college. The Treasurer is also empowered under the bill to pay to the foundation by way of endowment such sum of money each year as he considers necessary to enable it to carry out its objects.

The foundation will be required to report to the Minister on its activities and finances. Also it is empowered to invest its funds in a manner approved by the Minister. The bill will safeguard the rights and interests of the two nieces of the late C. B. Alexander granted under his will and codicils, and it will free the college lands from liability to pay council rates under the Local Government Act. As I mentioned earlier, the proposed take-over of this magnificent college

will prove most advantageous to the Government. The acquisition of this property will enable the Government to develop much-needed intensive research programmes in the area and will provide further opportunities for education in agriculture. I am sure members will welcome this measure.

Mr JOHNSTONE (Broken Hill) [3.43]: I congratulate the C. B. Alexander Foundation on handing over this magnificent college to the Government. I am sure that the founder of the college never envisaged that the cost of agricultural education would rise as steeply as it has risen. During the period in which the foundation has run the college it has done a magnificent job of improving the knowledge of students attending the institution. It is perhaps unfortunate that education of this type should become too costly for a private foundation. There are not enough colleges of this type in our countryside. This one, now well established in the Hunter Valley, will teach young men wishing to go on the land how to take advantage of the fertility of the valley as well as North Coast regions and indeed the remainder of the State.

I cannot imagine that the Government will leave the college in its existing form. I am sure that as the necessary finance becomes available it will construct more buildings and add more land to the college so that it will play an ever-increasing part in the education of young men in the best techniques of cattle farming, and farming of all types, so that in the future better trained men will be going on the land. The old principle of farming by trial and error is past. Nowadays the only farmer who will increase his flocks economically and make a success of his property is one who obtains the basic knowledge to overcome all problems.

I understand that the buildings of the existing college have been patterned on those that were constructed during the pioneering days of this State. I hope that the college buildings will be retained in their present condition not merely for their historic value but also to show students that men of the land in the early days constructed buildings that beautified the countryside.

I take exception to only one aspect of this legislation. I refer to a clause that has appeared in a number of bills during this session giving the Minister power to remove members from committees. The clause is usually worded that a member shall be deemed to vacate office for certain reasons and it then goes on to give the Minister power to remove any member from office for any cause that appears to him sufficient. Thus the field is left wide open to the Minister. He is given power to remove any person who he considers has sabotaged the show. He could be a man of independent ideas who acts contrary to the policy laid down for the college by the Department of Education and the Minister. I do not favour clauses like this in any legislatoin, but I have special objection to it in a bill that will hand over an agricultural college to the Government. As I know that a similar clause will appear soon in another measure that is to come before this House, I shall have no more to say on the matter now. I conclude by once again congratulating the Government on taking over this college. I do not have to wish it success: I know it will succeed. I am sure that in the years to come it will train many young Australians to take their rightful place on the land.

Mr MACKIE (Albury) [3.69]: I also should like to congratulate the Government and the Minister in particular upon assuming responsibility for Tocal college, which I am sure will prove to be a valuable adjunct to existing agricultural colleges. As honourable members know, New South Wales already has the Hawkesbury Agricultural College, the Wagga Wagga Agricultural College and the Yanco college, which conducts a farm certificate course. To them is to be added the J. B. Alexander college at Paterson. I understand that the Government intends to conduct a two-year course at the college, although in the early stages it will have one-year courses until the Yanco college changes over to training students for two years. I understand that at Yanco the Government intends to provide for a year of theory and then a year of specialization in irrigation. This is tremendously important in that area. At Tocal

a magnificent college is situated in 5,000 acres of country that is well suited to cattle raising.

I understand it is the Minister's intention to use the second year of the course as a means of concentrating on research into the beef cattle industry in particular. I have a great deal of interest in this college. Many years ago I had the pleasure of meeting Mr Edward Hunt and I see he is in the gallery today. He was charged by the Presbyterian Church Trust with the responsibility of setting up this college. I had a number of discussions with Mr Hunt in the initial stages of negotiations and he sought my advice on the establishment of a two-year course at Tocal. Having some experience of what had been done at Yanco college, I advised him to extend the course to two years and he agreed to do so. Though most aspects of rural education can be covered in a one-year course, that period is not long enough to give students a practical education in farming, which is of tremendous importance.

There should be more student participation in the farm management of these colleges. One of the problems at established agricultural colleges such as Hawkesbury and Wagga Wagga is that they have diverse activities and employ a large labour force, and therefore it is not easy for students to participate in their general management. It was intended when Yanco college was set up that students in the short course of twelve months would play a part in the actual workings of the college, but this did not work out. Now that the Government intends to set up this foundation and take over Tocal college, the Minister will have the opportunity to experiment and to make it partly self-supporting.

As most of the boys who attend Tocal college, which is situated on 5,000 acres of magnificent country, will go on the land, I can see no reason why they should not play a more active part in the management of the property than students at other colleges in New South Wales. I know it was intended to devote almost twelve months to practical work in the three-year courses at Hawkesbury college and Wagga Wagga college, but this has not been effective. The aim at those two colleges is not to train young men to go on the land or to go back on the land, but to train experts to go into the department and other fields associated with rural industries. The situation is different at Yanco college. Most boys who go to Yanco come from properties and intend to make farming their living. I have no doubt that boys who attend Tocal college will have the same objective. For this reason, it is essential that they play a more active part in the management of the college.

I cannot see any reason why students at Tocal should not play a major part in the conduct of the college, which should more or less pay for itself. Young men who attend colleges such as Yanco and Tocal want to become actively engaged in agricultural pursuits; and after completing their two-year course they should come out with some dirt under their nails. During their stay at the college they should receive basic training in the various facets of agricultural activity.

The Minister intends to concentrate on beef cattle and dairying at the Tocal college. It is important that students should have the opportunity of learning from the beginning everything that is involved in cattle raising. They should learn about the soil, methods of pasture improvement and water conservation, and satisfactory subdivision and fencing. They should know how to build cattle yards and how to assess the value of different breeds of cattle. This is important as so many breeds of cattle are now coming into this country and a great deal of use is being made of exotic breeds of cattle, particularly in cross breeding. The boys should learn all these things and become experts in farm management.

It is often asked how these colleges should be run during weekends and at holiday periods. I suggest that the students be rostered on duty at these times and allowed to assume responsibility for any work and supervision necessary in running the property. This would be good discipline for any young man who intends to go on to the land. Members know that it is easy to make mistakes on the land these days. Modern farmers must be trained from the beginning in the science of farming; they must have a practical knowledge of farming essentials if they are to succeed.

I hope the Minister will look upon Tocal college as a self-supporting one where the boys will play a big part in its general management. I believe this can be done, and I should like it to be done. I suppose Mr Hunt, who worked extremely hard in establishing the college, has some regrets that circumstances have compelled the council acting on behalf of the trust to hand over this college to the Government, but he may rest assured that it will be in safe hands. The college, which is of modern design, is beautifully equipped and has every facility. I am sure that it has a great future and that it will become one of the best known agricultural institutions in the Commonwealth. I support the bill.

Mr CAMERON (Northcott) [4.9]: The bill brings to a conclusion an interesting development. The will of the late C. B. Alexander, as members will know, contemplated a scheme of agricultural education. It was necessary for an application to be made to the Equity Court under what the lawyers call a *cy pres* application to find a means of implementing as far as possible the intentions of the testator. As a result of that application, the Presbyterian Church was given the responsibility of setting in motion the plan that came to realization in the establishment of the agricultural college at Tocal.

As the honourable member for Albury has said, Mr E. A. Hunt, the law officer of the Presbyterian Church, has played a vital and far-ranging part in the building up of the existing institution. A great deal of high human aspiration has gone into this endeavour and I support the remarks of the honourable member for Albury. Mr Hunt and others within the Presbyterian Church must feel a very mixed range of emotions today as this institution passes into the hands of the State. Unquestionably the Presbyterian Church will be grateful to the Government of New South Wales for having come to the party and stepped in when high capital costs were making difficult the project as originally contemplated.

I share the sentiments expressed by the honourable member for Albury. I see this as much more than just another, though a particularly good, agricultural college within New South Wales. I see it as representing in many respects a very healthy antidote to many trends in western society for which antidotes are desperately needed. Tocal is designed to produce bona fide primary producers, young people who will leave the college with a love of the land in their bloodstream and will devote their lives to creative and satisfying work within the field of primary industry. It will help to arrest the trends that are apparent in society but which none of us wants to see extended. Everybody associated with Tocal and the education of young people in primary industry processes will be disturbed by the kind of pattern that is apparent as one country property after another passes into the hands not of bona fide primary producers but of city entrepreneurs, city manufacturers and city professional men. They buy such properties not to engage in bona fide primary production, but rather as a taxation deduction type of investment.

Tocal looks to the creation in the future of a whole class of young people skilled in primary production, who may in some way be able to arrest the apparent disheartening drift from the country to the city areas of the State. Tocal is, in measure, a valuable antidote, because unquestionably many processes of industrialization and the enormous megacities, such as Sydney itself, have very unhealthy components within them. Anything that will tend to keep skilled people in the country must be tremendously desirable from the community point of view.

I read recently a tremendously interesting book written by two American researchers dealing with mental disorders in urban areas. This book referred to a great deal of research conducted in America demonstrating that the incidence of nearly all of the undesirable social phenomena with which we are familiar today in affluent city communities—crime, neuroses, traditional mental disorders, delinquency, divorce and illegitimacy—is higher in the city than in the country. This research goes further than that and demonstrates that in the urban area the incidence of all these phenomena increases the nearer one gets to the heart of the urban area. Obviously the whole community—metropolitan people such as those whom I represent, as well as those represented by

country members—have a vital social interest, apart from an economic interest, in the type of project that Tocal represents, the type of project that looks to the future and contemplates healthy, viable rural industries, staffed by young people skilled in their callings.

For these reasons, apart from all the others that I have indicated, I am a strong supporter of this bill which puts Tocal on a sound basis and guarantees its future. I am not dealing with a phenomenon unique to our present society when I refer to the processes that Tocal and similar institutions are designed to counteract, the processes whereby a city manufacturer buys a country property and excludes from it the bona fide rural producer who has been born on the land and brought up to the land. It is a very familiar pattern throughout history. Before the fall of the great civilizations, Rome and Greece among them, their developing weaknesses were indicated in this way. The rural areas became denuded, city landlordism became apparent in the country and people left the country areas to mass unhealthily in the megacities.

We in this community must do everything we can to resist that trend. I see this magnificent agricultural college near Paterson as part of the process of healthy resistance. We are all familiar with the sort of research pioneered by Dr Neutze who has shown that on purely economic grounds it is highly desirable to foster rural as distinct from metropolitan development. Members will recall that Dr Neutze has demonstrated that as soon as a city's population reaches some figure in the vicinity of 200,000, all of the economics of the matter start running against it. While a city's population is growing towards 200,000, all the *per capita* costs associated with providing services for it—such as garbage disposal, electricity supply, water and sewerage services—come down in the first part of a U-shaped curve; but as soon as 200,000 is exceeded, the opposite occurs and the *per capita* costs start going up. In a city of the size of London or New York the costs associated with the provision of these services become prohibitive.

What I am putting to the House is that institutions like Tocal assist the community not only on economic grounds. They assist the community by bringing forth young people skilled in the types of callings that are associated with the country and in counteracting these other hidden, unseen costs that go with unhealthy mass urban living. It will be perfectly obvious to members that if it can be demonstrated that city life has these hysterical undercurrents and undertones—a higher incidence of crime and mental disorder and all the other phenomena that I have mentioned—then, of course, the cost of caring for the people who suffer from the phenomena is massively greater as well. If through an institution like Tocal we can keep young people in the country, occupied in rural trades and in the rural activities for which they are specifically trained, we shall not only help the community to resist the obvious, overt, costs of centralization of population, but also assist the community in terms of these hidden, unseen costs. For these reasons, I support the bill strongly and I join with all other honourable members in wishing a long, creative and uplifting career for the C. B. Alexander Foundation.

Mr CHAFFEY (Tamworth) [4.20]: I lend my wholehearted support to this measure. The concept of an agricultural college at Tocal was that of the late Mr C. B. Alexander. In endeavouring to give effect to his wishes and long-standing hopes the trustees of the estate were faced with financial difficulties, which are not uncommon in these days. I join with others in acknowledging the wonderful effort made by Mr E. A. Hunt to meet the wishes of the late Mr C. B. Alexander. Tocal is located in a part of New South Wales which is not close to other agricultural colleges. The property is well suited to animal husbandry and agricultural pursuits common to the area. The land formation is excellent and the buildings are of a high standard. The staff at the college are most efficient and the curriculum followed is varied.

A few years ago the concept of an institute of rural studies was initiated in an endeavour to evaluate agricultural colleges under government control. The Hawkesbury and Wagga Wagga colleges offer diploma courses. The Yanco college offers

a one-year farm certificate course. Consideration was given to providing additional courses, for example at the Hawkesbury Agricultural College, by adding another year to the diploma course for specialized extension work. Plans were made for a new college in the Orange district to provide a two-year certificate course with the emphasis on property management. The status of the certificate or diploma to be issued by the C. B. Alexander college at Tocal had to be considered in the planning.

Regrettably, when people start out to establish an institution of this nature the resources available are usually such that the initial objective will not be attained without a close working arrangement with the Government. It is quite appropriate for the future of this college that it should come under the official control and responsibility of the Minister for Agriculture, yet keeping within the atmosphere of the institution the sentiments and spirit that urged the late Mr C. B. Alexander to give effect to his thoughts. I hope that this college will fit into the pattern of agricultural education at the tertiary level. The calibre of young men who have been through the college is tremendously high. It has aroused the interest of parents who, through shortage of accommodation in government institutions, were not able to give their lads the opportunity to receive basic training in agriculture before accepting adult responsibility in this field. The value of this institution, even up to this time, may be measured by the improved practices, methods, thinking and character of those who are the product at Tocal. Although somewhat remote from direct responsibility in this matter, I have interested myself in agricultural education at tertiary level.

In supporting the bill I accept it as a means of achieving my long-term aim of getting a degree of co-ordination and rationalization in the various fields of agricultural education. I take this opportunity to pay tribute to the founders of the college and to those who have managed it over the years. It is most pleasing to know that the names associated with the college will be preserved under this measure, to keep the original aims of the institution ever before the people.

Mr MORRIS (Maitland), Minister for Transport [4.27]: I commend the Minister for Agriculture for introducing this bill which is a major step in the right direction by the Government in the field of agricultural education. The purchase of the C. B. Alexander Agricultural College at Tocal means a substantial increase in State education facilities for students of agriculture throughout New South Wales. The positive approach being taken by my colleague, the Minister for Agriculture, towards agricultural education is placing this State on an equal footing with other advanced primary producing nations of the world. Representing a country electorate where this college has been established, I appreciate what is being done by the Government for young people who wish to follow a career on the land. For as long as I have been a member of Parliament there has been a clamour and strong representations by people in the Hunter Valley for the establishment of an agricultural college in that area. Today we see steps being taken to bring to fruition the wishes and aspirations of those people.

All honourable members who are familiar with the college will agree that it is one of the most modern and well-planned agricultural colleges in Australia, if not the world. On Monday last, with the Minister for Public Works, I had the pleasure of visiting this college during a tour of the lower Hunter area. We had lunch at the college and I admired again the quality of the buildings and the great work that is being undertaken there. The college is an asset that the State of New South Wales should be proud of. Under State control, the students will continue to be taught all aspects of agriculture, whether it be theory or practical work, in the same fine tradition that has been established by the trustees and staff. A thorough course such as the one provided by the college enables a student to be immediately useful on a property and to carry out managerial responsibilities. The policy at Tocal has been to emphasize practical training so that students learn more by doing than from demonstrations. The

Government will continue this type of training when it takes control of the college next year, for it has produced excellent results.

I have always been impressed, as other honourable members have been whenever they visited the college, by the excellent layout and architectural grandeur of this college. When it was built it received two of the highest architectural awards in the land—the John Sulman Architectural Award and the Blackett Award for buildings of outstanding architectural merit. Those of us who live in the lower Hunter Valley take great pride in the college. The history of this property dates back to 1826. In that year a grant of 3,300 acres was made to James Philips Webber. Buildings dating back to those early days of our settlement are still on the property; I hope that every effort will be made to preserve them.

The first house of any substance was built after Mr Felix Wilson purchased the property in 1839 and this spirit of history and substance is maintained in the magnificent blending of the old and the new in the striking architecture of this college. The establishment of the college came about through the wish of the late Charles Boyd Alexander to improve the lot of young people. Mr Alexander resided in the old homestead there and decided some years before his death that the property and some of his assets should be used for the training of youngsters to prepare them for a life on the land. After Mr Alexander's death the college was set up in its present form to blend with the colonial nature of the site. The new buildings were designed to harmonize with the countryside and the style of architecture already on the estate. Nearby properties of course have been purchased to give the college a total acreage of approximately 5,000 acres with a frontage of over 3 miles to the Paterson River.

I was present on 6th November, 1965, when the Prime Minister of the day, Sir Robert Menzies, officially opened this college and it accepted its first fifteen students. The following year the number of students in residence increased to forty and in 1967 to eighty-six. The worry always faced the college council that there would be a substantial gap between education costs and students' fees but it was thought that profits from the farm enterprise, coupled with the fees, would grow in a reasonable time to enable this gap to be bridged. In 1967—actually it was before 1967—nature in the form of the most cruel drought in the history of the Hunter Valley struck at the college and dashed the hope that profits from its produce would help the institution through the pioneering years. We remember the drought from 1965 to 1967 and the havoc it wrought on the lower Hunter Valley and the mid-North Coast areas. Unfortunately, the college at Tocal did not escape these ravages. At this time the Government had decided to establish two new agricultural colleges. As honourable members are aware this led to negotiations between the Government and the trustees of the college. At a meeting of the college council in August last year, approval was given to the takeover by the Government with the understanding that the interests of the college staff and the students would not be adversely affected. I should like all honourable members of this Chamber to note the words of the chairman of the college council, Mr Edward A. Hunt, when addressing the students about the possible acquisition of the college by the Government. He said:

> While Australia lasts there will always be a Tocal and the Presbyterian Church takes pride in the part they have played by providing for the training of our youth, in what undoubtedly will be one of the leading agricultural colleges in this country.

We should add, "And so say all of us." I am sure this will be the position.

What we are approving in this Parliament today will mean that we are reaping the benefits of the work that has been undertaken by Mr Hunt at the expenditure of a large amount of personal time and effort. He brought this college to the position where the State could be proud to take it over. I commend him and the decision of the Presbyterian Church of Australia for making this possible. I think it would be in order to pay tribute to the present college principal, Mr MacFarlane, whose devotion and outstanding work are something of which we are all proud. There

is a spirit among the staff and the college boys that is quite above what could be expected in the relatively few years that this college has been in operation. I am confident that the Government will ensure that Tocal will always be one of the top colleges in Australia. I know that the Minister also has plans to make the college a centre for much needed research into Hunter Valley agriculture. The academic work and research undertaken by the college will benefit not only the valley itself but indeed the whole of the State. Throughout the whole State, with a modern progressive college such as this in operation, knowledge in agriculture will develop at a faster pace. Today we must use up-to-date methods: there is no value in following old methods just because they have been used in the past, now that better ways of doing things can bring about an increase in productivity and in efficiency. What was good for our fathers is not necessarily good enough for us in an increasingly competitive world market.

I know from first-hand knowledge that the C. B. Alexander college is well abreast of new farming methods. In fact it is constantly experimenting in order to devise even better farming techniques. From this modern school new methods will be transmitted to those men on the land who may not have had an opportunity to attend a college. Here again this college is playing an important role with its field days and people on the land, from all sections of the rural industry, who have not had the benefit of agricultural education come today and take part in the spread of knowledge which this college is already making available to the people who are engaged in rural pursuits in the districts round about the college. The highly skilled teachers and up-to-date equipment will produce men and ideas which will bring great benefits to the whole nation. I often feel that people who live in the cities do not appreciate the study and hard work put in by the primary producer; it is only when a terrible drought or some such calamity befalls the country man that the city dweller begins to appreciate the great problems faced by the farmer in his constant battle against the elements.

I have no hesitation in saying that this State, under the capable leadership of the Minister for Agriculture, is leading the way in Australian agricultural education with its programme of expanding facilities at its colleges. We are not only keeping abreast of oversea countries; we are well ahead of many of them in agricultural techniques. The acquisition of the C. B. Alexander college at Tocal will greatly strengthen the network of colleges strategically placed throughout New South Wales. In this era of rising population and increased living standards we must make maximum use of agricultural education to encourage the primary producer to use up-to-date methods and to take a scientific and business-like approach towards farming.

The Government is providing superior facilities for agricultural education not only in the Hunter Valley, but also right throughout the State. Other projects include the establishment of the Orange Agricultural College and the provision of supplementary accommodation at the Wagga Wagga, Hawkesbury and Yanco colleges. Eventually there will be accommodation for over 400 additional students at State agricultural colleges under this programme. It is proposed to offer at the C. B. Alexander college a one-year farming certificate course similar to the one offered at Yanco which is receiving twice the number of applicants it can handle.

The college to be provided at Orange will house about 120 students and will help to meet the demand for additional enrolments. In dealing with this bill there is no need for me to traverse the progress that is being made at the other colleges. It is for these reasons that I am happy to support the bill. It indicates the progress being made in the Maitland area and right throughout the State in the field of agricultural education. I am delighted that this is one of those measures that are passed unanimously—without acrimony and with no opposition at all. I thank the trustees of the estate of the late C. B. Alexander, the Presbyterian Church authorities, the college council and the staff for the tremendous assistance they have given and the generous attitude they have displayed at all times during negotiations with the Government.

Let it go on record again how much I appreciate, as the local member, and how much the young, prospective farmers of this State will appreciate, the vast amount of time that has been given by the Minister for Agriculture in participating personally in all of the negotiations, in visiting the college on a number of occasions and in handling the delicate matters that arise in dealings of this sort. As a result of his work and the willingness of the Attorney-General to assist and participate personally at all times, we have the happy state of affairs that confronts us today. I know that the Minister for Agriculture will make every endeavour to maintain the fine traditions and the high standard of learning that have been established by the hard work and the dedication of those who brought this college into being. The people of the Hunter Valley and of the State generally will benefit for many years to come from the acquisition of this splendid institution.

Mr WADE (Newcastle) [4.42]: I support the remarks already made in this debate. The Government has acquired a lucrative college, which will be an asset to the State and to the Commonwealth. One matter was not mentioned by other members: I am wondering whether in his reply the Minister for Agriculture will endorse or otherwise the procedure adopted by the Hunter Valley Research Foundation when Professor C. Renwick negotiated with the previous controllers of the C. B. Alexander Agricultural College at Tocal, Paterson, With the support of the Commonwealth Department of National Development finance was provided to the foundation to construct a dam at Tocal to show the people of the Hunter Valley how such dams should be built and how water in the Hunter Valley should be conserved.

In the past year the Hunter Valley Research Foundation expended about $22,000. Generous donations of additional amounts have been made by various interested persons. The purpose is to bring to the Hunter Valley through the establishment at Tocal an awareness of the need to conserve water in the area. It is proposed to make on the farm a study of water yields in the valley, with the co-operation of the college management and the research foundation. This will do much to help conserve water in the area. I hope that in his reply the Minister for Agricultural will tell the House that he is willing to support the foundation in such activities as devising methods of conserving water. I think that the future looks bright for the college and for the people of the Hunter Valley if the Minister for Agriculture concurs in what has been done already in this respect. I commend the Government for its action and wish the college well in the future.

Mr CRAWFORD (Barwon), Minister for Agriculture [4.45], in reply: I thank all honourable members who have contributed to the debate. The C. B. Alexander Agricultural College is a fine building in magnificent grounds. It has a first-class Hereford herd and a good herd of Jersey cattle. Even so, it is most unlikely that the return from the stock and the dairy will meet the running expenses of the college. The honourable member for Broken Hill queried the provision that the Minister may, for any cause that appears to him sufficient, remove from office any member of the trust. That is a general clause of the sort that is included in every bill of this nature. In fact, the proposed removal would be published in the *Government Gazette* and the Government's approval to any such removal from office would be required. A member could not be removed capriciously. The provision is always made, simply in case it is required.

Reference was made to the proposed one-year course at the college. This is being established to bring the curriculum into line with that at the Yanco college. The courses at the two colleges will be interchangeable, and students doing a two-year course who want to specialize will be able to learn beef, dairy cattle and property management at the C. B. Alexander Agricultural College and irrigation at Yanco. The Government believes that this will be of a tremendous benefit to students who want to specialize. A lot of consideration has been given to making one year's experience on a property, with some participation in management, a qualification for entry into these two colleges. The Government believes that the State would derive much more value from such an arrangement. If in due course the committee

of advice on rural education makes this recommendation, it will receive favourable consideration from the Government. The honourable member for Newcastle need have no fears about the Government's willingness to co-operate with the Hunter Valley Research Foundation. Any additional funds likely to be made available will be put to the best possible use in improving the productivity of the Hunter Valley.

I cannot let the occasion pass without paying a further tribute to Mr Hunt, the man who brought the C. B. Alexander Agricultural College into being. The late C. B. Alexander provided the wherewithal, and the Presbyterian Church (New South Wales) Property Trust was the vehicle, but the driving force in bringing this college to fruition was Mr Hunt and his fellow members of the trust. Most honourable members will have noted that it is rather unusual to set out in a bill the names of the persons who are to be appointed to a trust. In this instance the Government thought it only right and proper to spell out that Edward Alan Hunt, Esquire, should be one of the members of the foundation, and that Colin Hector Dunlop, Esquire, should be another. These two gentlemen have been on the Presbyterian Church (New South Wales) Property Trust and have played an important part in the development of the college. In conclusion I should like to give an assurance that the department and the Government will ensure that the C. B. Alexander Agricultural College is carried on at the same high level that exists at the moment for the benefit of the students and of agriculture generally in New South Wales.

Motion agreed to.

Bill read a second time.

COMMITTEE AND ADOPTION OF REPORT

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

SOLICITOR GENERAL BILL

SECOND READING

Mr McCAW (Lane Cove), Attorney-General [4.51]: I move:

That this bill be now read a second time.

At the introductory stage I took the opportunity to reply to the remarks made on behalf of the Opposition by the honourable member for Liverpool and the honourable member for Burrinjuck, so it is probably not necessary for me to speak at great length now. I want to emphasize, however, that this bill, when it becomes law, will introduce in New South Wales a procedure that has been followed for a long time in the United Kingdom, New Zealand, and other States of Australia. The same purposes are sought to be achieved by the bill as have been found necessary in those other places. I say this because the bill contains a power of delegation which, without proper explanation, could be misunderstood, though of course it would not be misunderstood by the honourable member for Liverpool or any other member who has occupied the office of Attorney-General or Minister of Justice.

So far as I know, in the places where similar legislation was passed a long time ago there was not the same special need for it as there is in New South Wales. The reason is that section 36 of the Constitution Act of New South Wales, a section that dates back to 1880, contains a proviso which makes it impossible for an acting Attorney-General, as distinct from any other member of the Executive Council, to be appointed. In every other case, in the event of illness or absence or other sufficient cause, an acting Minister may be appointed. Section 36 of the Constitution Act prescribes:

> The Governor may authorise any Executive Councillor to exercise the powers and perform the official duties and be responsible for the obligations appertaining or annexed to any other Executive Councillor in respect to the administration of any department of the Public Service, whether such powers, duties, or obligations were created by virtue of the terms (express or implied) of any Act or are sanctioned by official or other custom:

Then comes the proviso which is of importance in the present context:

> Provided that no such authority shall be granted under this section in respect of the powers, duties, and obligations by law annexed or incident to the office of the Attorney-General.

Section 38 of the Constitution Act provides:

> Subject to the proviso of section thirty-six, any official document, minute, instrument, or paper, of what kind soever, which, according to official custom or to the requirements of any Act, requires or appears to require the signature of any particular Executive Councillor, shall, in the absence or disability of such Executive Councillor, be valid and effectual to all intents and purposes if signed by any other Executive Councillor.

Section 38 expressly says that this is subject to the proviso of section 36, which I have already mentioned. A simple consequence of those two provisions of the Constitution Act is not only that there can be no acting Attorney-General but also that no other Minister may sign documents or instruments —that is to say, those annexures by law, the special ones—in the absence or illness of the Attorney-General. This situation can lead to considerable inconvenience to the Government and can hamper administration of justice; indeed, it can cause injustice to citizens. Perhaps these reasons prompted the Government in the places that I have mentioned to bring down legislation of this sort a long time ago.

The proviso to section 36 of the Constitution Act has been the subject of judicial comment. The honourable member for Liverpool and other lawyers in the House will know that in *Solicitor General* v. *Wylde*, 46 S.R., page 94, Jordan C.J. said:

> The purpose of the section is obvious. The Attorney-General has important duties to perform for the Crown which necessitate the possession of special legal knowledge unlikely to be possessed by Executive Councillors at large. Hence, the legislature has thought it desirable to impose an absolute prohibition upon the authorisation of any other Executive Councillor to exercise the powers or perform the official duties by law annexed or incident to his office.

I thought it proper to refer to those provisions of the Constitution Act so that it will be clear, as I have already said, that this legislation has been introduced to alleviate inconvenience, hardship, and even injustice to citizens. This was never contemplated when the proviso to section 36 of the Constitution Act was written into the law. I should mention specifically the special duties which, as the law now stands, only the Attorney-General may perform. In order to make it plain that the duties of the Attorney-General require special legal knowledge and, as far as possible, objective consideration free from the implications of matters of political policy, Parliament has from time to time, by its legislation, imposed on the Attorney-General the special duty of consenting to prosecutions for various crimes, some of which are quite serious. For example, no prosecution may be undertaken under the Secret Commissions Prohibition Act, except by consent of the Attorney-General. Honourable members will know that these prosecutions must be begun within a specific time—and this is not long, only six months—from the happening or the discovery of the offence. It could well be that because of a long illness or the protracted absence of the Attorney-General someone who should be prosecuted might escape the consequences of his crime. This applies of course to any other matter that Parliament has specified as requiring the consent of the Attorney-General. Prosecutions under section 547A of the Crimes Act in respect of false statements in relation to births, deaths or marriages can be undertaken only with the consent of the Attorney-General. No one else may give that consent. Prosecutions under the Crimes Act for the crime known as incest are similarly required to have the consent of the Attorney-General before they can be undertaken.

I think I am right in this: the Companies Act uses the words "the Minister" rather than "the Attorney-General". As the administration of the Companies Act is for the time being and has been for a long time under the control of the Attorney-General, his consent to prosecutions under that Act is required—even for quite trivial matters such as failure to file accounts or failure to file annual returns. Other more important matters require the consent of the Attorney-General. One of these is the authorizing of an appeal against the leniency of a sentence—an appeal taken to the Court of Criminal Appeal in conformity with the provisions of the Criminal Appeal Act of 1912. The Attorney-General has another special duty under the Matrimonial Causes Act to represent the Crown and authorize an intervention, in proper circumstances, under that Act. All

these duties to which I have referred cannot in the absence of the Attorney-General be performed by any other Minister. Hence, consent to a prosecution had to be obtained from one of my predecessors by sending the file to him in London.

As I pointed out, the time required by law could in some circumstances have expired before consent could be obtained, and the protection given to the community by the prosecution of crime could be lost on these occasions. Other duties can be performed by the Solicitor General in the absence from the State or during the illness of the Attorney-General. One example is the decision on whether to file a bill of indictment—the exercises of the historical function of the grand jury. No-bill decisions can be made by the Solicitor General only if the Attorney-General is unable by reason of illness or absence from the State —and only in those two circumstances—to perform this duty. This applies to all these matters that I shall now mention. If the Attorney-General is at Broken Hill, Orange, Dubbo, or somewhere else, though, it is true, communication takes only a few hours, his decision—and it is not a political decision; I emphasize that it is a legal decision, as are all these decisions—on whether or not to file a bill of indictment might be delayed. If no bill is to be found, a warrant to release the prisoner must be issued. The prisoner may not have obtained bail; then the person who has been held and is now not to be prosecuted by reason of the decision reached by the Attorney-General could be kept in gaol without the need for trial. He would have to be held until the Attorney-General could be found to sign a release warrant. If the Attorney-General is unable because of illness or absence from the State to sign the release warrant, the Solicitor General in the absence of this legislation is able to make the decision.

These anomalies ought not to be tolerated, especially in relation to the administration of justice, when a citizen innocent of a crime could be kept, even for an hour longer than is necessary, in prison waiting for the one and only Minister who can sign the document to be found. This applies also with the filing of *ex officio* bills of indictment. Again, the Solicitor General may at present, in the absence of this legislation, do this but only in these two circumstances —the absence from the State or the disabling illness of the Attorney-General. Relator suits—which are suits brought in the name of the Attorney-General on the information of citizens who claim that their interests are affected and seek to appear before a court of justice to obtain a remedy of some ill—are yet another example. If the Attorney-General is across a State border, even in Canberra, the Solicitor General may do what he cannot do should the Attorney-General be within the State—protect the rights of citizens. Again this is a purely legal matter and does not involve decisions of political policy at all.

The simple matter of change of venue, the change of hearing from, say, Narrabri to Moree, or from Newcastle to Grafton, for the convenience of an accused person or of witnesses who have to be called to the court by the Crown or by the defence, cannot be ordered by the Solicitor General unless the Attorney-General is absent from the State or incapacitated by illness. The Solicitor General in those circumstances can do all those things just as effectually as the Attorney-General could were he here. This is so even in the absence of this legislation. However, it is thought proper that the convenience of citizens charged with crime or witnesses who are to be called to give evidence for either the Crown or the defence should not be so grossly invaded as is necessary in some circumstances when the inhibiting provisions of the Constitution justify it on other grounds. This legislation would cure that.

Decisions as to prosecution generally rest with the Attorney-General but the Solicitor General may in the absence of this legislation make them in the circumstances that I have mentioned. This applies for example in such matters as bigamy, conspiracy, perjury, public mischief and a number of others, all of which honourable members will appreciate involve purely technical legal decisions. Decisions for example, to prosecute for contempt of court—to protect the courts as institutions against contempt and to ensure the trial of those alleged to be guilty

of contempt which is obviously in the public interest and a purely legal decision—can be dealt with only by the Attorney-General if he is in the State and well enough to make the decisions. Suits in relation to charitable trusts are in the same position.

Similarly, where proper, advice to the Governor regarding the reservation of bills passed by this Parliament, for the assent of the Crown itself is involved, too. Another matter concerns decisions regarding mentally ill persons, detained without trial—as honourable members know they sometimes must be when they are unfit to plead. Why should a decision in relation to such a matter be held up any longer than is necessary? The decision to bring a mentally ill person or one who was formerly mentally ill and, because of unfitness to plead, held without trial, should not be delayed by a technicality. Honourable members will appreciate all these matters when I say that this bill ought to be passed into law—not primarily for the convenience of the Government but for the protection of the interests of the public in this State.

Extradition matters are in the same position as those I have mentioned, as also are the certifying of Acts and regulations for the assent of the Governor and a miscellany of other legal decisions affecting the Crown. The important matter to emphasize, recognized by the Constitution in the proviso to section 36 and in the qualification to section 38, is that these purely legal decisions, not political ones, ought to be made by a skilled lawyer.

The bill is a short one providing for the appointment of the Solicitor General and, when he is not available to fill his office because of illness or absence, a deputy where necessary. It sets out the functions of the Solicitor General and provides for the delegation by instrument in writing by the Attorney-General to the Solicitor General of the functions that I have mentioned or such of them as ought not to be delayed in their performance in the interests, not of the Attorney-General or of government but of the citizens who are affected by the decisions which need to be made. The bill requires that the appointee shall be a member of Her Majesty's Counsel, that is a Q.C., obviously a top ranking member of the bar, who has established his eminence and his integrity, and is a recognized leader and he must not be, by the terms of the bill, a Minister of the Crown, so that he is by the very statute we seek to pass made aloof from matters of policy of a political kind.

I repeat what I said at the introductory stage: there are other statutes of this Parliament besides the Crimes Act, the Companies Act and the Secret Commissions Prohibition Act to which I have made reference which are under the administration of the Attorney-General, and the decisions that he is called upon to make in relation to them are invariably decisions of a legal kind, not of political policy except when it comes, for example, to amending an Act or repealing an Act, and these are decisions which are made by Cabinet, by the Executive Council and, by the terms of the bill, the Solicitor General is not to be a member of the Executive Council. He is not now. There is and has been since 1824, except for a few years between 1872 and the early 1890's, a Solicitor General in this State. For a little while he was a member of Parliament, a member of the upper House, but generally speaking the Solicitor General has not been a member of Parliament and always hitherto in New South Wales, though not in the other countries and States I have mentioned, appointed ministerially, an administrative appointment, as indeed applies to the present incumbent of the office, Mr H. A. R. Snelling, Q.C. Therefore, the bill is not designed to abrogate responsibility on the part of the Minister; it is a bill to enable the administration of justice to function more efficiently and more smoothly in the interests of the citizens of the State.

The bill preserves the present office holder in the office of Solicitor General. The office is more than 500 years old in England, an old, traditional, historic office, one of great prestige in the eyes of the present Government and, I think, of the Opposition. The office deserves statutory recognition, and that is the primary purpose of the bill but the opportunity is being taken in the interests of the people of this State who may be affected—it could apply to anyone in the community—to ensure that the administration of justice will function more effectively.

There will be less delay, less inconvenience, less injustice and less danger of these things happening if the bill becomes law. I commend the bill to the House.

Mr MANNIX (Liverpool) [5.18]: When we were debating the motion for leave to introduce the bill I said that the Opposition was concerned to see where and how a line would be drawn in the delegation of power between the duties of the Solicitor General which were legal and those which were in the political domain. Having seen the bill and in the light of what the Attorney-General has said, I appreciate that one could, following even the argument of the Attorney-General in relation to the powers vested exclusively in the Attorney-General, develop an argument on whether it is right and proper that these be delegated in some other person. However, it appears that the bill is to give statutory recognition to a situation which, broadly speaking, has prevailed administratively for a long time.

I could not envisage that the State would have a lazy Attorney-General leaving the bulk of the work to the Solicitor General to perform or, conversely, a bower-bird type of individual as a Solicitor General grabbing everything about the place and acting on it while opportunity presented itself in the absence of the Attorney-General. Surely two men holding the high offices of Attorney-General and Solicitor General would not play cat and mouse on matters of such importance as the administration of justice. If that situation arose the government of the day through its other Ministers would be quick to grasp the situation and equally as quick to resolve it. Though the Opposition is not happy that there is an encroachment into the long-standing exclusive powers of the Attorney-General, as the bill merely regularizes that which has prevailed administratively for a long time, we do not intend to oppose it.

Mr SHEAHAN (Burrinjuck) [5.20]: Some of the doubts that I have about this bill have not been dispelled entirely. There is a difference between what is proposed by the Government and the way the matter is dealt with in Great Britain. As I said at the introductory stage, the last Solicitor General who was a member of the Legislature was the Hon. Robert Sproule. Before him it was the Hon. John Garland in the Wade administration. One then has to go back quite a number of years to find a Solicitor General who was a member of Parliament. The Solicitor General in England is a member of Parliament and is in the Ministry, though he is not a member of Cabinet.

Mr MCCAW: The English Act does not have the section 36 proviso that we have here.

Mr SHEAHAN: That is so. However, the Solicitor General in England is a member of Parliament and sits on the front bench where he can be questioned on his administration and can take part in debates. The bill now before the House will make the Solicitor General somewhat independent. He will not be elected by the people, and although I do not suggest it of the present Attorney-General, an Attorney-General who becomes listless in the administration of his office could leave too many matters to be dealt with by the Solicitor General. He would always have the excuse when any decision was criticized that it was made in good faith by the Solicitor General.

Mr EINFELD: When the Attorney-General is absent the Solicitor General has almost the same powers as the Attorney-General.

Mr SHEAHAN: That is so. I remember that when I was Attorney-General it was necessary under the provisions of the Crimes Act for an indictment for incest to be signed by me when I was in London. I received a cable asking for such an indictment. I had no textbooks with me. I had to go to the office of the Agent-General for New South Wales to find the State statutes. I was then able to draw an indictment, to sign it and to send it back to New South Wales by airmail. No other officer was authorized to sign the indictment. Provision is made in the bill to deal with such a situation. I admit that it does not occur frequently. The inherent danger in the holder of such legal office not being responsible to Parliament should be clearly defined. I do not say this offensively—but it is necessary also to prevent honourable

members from being robbed of the opportunity of raising these matters in this Chamber.

Nothing is more important in the fabric of our society than the administration of justice. When in opposition the present Attorney-General made many protests about the Attorney-General of the time being in another place. In fact, the holder of both legal offices was in another place at one period. When he made those protests he did so in an attempt to maintain the Legislative Assembly as the people's House in which at least one legal officer would be responsible to the electors. I am sure that all members subscribe to that view. There is nothing more essential to the protection of the rule of law in our society than that its fabric be kept sound. It should not be able to be tampered with. Subject to that comment I raise no objection to the bill. I shall be pleased to see it become law, and if my remarks are no consolation to the Attorney-General, at least they provide some consolation to my conscience.

Mr McCAW (Lane Cove), Attorney-General [5.25], in reply: I was pleased to hear the comments of the honourable member for Liverpool and the honourable member for Burrinjuck. It is true that when I was a member of the Opposition I pressed for at least one of the law Ministers of the Crown to be in this Chamber. At no time did I ask that both of them should be here, though in fact I think that even that would be correct, because this is the people's House. That has been the approach of the Government in its four and half years in office: both the Attorney-General and the Minister of Justice are available in this House to be questioned. In introducing this bill the Government does not resile from that situation in any way. If the Attorney-General is out of the State or is too ill to prform the functions of his office in special categories, the Solicitor General may act in his stead, as he has been doing historically for hundreds of years here and in England as the permanent deputy of the Attorney-General.

Neither the former Government nor this Government would think of having the Solicitor General here to answer questions or to take upon his shoulders the burdens of the Attorney-General even when the Solicitor General acts as the Attorney-General's deputy under the terms of this bill. Assuming that this bill becomes law, I have no doubt that I will be questioned upon decisions made from time to time by the Solicitor General in circumstances to which I have referred. I readily accept that responsibility and do not recede from it one iota. Full ministerial responsibility will remain in this Chamber.

The honourable member for Burrinjuck will recall that when the present Government was in opposition it asked questions of the Minister representing the Attorney-General, the honourable member for Liverpool, about certain no-bill decisions. Questions were put on the *Questions and Answers* paper. Since I have been in office and have had an opportunity to see the files, I know that the decisions were made by the Solicitor General in the absence overseas of the Attorney-General. I am bound to add that I know they were quite proper decisions. However, we asked questions about the matter in the House.

Mr SHEAHAN: You raised the matter when I was acting as Attorney-General.

Mr McCAW: That is so. As the honourable member for Burrinjuck will appreciate, nothing in this bill removes responsibility from the Attorney-General. He is responsible for the decisions of his permanent deputy, the Solicitor General, who at present can do almost everything that the Attorney-General is empowered to do. The things that the Solicitor General is not empowered to do affect public interest and the administration of justice. I ask again, when no bill is to be filed why should a prisoner be kept any longer than is necessary to get a signature from someone in Macquarie Street?

A prisoner can be kept in custody for two or three days, perhaps, even though no bill is to be filed against him, while a file pursues the Attorney-General on a tour such as the one I propose to make next week through the central-west of the State. At present the Solicitor General cannot sign a warrant or release in those circumstances. This is an injustice. I agree that it does

not happen often, but no lawyer and no member of this House would want it to happen at all. The Attorney-General could be in Nyngan or Broken Hill, but the present anomaly is that as long as he is in the State the Solicitor General cannot act for him in certain respects. If the Attorney-General is no more than five minutes walk over the State border, citizens can be saved the trouble of the proviso to section 36 being implemented.

I emphasize that no departure whatever is being made by this bill from the principle of ministerial responsibility. That responsibility rests on the Attorney-General as a member of the Executive Council. All that the Solicitor General will do either by reason of his inherent powers, historically developed, or by the addition of this authority, if the Parliament so decrees, is act in such instances as the one referred to by the honourable member for Burrinjuck. However, the Attorney-General will still be the Minister responsible. The decision of the Solicitor General, one of Her Majesty's counsel and an eminent lawyer, will be regarded as the Attorney-General's own. I am grateful for the comments that have been made, and I hope that members appreciate that there is no intention of relieving the Attorney-General of the responsibilities of the holder of that office for the time being.

Motion agreed to.

Bill read a second time.

COMMITTEE AND ADOPTION OF REPORT

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

BILLS RETURNED

The following bills were returned from the Legislative Council with amendments:

Methodist Church (N.S.W.) Property Trust Bill

Wheat Quotas Bill

PREVENTION OF OIL POLLUTION OF NAVIGABLE WATERS (AMENDMENT) BILL

SECOND READING

Mr WADDY (Kirribilli), Assistant Minister [5.33]: I move:

That this bill be now read a second time.

As I indicated in my introductory speech, the main purpose of the bill is to amend the New South Wales Act to conform with alterations which have been made to the 1954 International Convention for the Prevention of Pollution of the Sea by Oil to give added control of the discharge of oil and oil mixtures from ships. The changes to the articles of the convention which were adopted by the 1962 conference of the administering body, the intergovernmental maritime consultative organization, have been accepted and ratified by legislation by the Commonwealth Government.

Section 9 of this State's complementary legislation, the Prevention of Oil Pollution of Navigable Waters Act of 1960, authorizes the Maritime Services Board to make regulations, with the approval of the Governor, relating to the equipment on ships for the prevention of discharge of oil. The proposed amendments to this section extend the regulation-making power to cover the maintenance, operation and management of such equipment and the ships themselves and also to regulate the carriage of water ballast in oil fuel tanks. It is generally recognized that water which has been used as ballast in oil fuel or bunker tanks can bring about serious pollution when it is pumped out in ports on refuelling and the new Article VII of the convention now specifically directs that carrying water ballast in oil fuel tanks is to be avoided if possible.

The articles of the 1954 international convention have been tightened regarding the keeping of oil record books, and full records of specified oil operations including spillages, are now required to be made without delay. The proposed amendments to section 10 will strengthen the New South Wales Act along the same lines. Provision has also been made in the section for a general penalty of up

to $1,000 for offences relating to oil records by the owner of a ship or the occupier of a place on land where an oil record book is required to be kept.

To accord with the relevant article of the international convention, the Maritime Services Board of New South Wales is empowered under section 12 of the present New South Wales legislation to require ship repair establishments, and oil terminals, depots and installations used for loading or unloading oil in bulk to provide and maintain satisfactory facilities to receive oil residues from ships. No provision is made, however, for the imposition of a penalty for failure to comply with the board's requirements and it is proposed to amend section 12 to prescribe a penalty of up to $1,000 in these circumstances. The amount of the penalty accords with other penalties prescribed in the Act and is half of the major penalty, that is $2,000, for discharging oil.

In the Government's opinion the penalties fixed under the Act are not high enough having regard to the serious nature of the offences involved, but no action has been taken to increase them in view of the need for the legislation of the Commonwealth and all States to be uniform. It is proposed, however, to take up this aspect with the other States and the Commonwealth at a later date with the object of penalties' being adjusted to a level more commensurate with the offences.

The amendments to section 12 also include machinery provisions covering the service of notice in writing in relation to the provision of oil residue receiving facilities. A minor consequential amendment to section 17 of the Act is also necessary in this connection. In addition, the bill deals with some matters which are perhaps outside the strict terms of the International Convention for Prevention of Pollution of the Sea by Oil. The basis of the convention is that the owner and master of a ship are liable if oil is discharged from the ship, unless the discharge can be shown either to have been necessary for the safety of the ship or for saving life, or to have been caused by a maritime casualty or an unavoidable accident. The New South Wales Prevention of Oil Pollution of Navigable Waters Act widened this liability to include places on land, such as refineries and storage depots. The liability is imposed by section 6 and the special defences I have just mentioned are provided in section 7. However, problems have arisen in cases where oil is being transferred between two ships, or between a ship and a place on land.

It happens at times in the transferring of oil in ports that negligence at the transmitting end—for example, failure to stop pumping—can cause spillage at the receiving end. Also, an act, or omission to act, at the receiving end, such as failure to open a valve, can cause an overflow at the transmitting end. When this happens, because the person liable under section 6 of the Act is not to blame for the spillage he cannot be prosecuted.

To meet this situation, the proposed new section 6A will give the Maritime Services Board the power, in cases of transfer operations, to take action against persons who actually cause the discharge of oil, and these persons will be liable to a penalty of up to $2,000 which is the maximum liability already laid down in respect of the owner, master or occupier of the ship or place on land from which oil escapes into navigable waters. Members will note that provision is made in the bill for the relief from liability of a person who actually causes the discharge of oil, where he can prove that the discharge was not caused knowingly, wilfully or negligently. This will provide a defence against the liability to be imposed by the proposed new section 6A and will be similar to the defences already included in section 7 against the liability imposed by section 6.

Finally, section 8 of the Act authorizes the board to clean up the effects of oil pollution at the expense of the ship or place on land from which the oil escapes. In view of the provisions of the proposed new section 6A, it will be necessary to amend section 8 to give the board the power to recover such expenses from the ship or place on land where the negligence which caused the escape occurred. That completes my review of the provisions of the bill. Before

concluding, however, I should like to refer to two points raised by honourable members in the introductory debate.

The honourable member for Kogarah asked about the control of wilful discharge of oil in enclosed navigable waters. The position here is that provision is already made in section 6 of the Prevention of Oil Pollution of Navigable Waters Act for the imposition of a penalty of up to $2,000 for the discharge of oil within the jurisdiction of the Maritime Services Board of New South Wales. I hope that clarifies that point. Many shipmasters have been prosecuted since the Act became law and fines of up to $500 have been awarded. In this same period fines in respect of discharges from places on land have ranged up to $200.

The honourable member for Corrimal also inquired about the problem of the discharging of oil at sea beyond the limits now under the control of the New South Wales Government. This is a basic problem which the international convention is intended to meet. A ship on the high seas, outside territorial waters, is generally speaking subject only to the laws of its flag State.

Mr HAIGH: Is that three miles or twenty miles?

Mr WADDY: The extent of territorial waters of New South Wales is three miles. Such a ship is certainly not subject to the laws of any other country. The prohibited area for discharge of oil in Australian waters is up to 150 miles from the coast: that is a Commonwealth matter. As I said, the State territorial waters extend for three miles. For the reason I have given, the countries adopting the international convention have each bound themselves to prevent their ships from discharging oil into any of the prohibited zones of the sea. The Australian zone as set out in the convention extends for one hundred and fifty miles from the coast of New South Wales. If, say, a Portuguese ship were detected discharging oil outside the jurisdiction of the State of New South Wales, but within 150 miles of the New South Wales coast, the Commonwealth Government, as a party to the convention, would inform the Portuguese Government, which would be obliged by article X of the convention to take proceedings against the owner or master of the ship. Conversely a discharge of oil in the Portuguese zone of the high seas by an Australian ship would be a matter for the Commonwealth Government. I trust that this clarifies the position for honourable members. I commend the bill to the House.

Mr CRABTREE (Kogarah) [5.45]: I thank the Assistant Minister for his explanation of the bill. It is a sad fact that progress in the world has been achieved at the price of pollution on land, in the air and on the sea. This has resulted in loss of human life, erosion of our lands, the death of marine life, and the curse of oil pollution of our beaches. As the Minister said, this legislation is designed to tighten up the 1960 Act. The measure has been brought down at a time when alarm is being expressed throughout the world about the serious problem of oil pollution. Not long ago an oil tanker broke in two off the coast of Britain and virtually the whole coastline of that country was threatened by oil pollution. Pollution in various forms affects bird-life and marine life and spoils the beauty of beaches. It cost a vast sum of money to clean up the mess made by the discharge of oil from the disabled oil tanker off the coast of Britain.

The Minister gave an example of a Portuguese ship detected discharging oil outside the jurisdiction of New South Wales but within 150 miles of the New South Wales coast. I do not know whether he had in mind a vessel of the Portuguese navy. It would appear from the Minister's explanation that the Maritime Services Board, having found out that such a vessel was discharging oil, would get in touch with the responsible State Minister, who would then speak to the responsible federal Minister in Canberra. The Commonwealth authorities would then get in touch with the Portuguese authorities to find out what could be done about the discharge of oil from that ship.

Mr WADDY: It is not a matter of what we can do, but of what they must do under the convention.

Mr CRABTREE: As the Assistant Minister says, it is a matter of what they must do and of what penalties will apply. He knows that an oil leak from a big tanker carrying thousands of tons of oil, though hundreds of miles from the coast, could be a big threat to our beaches, to fish, and even to industry. Pollution is causing alarm throughout the world. The Assistant Minister said that an international convention will deal with this matter on international lines. Already, a maritime consultative body has made certain recommendations that have been approved by the Commonwealth Government. This is complementary legislation; I understand that similar measures will be carried in all States of Australia. Yesterday in the House the honourable member for Wollongong raised the question of a ship that had left Fremantle with a serious oil leakage.

Mr HOUGH: Not serious.

Mr CRABTREE: It was serious enough for him to waste the time of Parliament by asking a question. The Premier, a busy man, said in his reply that he had been endeavouring to get in touch with the Maritime Services Board in relation to this matter.

Mr HOUGH: In five minutes?

Mr CRABTREE: I am not attacking the Premier; I might be helping the honourable member in relation to this matter. The Premier said that he would get in touch with the Maritime Services Board about the vessel that had been leaking oil when it left Fremantle. There was a danger that when it berthed at Port Kembla it might cause oil pollution. The Premier, as the head of the Government, was amazed that there should be any doubt whether the Maritime Services Board, which will be vested with powers under this legislation, would have any jurisdiction at Port Kembla.

That is the position. I am trying to make a contribution to this debate. This is a serious matter. Oil pollution is one of the most serious problems on our seaboard today. We have to spell out the responsibility of the Maritime Services Board. Is it limited, as I feel it is, to Newcastle, Sydney Harbour and Botany Bay, or should we extend this authority so that the board can have effective control over all tidal rivers and ports of New South Wales?

Mr WADDY: On a point of order. The jurisdiction of the Maritime Services Board and whether it serves the ports or territorial waters does not enter into the operation of this bill. I appreciate the contribution being made by the honourable member for Kogarah, but the fact is that pollution of all New South Wales territorial waters is covered by this bill, whether they come within the purview of the Maritime Services Board or not, and the actual extent of jurisdiction of the Maritime Services Board is not in question.

Mr ACTING-SPEAKER (Mr CLOUGH): Order! I think the point made by the Assistant Minister is valid; nevertheless I do not think at this stage the honourable member for Kogarah has transgressed. He has made some passing reference on the issue because, as he has said, it is one of importance to him and to the Opposition. I ask him now to address himself to the bill.

Mr CRABTREE: The position is we are dealing with the serving of notices on these people and there has to be an authority to serve them. These, I understand, are going to be served by the Maritime Services Board. I just wanted to know whether the authority of the Maritime Services Board is going to extend to the head of the Clarence River.

Mr HOUGH: It does now.

Mr CRABTREE: The Premier as the ministerial head of the department was a little staggered yesterday to find he had no jurisdiction. If it is accepted that the Maritime Services Board has control over this type of offence for the whole of the coast of New South Wales, I shall be happy to see it effectively control the serving of notices. We on the Opposition side believed that this extended only to Newcastle, Sydney Harbour and Botany Bay.

Mr HOUGH: Over all territorial waters. I have checked it.

Mr ACTING-SPEAKER: Order! The honourable member for Kogarah is entitled to be heard in silence, and I ask honourable members to give him this courtesy. I would also request the honourable member for Kogarah to address the chair: I will take care of the interjections.

Mr CRABTREE: The threat of oil pollution is serious. If honourable members care to go to Circular Quay where the ferries come in, they will see even there evidence of pollution, as well as on our beaches. We have not much to complain about in relation to this legislation, but legislation is only as strong as its administration. We shall move a test amendment at the Committee stage, and I think the Minister is going to agree with it because we are all of one accord in our concern that penalties are too low. We do not accept the proposition that these penalties cannot be raised without some uniform legislation by the Commonwealth or other States. We are the major State, facing the major difficulties. If there is this negligence in the discharge of oil we should take the lead and say that penalties laid down in 1960 are inadequate in 1969.

The whole of my electorate is within Botany Bay. I have had the utmost co-operation from the Maritime Services Board in relation to channels and various other difficulties in my electorate but I think the Government has to confer with the board in order to provide for more supervision of vessels relating to oil discharge. Practical men of the sea would tell you the need is not so much for legislation, as for a round-the-clock surveillance of Botany Bay. I have seen oil slicks, moved by wind and tidal influences, floating around the bay for days before they were detected, and I have had the case of an oyster lease that was affected by oil. It was determined that this oil slick had been discharged from a tanker at least a fortnight before it damaged the oyster lease.

Mr GRIFFITH: The board has a watchman.

Mr CRABTREE: It does not need a watchman only: it needs a boat.

Mr GRIFFITH: There is a watchman on every boat that discharges oil cargo, for twenty-four hours a day.

Mr CRABTREE: I should be pleased indeed if the Minister can assure me that there is a constant twenty-four-hour patrol of Botany Bay. I have written to the Premier in relation to this matter and expressed the concern of the Rockdale Municipal Council on the question of supervision. The council has expressed grave concern that its beaches have been affected by oil pollution. If, as has been stated, there is this twenty-four-hour supervision by people in boats with a knowledge of water, and it is not hard to detect oil on water, I cannot see why these complaints should be made.

Mr GRIFFITH: Can you detect oil on water at night?

Mr CRABTREE: I think you can detect oil on water at any time, especially great discharges of oil. I know the honourable member for Cronulla had a lot of naval experience during the last war. He should know that if in battle an oil-carrying or oil-burning ship had been sunk, people would know there was oil there, whether it was night or day. We are interested to establish that there is proper supervision under this legislation. It would be wrong for us to assume that everything is well at the moment. My colleagues and I on this side have met just today and discussed this legislation. We have had representations from many people coming from many avenues of life, and from sporting clubs, sailing clubs and motor boat clubs, who are most concerned about the effects of oil pollution on Botany Bay. If all is well and there is supervision, are these people complaining unnecessarily? A constituent of mine told me that when he went swimming at Ramsgate the other day he found that the baths were polluted by oil.

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

Mr CRABTREE: In his second-reading speech the Minister dealt with possible sources of oil pollution but he did not mention the problems that could result when oil is transferred from one terminal to another. I understand that in Sydney

Harbour and Botany Bay at least three submarine oil pipelines are used to pump oil from one terminal to another. I ask the Minister to say whether this legislation will cover the situation where, because of lack of maintenance or as a result of an accident, there is a serious discharge of oil to pollute the harbour, Botany Bay or a river. The bill does not make clear the responsibility for carrying oil from one terminal to an other, such as from Kurnell to Banksmeadow. In the Granville electorate a submarine oil pipeline crosses Parramatta River. I ask the Minister to say whether submarine oil pipelines are covered by the bill and whether any company controlling them could be prosecuted in the event of a discharge of oil if, say, a boat severed a pipeline that had not been buried deeply enough.

I repeat that generally the Opposition agrees with the measure. We are disappointed, however, that the Government has not introduced a completely new bill on oil pollution rather than amending legislation. We are aware that the Government awaits with interest the outcome of the international convention on not simply a national problem but a worldwide threat of oil pollution. I implore the Government to re-examine the whole of this legislation. I forecast that within two years there will be a new government which will then be charged with the responsibility of taking a much more realistic approach to this grave problem of oil pollution.

The Opposition cannot accept the Minister's explanation that, though the Government agrees that penalties should be increased, its reason for not increasing them is that the Commonwealth or some other State is not willing to follow suit. This Parliament should lead Australia in solving this problem; it is our responsibility as a sovereign Parliament to give a lead by this legislation. We should tell the oil combines that though we shall give them every assistance to develop further the oil industry in this country, the penalty for negligence which despoils our harbours, kills fish and increases the cost of local government administration for beaches and foreshores will be extremely severe.

Mr Crabtree]

The penalty in the Act was prescribed in 1960, and the Opposition believes it to be the Government's responsibility to make this legislation stronger, not to put the responsibility on to the federal Government or on to Sir Henry Bolte by saying that because neither of them is doing anything, this Parliament will do nothing. This is a sovereign government with great responsibility to the people. The deterrent against oil pollution should be severe, and in Committee we shall divide the House because we consider this a most important principle.

Mr WADDY: Wait until you hear my explanation.

Mr CRABTREE: The Assistant Minister gave an explanation which we do not accept.

Mr WADDY: I shall spell it out.

Mr CRABTREE: That may prove satisfactory. However, the Assistant Minister would do much better to get from Cabinet colleagues while this debate continues authority for a worthwhile measure to which we can agree. The most important feature of the bill is penalties. The Assistant Minister should discuss this aspect with his Cabinet colleagues. If he can then produce a measure to which we can agree, he will have no difficulty in having it passed.

Mr HOUGH (Wollongong) [7.37]: Representing a coastal constituency, I am pleased that this measure has been introduced, for it will ensure the best possible protection of beaches and navigable waters from pollution by substances which are foreign to them. I am pleased to learn also that regulations will demand that equipment on ships be properly supervised against the discharge of oil. Carrying water ballast in oil fuel tanks is to be avoided if possible. We who live on the coast know that it has been a custom to use water for ballast and that, at the point of loading, ships tend to discharge into surrounding waters and that this has from time to time caused an offence in the neighbourhood. A major problem was caused recently by a passing ship. I am glad therefore that all ships will be required to keep proper records of spillages and discharges of oil, be it furnace oil, crude oil or used engine oil.

I am sympathetic to the problem which both the Minister and the honourable member for Kogarah raised about penalties. I appreciate that what the Minister said was contrary to what the honourable member for Kogarah said, for the honourable member for Kogarah misrepresented that the question of penalties will not be considered except in relation to some other government. Penalties are already provided but there can be some degree of uniformity. It is not good enough to leave this question waiting too long. The Minister has assured us, however, that it will be dealt with soon, and I accept that. The whole question of penalties will require further legislation by this Parliament, by the Commonwealth Parliament and by the parliaments of the other States as soon as possible.

The honourable member for Kogarah said that he did not know what would happen in the event of an accident. The Minister has made it quite clear that the legislation provides for an eventuality such as the safety of the ship or one involving the saving of a life or some maritime casualty or an accident. I ask that the utmost care be taken to protect our waterways. I make this request in the light of my experience. There are some glorious inlets on the coast and the waters in many of them are tidal. The Hawkesbury and Shoalhaven rivers are examples. Everything possible should be done to prevent these places from being affected by discharges of oil. The bill now before the House will go a long way towards preventing that sort of occurrence.

In the Wollongong area at the moment pressure is being brought to bear by the council and by others for the opening permanently of Lake Illawarra. Any oil discharged on the waters off the coast could be carried into Lake Illawarra by the tide if the lake were opened permanently, and the oil would be hard to remove. There is cause for much concern about oil discharges along the whole of the coast. The city of Wollongong has a long coastline of about 35 miles. Shellharbour and Kiama would be concerned also. Some cases of pollution that have occurred could have been avoided; others could not. The worst instance of pollution off the coast in my memory was caused by an unfortunate wreck one night off Bass Point at Shellharbour. For more than two years the whole coast was affected by a black substance that came from the wreck. Lives were lost in the accident, and I am not criticizing the handling of that situation. I merely draw attention to it as evidence of what can happen to demonstrate why it is necessary to exercise considerable vigilance over possible discharges of oil and other substances.

There is a recurring problem with coal wash on the south coast—in the northern suburbs, along the beaches, at Stanwell Park Coaldale, Austinmer and Thirroul. This causes the public and the authorities great concern. Many visitors who come to the area are disappointed when they find that they are unable to surf on what should be glorious beaches. The difficulty about handling oil slicks is that oil is not easily destroyed and will drift on the surface of the water. International regulations apply to the handling of crude oil. Last week in this House I referred to the problem of the outflow from dredging and how it can affect beaches. On that occasion I was pleased to hear the Minister for Public Works say that precautions had been taken in relation to the western basin of Port Kembla, and much more care will in future be exercised in the eastern basin to guard against this problem. About four years ago there was a grave problem in Port Kembla harbour when crude oil was dispersed on the waters of the harbour. This caused anxiety and annoyance and the discharge was cleaned up only after considerable effort. Since then the record in Port Kembla has been excellent. The harbourmaster and his staff maintain a close scrutiny of what is done there.

I was surprised at the lack of knowledge of the honourable member for Kogarah who led for the Opposition in this debate. The honourable gentleman did not know that inspections of port facilities were carried out to minimize this sort of problem. Furnace oil has a low flashpoint. It is different from fuel oil and crude oil. Each of these substances, however, can create a problem. The honourable member for Cronulla tried to tell the honourable member for Kogarah by way of interjection that

departmental officers are continually checking at the point of oil discharge for possible leaks. Leaks can occur if pipes are not properly connected. The person controlling the flow might be some distance from the leak and would not know that the offence had been committed. However, in Port Kembla the harbourmaster insists that a man is on duty all the time checking these things. Obviously the same thing is being done in Botany Bay. Whether a ship is bunkering or a tanker is discharging, close scrutiny is exercised to ensure that the harbour is not polluted.

Two or three years ago some old engine oil drifted on to the beach south of Port Kembla and also on to the beach at Wollongong. This too caused anxiety in the local community. It is as well to realize that, because of the precautions that are taken in port, such occurrences are more likely to happen in the open sea than in harbours. It was interesting to learn that there is no boom at Fremantle to protect the harbour from oil leaks. There is a boom at Port Kembla. Yesterday I raised the matter of the *Almak*. This afternoon the honourable member for Kogarah tried to mislead the House by introducing that matter into this debate. Yesterday the honourable member for Auburn tried to mislead the Premier on the same point. I remind the House that I asked the Premier yesterday whether he was aware that according to reliable reports No. 2 and No. 6 tanks of the *Almak* were leaking. I asked him whether he was aware that should the *Almak* be compelled to stand off Port Kembla for any reasonable length of time, an oil slick might develop and the prevailing currents would carry it to the Wollongong beaches. It is not unusual for ships to stand off Port Kembla harbour for a day or two waiting to use the facilities in port.

The honourable member for Auburn suggested to the Premier that this was a matter for the Department of Public Works, not the Maritime Services Board. The Opposition is extremely ill informed on matters like this, though at times, when its members speak so boldly, one would think that they knew what was going on. The Premier did not accept that: he replied quite clearly, "As this is a navigational matter, I think the Maritime Services Board would come into it in some way or other." The average person knows that the Department of Public Works is the constructing authority at Port Kembla Harbour but has nothing whatever to do with its routine administration. What is more, the matter under discussion had nothing to do with Port Kembla Harbour: it was outside the harbour. The Opposition seems to get bogged down and it does not know what is going on.

I make it clear to the Chamber that it is most important that every conceivable opportunity be taken by means of legislation such as that before us at the moment, and by any other means, to prevent pollution of our waters. This is just as important as the prevention of air pollution, in respect of which a continual demand is made upon this Government. The use of modern equipment and modern methods, and sometimes the human element of carelessness, will always call for new approaches to this problem. The honourable member for Kogarah raised the matter of a submarine pipeline that accidentally develops a leak. Such a situation is covered by this legislation, which will provide cover against accidents. Members must appreciate that this is a preliminary measure that has been designed to meet a serious situation. If there is a need to go further, as there will be in relation to penalties as legislation is brought forward in other States, this Government will act worthily to protect the people of New South Wales.

Mr L. B. KELLY (Corrimal) [7.53]: The bill is of concern to many people. Every member of this Chamber is concerned about water pollution. At some time or other members visit the shores of our great continent and see pollution of the surfing beaches. Even if they do not participate in surfing, probably members of their family do. Members who surf at Bondi Beach would be disgusted to see it polluted by oil. This is a serious question that calls for effective legislation. The principal Act was passed in 1927 and amended in 1960. I compliment the Minister on bringing these further amendments before the House.

I shall now comment on several points, one of which was dealt with by the honourable member for Kogarah, who made an excellent contribution to the debate. It is true that under the Prevention of Oil Pollution of Navigable Waters Act, the Maritime Services Board of New South Wales is the responsible authority for dealing with oil pollution of the State's navigable waters, including the sea within the territorial limits to which the Minister has referred. He pointed out that beyond those limits pollution is dealt with in terms of an international convention made in 1954 and amended in 1962, to which the Commonwealth of Australia is a party, as are most other countries. It is true also that outside the State's territorial waters the discharge of oil or water containing more than 100 parts of oil per million parts of water is prohibited within 150 miles of the coast of Australia.

Many problems have arisen from the discharge of oil beyond the State's territorial waters. In these cases the closest co-operation is needed between the State Government and the Commonwealth Government. The convention to which I have referred requires that ships shall carry oil record books in which entries must be made of all operations relating to oil carried on board. According to the convention, if a ship discharges oil in a prohibited zone of the high seas, the procedure is that the Commonwealth Government must report to the government of the country where the ship is owned, and that government is then required to take punitive action. The Minister has said that this is possibly the best course of action, and we appreciate this, but the honourable member for Kogarah asked how long it would take to get a conviction against a foreign shipowner and to have punitive action taken against him by exacting payment of the appropriate penalty. It is a question of effectiveness of this action. This brings me to an interesting point. The Minister referred to a Portuguese ship that could be an offending party.

Mr WADDY: I gave that as an example.

Mr L. B. KELLY: I want to say something in relation to that example. It would be difficult to take action against ships that are registered as ships of convenience, flying for example the flag of Liberia or Panama, which are not parties to the convention. These ships are in the main used by Greeks and Americans to avoid complying with the normal standards of safety of navigational and loading equipment. There are problems surrounding the pollution of waters outside the State's territorial limits, but as the bill is confined to pollution of navigable waters within the control of the New South Wales Government, I appreciate that I must confine myself to it.

It is all very well to have legislation of this nature and to make amendments to it, but the main aspect is efficient policing of the regulations. I appreciate that the Maritime Services Board is doing its best to ensure that there are no spillages or discharges of oil when tankers are connected at terminals. The board supervises the connection and disconnection of the pipeline and endeavours to prevent pollution. There are related problems, one of which concerns the time of entry of tankers. The human element enters into it. The problem is so important that the Government must insist that the Maritime Services Board and its officers do their work thoroughly in this regard. They must take adequate preventive measures to keep to a minimum the discharge of oil into navigable waters.

Of course we know that if any spillage or any evidence of discharge of oil is detected and the offending party takes no action to remedy the situation, the Maritime Services Board may take action at the expense of the owners of the ship. This is important. Many types of oils are carried by tankers. Lubricating, diesel, furnace or crude oils are the main oils transported up and down the coast between the terminals and the ports. As soon as oil of any type is detected it should be attacked immediately so that it can be contained in a local area and detergents applied so that the oil does not drift or become offensive. It is obvious that this sometimes occurs. We have had instances of it on our coastline. On 4th March this year crude oil was deposited on the

beaches at Wollongong, Towradgi, Austinmer and even as far north as Cronulla. Following my question the Premier told me that it was difficult to ascertain the source of the pollution. A tanker standing offshore at Kembla was tested but the oil samples on the beach did not match the oil in the tanker.

The method of attacking the discharge of oil is important. Detergents are available which are recognized as solvent emulsions. These can be sprayed on the oil, putting it into permanent suspension. The oil cannot come together again. With time and the movement of the sea, the emulsion can be dispersed. Eventually the emulsion will break up and the oil will fall to the bottom of the ocean. Oil slicks can always be attacked by the use of a hose from the ship. It has even been known for ships on the spot to move backwards and forwards through an oil slick, churning up the oil so that it passes into an emulsified state, which is much the same effect as if a detergent were used. Sometimes discharge occurs in the cleaning of a tanker's tanks. Operators on the ship hope that the oil will be carried by the tide out of the harbour into the open sea and dispersed outside the harbour. This does not always happen; perhaps the tide does not go out far enough and the returning tide brings the oil back into the harbour.

The honourable member for Wollongong referred to one occasion when oil was discharged at Port Kembla and southerly winds brought it up the coast, depositing oil on the glorious beaches that we have in the vicinity of Wollongong. The Minister spoke of unavoidable discharge. I appreciate that this can happen. To prevent loss of life or to safeguard a ship oil may have to be discharged. The utmost care must be taken in this respect. Possibly the ship could report that it will have to do this. Then authority could be given to the vessel. It would be the responsibility of the Maritime Services Board and the owners of the vessel to ensure that any discharge of this nature would be cleared up as soon as possible.

We are concerned with vessels within the territorial waters of this State and one of my main concerns is that when vessels are returning from Port Kembla to their places of loading at Kurnell, they may take the opportunity when cleaning their tanks to discharge the materials into the open ocean. This is possibly what is coming on to our beaches. I understand that these vessels discharge cargoes of crude oil in the ports along the New South Wales coastline and refill their tanks with sea water. On their return journey to their home ports they may carry out tank washing. This is a usual procedure, and they do not empty the tanks into the sea. Unfortunately some vessels, in order to save time and problems at the point where they can discharge this slurry or slush or whatever they call it, take the opportunity to discharge it into the ocean. This is what happened on those one or two rare occasions when we had pollution of our local beaches and the Premier advised that the Maritime Services Board had difficulty in laying the charge at anyone's door. Each tank of these tankers is in fact a large gravity separator of a common type. As the oil rises, with clean water below, the oil can be pumped out. The normal procedure is that the remainder of the oil is pumped from tank to tank until finally the vessel has one slop tank carrying a high percentage of oil to water and the remaining tanks are carrying clean water.

This practice has been investigated by a British committee. Its report gave rise to the International Convention and it stated that this operation when properly carried out resulted in the discharge of a smaller percentage of oil than remained after passing through a standard separator the bilge water from a normal cargo ship. As I said, I am led to understand this is normal procedure and that if it is carried out properly no problems arise. When the vessels reach their home port they would discharge the slop tank into receptacles from which the waste can be disposed of on land.

Mr WADDY: The bill makes it compulsory for that facility for discharge to be available in the port.

Mr L. B. KELLY: I appreciate that. We are fully in accord with the amendments contained in the bill and therefore we have

no opposition to it. I emphasize my concern. It is a natural anxiety as I have lived at Thirroul on the South Coast all my life and have taken an active part in surf lifesaving. I have seen the distress of bathers whose apparel has been affected by oil sludge as well as other matter. I have seen penguins, seagulls and other birds affected by oil. This brings me to another point of grave concern—the effect of oil on marine life and fauna and flora. The Natural History Society has expressed concern. It hopes that the Government will try to enforce the provisions of the legislation so that offending parties will be seriously taken to task and the necessary penalties applied to persons found guilty of the offence.

I have already said that detergents should be used to break up the oil. If we could prevent the discharge of oil we should be gaining many advantages. I am concerned that detergents will give rise to a major problem in the years to come. Detergents are posing one of the most serious and ever-increasing problems facing our society. They are substances which reduce surface tension, that is, surfactants. They alter the solubility of salts and chemicals and they destroy seaweed, especially where it is exposed at low tide.

All these natural things have a purpose and if we are going to use something to destroy them, we create other problems by its use. It is imperative that we have preventive legislation and the closest scrutiny and supervision of the discharge and loading of oil. I want to stress the importance of seaweed, which grows mostly along the shoreline, in the food chain of marine life. When detergents attack the seaweed we shall find a marked effect on marine life including the fish that feed upon it. These detergents, even when they have affected the oil, become a problem because they would be deposited on the shoreline. Anyone who has visited a beach after heavy storms will have seen the seaweed deposit there. Even after we have eliminated pollution we can have the problem of the depositing of these substances on the shoreline, whether in an emulsified state or otherwise.

The honourable member for Wollongong mentioned ships standing offshore at Port Kembla waiting for entry. I have seen up to four or five ships at a time standing there. Before the building of the inner harbour ships had to go out to sea in heavy weather to avoid the dangers associated with staying tied up inshore. There is discharge from these ships, very often a discharge of oil. This also must be policed. I am told that there is a launch operated on a full-time basis in Sydney Harbour by a contractor whose job is to patrol the whole of Sydney Harbour attacking any oil leakage or any oil deposited in the water in an endeavour to contain the problem.

The greatest deterrents to offenders, no matter what the legislation is, are penalties high enough to make people careful when they are carrying out certain tasks. The penalty provisions here only change the 1960 rates to decimal currency, sterling being no longer legal. For example, the penalty in section 6A is $2,000, and it was £1,000 in section 6 of the old Act. We all recognize the depreciation in money values over this period of nine years. In the view of the Opposition the penalty is not severe enough.

Mr WADDY: I said that in the speech. There is a good reason why we cannot do it.

Mr L. B. KELLY: I know the Assistant Minister has mentioned this earlier. I trust the legislation can be brought up to date and the penalties revised; so that this very important question can be contained. Oil is going to be one of the major fuels and we could find a disregard for the legislation and the penalties if offenders consider it just as cheap to pay the $2,000 involved as go to the expense of eradicating the oil.

Mr HAIGH (Maroubra) [8.15]: I was quite pleased to hear the Assistant Minister refer to the inter-governmental maritime consulting organization, giving some history of the activities of this organization and relating it to the bill. Seeing that this appears to be the basis upon which the amendments are being brought to the House, we might just digress a little further and look at the committee set up in Great Britain which established, or caused

to be established, the inter-governmental maritime consulting organization. It was the advisory committee on oil pollution of the sea. The president is the Rt Hon. James Callahan, P.C., M.P. I quote from a letter from the secretary of that organization which indicates clearly the role that this organization has played and the role that has been played by the inter-governmental maritime organization and the further role which will be played in November this year:

> No doubt you have heard of all the details of the terrible Torrey Canyon disaster last year which did so much damage to the coasts of Britain and France. Unfortunately such catastrophies are not covered by the convention, and special action will have to be taken to deal with it. The International organization specifically concerned with the matter of oil pollution is the Inter Governmental Maritime Consulting Organisation and I have asked them to send you their latest bulletin which gives details of the action taken by them during the last year. We work in very close co-operation with them. Our committee——

This is the important passage——

> has already organised two international conferences, one in 1953 which led to the Inter Governmental Conference of 1954 at which the convention was drawn up and another in Copenhagen in 1959 which was followed by a further inter government conference at which the 1962 amendments were dealt with. Our committee are now proposing to organise a further international conference in Rome in the autumn in order to press forward for total prohibition of the discharge of waste oil into the sea and arrangements for dealing with accidents at an international level.

I think it is important to indicate that this organization is representative of many groups of people in Great Britain. It is representative of the Association of County Councils in Scotland and the Association of Municipal Corporations, the Association of Sea Fisheries Committees and so on. It is an advisory committee drawn from all the people who should be properly represented to express their concern and to contribute their knowledge toward preventing oil pollution of the sea.

The inter-governmental maritime consultative organization to which I refer will meet in Brussels in November next to consider an insurance cover which will indemnify against oil pollution that may occur as a result of any action in the carriage and discharge of oil. Apparently the insurance coverage to indemnify parties that suffer from pollution by oil will be $20,000,000. I understand that there is a difference of opinion among some signatories in the organization, to the extent that some want the indemnity to be greater.

The amending legislation now before the House does not go far enough. The Assistant Minister says that because of the Government's commitment to the convention it is bound to limit penalties. However, I must have regard to what the United Kingdow government has done. That government is a party to the same convention. After the first conference in 1954, the United Kingdom government enacted the Oil and Navigable Waters Act of 1955. That government is a party to the international convention, and the convention does not lay down the maximum penalty to be imposed in any legislation. The penalty for the improper keeping of records may be a fine not exceeding £500, and six months' imprisonment for making false or misleading entries in the record book. This indicates the importance that some parties to the convention place upon misleading and false entries. If the Minister looked at the importance that this Government places on such entries he would amend all the penalties in the 1960 legislation which he does not propose to amend by this measure. I believe the penalties ought to be doubled at least. The Government should provide that if people transgress, the penalty will be great enough to deter them from repeating such careless, damaging acts. The legislation provides that persons charged with committing offences under it may advance reasons why they should not be penalized or fined by a court.

There has been talk about co-operation from the shipping combines and the oil combines. It does not matter what name one uses: the shipping combines are the oil combines and the oil combines are the shipping combines. Another reason why the inter-governmental organization will meet in Brussels in November is that when it tested the sincerity of the oil combines and

the shipping combines, it found them wanting. The organization suggested to the oil and shipping combines of the world that they should take out voluntary indemnification against oil pollution. What is the situation about oil companies trading on the Australian coast and between Australia and other countries? A communication from the Minister for Shipping shows the oil tanker operators on the Australian trade that support an oil indemnification fund, which at present include Broken Hill Proprietary Company Limited, and the Esso, Gulf, Mobil, Shell, Socal, and Texaco oil companies. Those companies are willing to support the fund, but Ampol Petroleum Limited, Australian Oil Refining Proprietary Limited, H. C. Sleigh Limited, and Australian Oil Company and its subsidiary Dominion Navigation Company, Howard Smith Industries Proprietary Limited and R. W. Miller Proprietary Limited—the last mentioned both being Australian shipowners operating licensed tankers in the Australian trade—are not prepared to come to an amicable voluntary arrangement on indemnification by way of insurance. This covers the whole of the shipping movement between Australia and other countries and on the Australian coast, and we cannot get agreement to voluntary indemnification. This is the position throughout the world. Yet the oil companies agreed that if 50 per cent of them accepted the voluntary scheme, it would be obligatory for all to participate. All oil companies agreed to this, but only 30 per cent actually came to the party. This is a reason why the international body will meet in Brussels in November.

The bill must be strengthened. I appreciate that its terms made it impossible for amendment to be moved in the way I believe it ought to be strengthened; nevertheless, I am glad that the Acting Minister's broad address gives me and other members an opportunity to speak on these various matters. I believe there should be a marked increase in penalties for offenders who cause oil pollution. In the last nine years there has been a substantial increase in the volume of tanker traffic and oil supplies shipped to this country. In 1958–1959, 2,944 million gallons of petroleum products were imported into Australia, and in 1968 —the figures for that year are not complete—5,438 million gallons were imported. Thus between the time the Act was brought down in 1960 and the amending legislation comes before the House tonight, there has been in round figures, a doubling of the volume of oil shipped to this country—and as a result there has been an increase in the pollution of the foreshores.

Mr GRIFFITH: What evidence of that have you got?

Mr HAIGH: I have the evidence provided by the Maritime Services Board, I have the evidence on spillages and I have the further evidence of the success achieved by the elaborate system of checking which is apparently taking place. It may be taking place, but success has not been achieved.

In 1967–68 seventy-five spillages of oil were recorded in Sydney Harbour and Botany Bay. Legal action was taken in eight instances. The problem was that the Maritime Services Board could not trace the source of the offence. In 1968–69 eighty spillages of oil were recorded in Sydney Harbour and Botany Bay. Legal action was taken in only fifteen cases for the same reason: the other offenders could not be found. The Government should attempt to deal more effectively with this situation. Additives could be placed in tankers bringing crude oil to this country. I know that State legislation alone would not be sufficient to achieve that end: complementary legislation would be required by the Commonwealth and State parliaments. That is the sort of thing that the Government should be considering when important matters like this are brought to its attention. The Minister should at least be able to deal effectively with criticism levelled at his proposals, but he is not able to do even that. It is difficult to know what the position would be if it were not for the efforts of some senators who have organized a Senate committee of inquiry into pollution.

Indemnification of individuals and countries that suffer as a result of pollution is being sought by inter-governmental organizations. The Government of New South Wales should be playing its part in that effort. The victims of the seventy-five spillages that occurred in Sydney Harbour

and Botany Bay have no recourse to compensation. Oil spillages kill marine life, damage motor boats, sailing boats and other vessels, and cause considerable damage to the fishing industry and to oyster farming. The honourable member for Wollongong spoke tonight of the skill and zeal of the officers of the Maritime Services Board in dealing with these matters. I ask him what the board has done to help those who have suffered from spillages. The board has not been able to trace the offenders in the majority of cases. Those who have suffered from the spillages have no compensation available to them and must sustain the loss themselves. The Government has a responsibility to protect those who use the facilities on our foreshores and in our harbours. By this bill the Government accepts the responsibility for the control and protection of those areas, and this implies the need for a system of indemnity for those who suffer when the offender cannot be traced.

The bill does not go far enough. Section 12 of the Act refers to oil terminals, oil depots, oil installations and other similar establishments. It should include a provision requiring those establishments to construct receptacles to receive drain and surface water. One of the big problems where pollution has developed is that oil has seeped into the ground. The ground is impregnated and run-off water after rain takes the oil into the normal drainage discharge lines. This inevitably finds its way to the water's edge and is then discharged into some waterway. If the Government required receptacles to be built at the establishments referred to in the Act, a good deal of water pollution would be avoided. If the Government is not prepared to institute a system of insurance to indemnify those affected in cases where the offender cannot be traced, surely it would not be too much to ask the Government to make an alternative approach to the problem.

Mr GRIFFITH: That matter is dealt with by the Act.

Mr HAIGH: The Act might cover it, but the provisions are not applied. Honourable members are told that investigators are checking constantly for oil spillages and yet I have been able to show clearly that a number of spillages have occurred and the source could not be traced.

Mr WADDY: You have not suggested a remedy.

Mr HAIGH: I have. I sent correspondence to the Premier on the matter and referred to it in this House. I pointed out that non-soluble or inert tracers developed through radio-active processes should be added to the oil in tankers. I did not make this suggestion as an airy-fairy attempt to get off the ground in a small kite that might crash; I had consulted one of the best scientific experts in the State and had been assured that my suggestion could be implemented, but it was said that it would be beyond the realm of financial reality to seek more than twenty such tracers.

I have read out the names of the shipping companies operating between Australia and other countries and operating on the Australian coast. There are thirteen of them, and they will appear in *Hansard*. When the Premier replied to my suggestion he went into a great heap of jargon designed to frustrate and to destroy my propositions. He spoke about tankers becoming radio-active and all sorts of things. However, I repeat that I am talking about inert matter, about non-soluble tracers.

I am told by officers of the Maritime Services Board that when a ship spills heavy crude oil, the oil sinks to the bottom of the bay. When this crude oil stays in the water for forty-eight hours or longer, because of the test methods that are used—it is similar to a litmus paper test—it is difficult to distinguish it from samples taken from other ships. This mass can lie on the bottom of the harbour, but when there is heavy sea movement it is deposited on the beach. Let us consider the tracer method. I have said that thirteen shipping companies operate within our waters. Assuming that the authorities had thirteen distinguishing tracers, when a Broken Hill Proprietary tanker took on a load of crude oil to which a non-soluble or inert tracer developed from a radio-active source had been added, if that substance stayed in the water for a week or a month before being deposited on the foreshore it could be

established on checking that it came from a Broken Hill Proprietary tanker. At least the company would be pegged down and there would be a possibility of tracing the tanker from which the spillage or flushing out of tanks had caused the pollution. Let the Assistant Minister check out this suggestion and see what the result might be.

I believe that these four points should be considered. There should be a marked increase in penalties. A receptacle of the nature that I have indicated should be established at all sites of oil refineries and surplus water should be drained to it. An oil separator ought to be fitted and used before the water is discharged. The Government should consider indemnifying persons such as licensed and amateur fishermen, boating enthusiasts, bathers and oyster farmers who are victims of oil pollution and in consequence suffer loss or damage of goods or property. The Government, which administers the Act, has the responsibility of overcoming the problems of pollution. It should investigate the proposal for inert tracers or non-soluable additives to crude oil when it is being taken in the tankers. The Government should devise a method of improving this legislation and it should call for complementary Commonwealth-State legislation to match what is needed and what the State demands, not merely what the Commonwealth might dictate.

It is interesting to note that some time ago I was frustrated on a number of occasions when I tried to have debated in this House a private member's motion that proposed to set up a select committee to study the problems of pollution. Had such a committee been set up, it could have studied pollution as effectively as the Senate select committee has conducted its investigations. The Senate select committee has rightly investigated the problems in areas under the control of the Commonwealth Government; naturally it has not devoted its attention specifically to areas under State control. The New South Wales Government should be considering this aspect. It is most serious that pollution is becoming more prevalent and the Government has failed to introduce satisfactory legislation to prevent and control it. An article published in the *Daily Telegraph* on Friday, 30th May, 1969, though not lengthy, was well prepared and is deserving of the consideration of all citizens. It reads:

> Tankers are getting bigger and bigger—100,000 tons, 200,000 tons, with 500,000 tonners on the drawing board, and tankers of one million tons deadweight by no means unthinkable.

Imagine 1,000,000 tons of oil oozing from a wrecked tanker off the New South Wales coast: it could ruin every beach from Newcastle to Bermagui. How true are these expressions. We must go a little further in determining the sources of the pollution. Oil mining leases are being granted on the North Coast of New South Wales in areas that come within the jurisdiction of this legislation, but there is no reference to the manner in which an oil leak would be controlled if a fault developed while drilling was being undertaken. We in New South Wales might not be as fortunate as the Victorians were when there was a gas blow instead of an oil pressure blow. No reference has been made to this matter, but it is about time that the Government considered it. An article in the *Sydney Morning Herald* of 20th January, 1969, expressed the concern of people on the North Shore about oil pollution of northern beaches. Under the heading "Oil pollutes North Shore beaches; swimmers forced from surf" the article goes on to say:

> Capt. L. W. D. Taylor, the N.S.W. regional controller, Department of Shipping and Transport, said, "The matter has been reported to the department and an attempt will be made to see if it is possible to trace where the oil came from."

It is the old story: the authorities never find out where the oil came from. It is like the story of the oil discharged in March this year; they never found out where that came from. One hears a question asked in this House about the *Almak* and what action the Government proposes to take to safeguard people in the Wollongong area. The authorities in Western Australia would not allow the *Almak* to enter Swan Harbour.

Mr WADDY: Before the honourable member makes silly statements, he ought to read the Premier's answer which is in *Hansard*.

Mr HAIGH: It is a fact that they would not allow the *Almak* to enter the Swan River.

Mr WADDY: No, it is not.

Mr HAIGH: I understand it is.

Mr WADDY: The honourable member is wrong.

Mr HAIGH: The Assistant Minister should check the facts in that regard. I understand——

Mr WADDY: The honourable member just understands.

Mr HAIGH: I understand that the Swan River Protection Board expressed marked concern about the possibility of this ship entering Swan Harbour. This Government ought to be considering the pertinent piece of legislation that has been introduced in Western Australia where the authorities are acting along the lines of the recommendations made by the advisory committee that was set up in England. The Swan River Protection Board has the responsibility of protecting Swan Harbour in the same way as the Maritime Services Board carries out the protection of the port of Sydney. It consists of representatives of many organizations. It has four representatives of local government, and also representatives of water sport groups, amateur and professional fishermen and other organizations. These people are able to express their real concern because they live with the problem of pollution and suffer from it. As a result, the Swan River Protection Board has a much more effective and direct approach to the problem of pollution and takes a firm stand against people who pollute or attempt to pollute the beautiful Swan Harbour. The Opposition is concerned about this problem. It considers that an increase in penalty would be a deterrent to the commission of this offence.

I should appreciate it if the Government were to apply itself in the same manner and with the same measure of appreciation for preserving the beauties of Sydney Harbour as the Swan River Protection Board has done in relation to Fremantle and the Swan River Harbour in Western Australia. The fact that so many spillages occur and cannot be traced gives rise to grave concern. They should be of grave concern to the Minister and the Government. I took out a list of the incidence of the spillages. They occur once or twice each year and involve spillages or discharge of oil and pollutants in beach areas.

I give them for the benefit of the Minister. On 27th January, 1966, Maroubra Beach was polluted by an oil spillage. Randwick council officers immediately took samples and delivered them to the Maritime Services Board. The oil was tested but no action was taken. The board could not discover where the oil came from. I am sympathetic to these officers when I think of the chaotic problem that they must face with the inadequate equipment available to them. On 26th June, 1966, Harbord beach was affected. The council took samples. The remarks show that the oil was found to be a coal tar fuel, but no action was taken. Again the source could not be traced. On 28th February, 1967, South Beach at Wollongong was polluted. No identification of the oil was made and the person responsible for the nuisance could not be discovered. On 21st November, 1967, Harbord Beach suffered oil pollution. Council inspectors took samples to the Maritime Services Board but again no identification was possible. The northern beaches from Avalon to Dee Why were polluted by oil, apparently from the one source. Again a sample was taken to the Maritime Services Board which could not ascertain from where the oil came.

On 9th September, 1968, Manly Beach was affected and again no action was taken. On 13th September, 1968, Manly Beach was affected. This time the matter was referred to the water board; it was thought that the oil might have come from its area. Again there was no evidence of discharge and no action was taken. On 4th December, 1968, Mona Vale and Warriewood beaches suffered oil pollution and again no action was taken. On 20th January, 1969, Manly and Newport beaches were affected and on 20th March, 1969, New South Wales beaches from Kembla to Cronulla were polluted by oil. This is the occasion referred to by the honourable member for Wollongong. In all these cases the fact emerges,

as with the great majority of spillages that took place this year and last year in Sydney Harbour and Botany Bay, that the pollutant could not be traced to the offender.

This legislation is only supplementary to the Act of 1960. The Government has not done a good job in relation to penalties; it is still retaining the penalties set in 1960. I suggest that it would be better for the Government to withdraw the bill, reframe it and give the legislation some teeth in order to show the people that it proposes to take effective action against the oil and shipping combines instead of playing a tune of acquiescence. This is all the bill is doing; it is not searching out the offender. Even if the offender is apprehended the Government has paid no regard to the decline in the value of money. Even if the offence be proved the penalty will be only half the real value of the penalty imposed for the same offence in 1960. The penalty should be increased. We believe that the penalties in the 1960 Act should be at least doubled, if not further increased.

The Government by claiming that Australia is associated with the convention referred to earlier cannot justify the fact that it did not increase penalties. I have intimated earlier that the British Government was a party to the convention but some of its penalties provide for six months' gaol for falsification in respect of information to be provided. For these reasons I feel that the House should further amend the Act of 1960 and bring it up to date to meet the requirements of the people. It should pay heed to the marked increase in the quantity of oil coming to this country and the increase in spillages and pollution along the coastline. It should have regard to what the people are suffering in the way of personal loss and damage to property as a result of the serious oil pollution of our waterways and foreshores.

Mr FLAHERTY (Granville) [8.57]: The Minister in his introductory speech said that the Prevention of Oil Pollution of Navigable Waters Act of 1960 was the result of an international conference convened by the United Kingdom in 1954 to consider what measures could be taken for the prevention of the pollution of the sea by oil. It is interesting to note that arising out of this conference an international convention was drafted which was agreed to by Australia and a number of other countries. The articles of the convention were ratified by the Commonwealth Pollution of the Sea Act of 1960. In the same year New South Wales repealed the Oil in Navigable Waters Act of 1927 and replaced it with the Act now sought to be amended. The fact that six years were allowed to elapse before any action was taken is typical of this country's approach to oil and air pollution problems.

The haphazard approach is further illustrated by the fact that these amendments were agreed to in 1962 by the inter-governmental maritime consultative organization but it has taken seven years for these amendments to be brought forward. Though I agree that the suggested amendments will in some degree improve the Act I believe that the penalties involved are a complete farce. One example is the penalty if the discharge is from a ship or a place on land, when both the owner and master of the ship or the occupier of the place, as the case may be, shall be guilty of an offence against this Act and be liable to a penalty not exceeding $2,000. These days the average oil company would spend this sum of money on half a dozen functions showing people around their establishments. The penalty is completely out of date with modern day requirements. Until we ensure that we make the penalties fit the crime these amendments are doomed before they even see the light of day. The honourable member for Maroubra dealt with the question of penalties. I should like to see the bill go much further than fines. I should like to see legislation of a similar type to that adopted in Siberia, where if pollution occurs and negligence is proved, the matter becomes a criminal offence. There is no talk about fines. People are immediately committed to gaol.

Until you hit the people running some of these big organizations in a way that is going to affect their social standing, they are not going to give a twopenny stamp for the penal provisions of this Act. One has only to inspect the Parramatta River, where there is an oil terminal. The Act has been a

failure. It was a failure in 1927 and it was repealed. It has been a failure since 1960 and it will continue to be a failure. Legislators in this House go forward with the best intentions in the world, but the best legislation is not worth a cracker unless it is supervised in the manner that the legislators desire. I fished and dug for worms there as a boy and I have been dismayed at the way the river has deteriorated over the years. The companies there have been given the green light for oil pollution. If this Act and previous Acts had been administered by the Maritime Services Board in the manner the legislators prescribed, the Parramatta River could not be in the disgusting condition it is in today. As for marine life, there is not a weed or a worm, or a fish in the river. It is an indictment not only on this House but upon the people who are supposed to police the Acts which have been passed in this House over a period of years.

Where we fall down as legislators is that we pass too much authority on to the public servants of this State. I have the greatest respect for a number of them but there is no question that Acts like this have not been policed as they should have been. In Botany Bay only recently, in February of this year, there was a very bad oil slick. When my family and I were at Brighton beach, we had our day's swimming spoiled by this pollution. I have since wondered whether the people who caused the discharge of oil were caught and dealt with.

I agree with the remarks made by the honourable member for Maroubra about additives to crude oil cargoes. I feel that there is a way and that he outlined it very capably. Why are not these recommendations coming to us, as legislators? This is a way in which we could make any company accept its responsibility. Unfortunately we do not do anything like that. In the years I have been in this place I have been dismayed to see how much legislation looks good but in theory is not worth a cracker.

I have already mentioned the problems associated with the Parramatta River. It is not new to me to get telephone calls from people who own boats in the Rosehill area asking me to come down and look at the oil floating on the river. I have raised this matter in this House on previous occasions with the Minister for Local Government in the hope that action might be taken by the Maritime Services Board under the existing legislation or under section 37 of the Local Government Act, but I have heard nothing more about it. At least once a week you can inspect the Parramatta River up near the Rosehill area of my electorate and without question see oil floating there up to one inch thick at times. Surely if my constituents can see oil, and I can go down and see it, the people who are supposed to be inspecting these areas should see it. If I did not make these remarks in the House my constituents would feel that as their local member I was letting them down. They have raised it with me frequently and I have raised it myself by way of questions and by other means in the House on a number of occasions.

It is not my intention to deal at length with what should be done in the cleaning out of ships' tanks and other allied jobs associated with the discharge of crude oil at terminals, but I am wondering why some recommendation has not been made in relation to the provision of air jets which are fastened to the seabed and surround the ships or terminals to prevent the spread of any discharge to our beaches or foreshores. This is done in some ports overseas. I recognize that this can be done in inland waters, and cannot be done where waves are four or five feet high, but it may be done in inland waters such as the Shell terminal on the Parramatta River. and probably also at the installations in Botany Bay. I am at a complete loss to know why these recommendations do not come forward.

The amendments to the Act do not cover a very wide field. I agree with previous speakers on the penal provisions. If the Act is to mean anything, the approach should be not to overcome the problem after oil has been discharged but to make the penal provisions so drastic that these organizations will ensure they do not in any way contravene the Act. I am disappointed with these amendments, as are other members on this side of the House. They do not go far enough.

It is going to be very hard for us to move any effective amendments other than in relation to fines but I hope that the Minister in replying will explain to us why the Government wants to restrict the penal provisions to fines when the offence could be put down as criminal negligence. The damage to the Parramatta River is virtually irremediable: probably nothing can be done there within the next thirty or forty years. If you walk in the mud you go up to your knees in oil. I have dug there on occasions and have expected a geyser to gush out, so dense is the oil.

I hope that in the very near future we shall see this Act completely re-written and that when future recommendations are made by the committee it will not take six or seven years to bring them down as amendments to these Acts. Far too much time elapses and this matter is too important to be treated in such a haphazard manner as it has been treated by governments over the years.

Mr WADDY (Kirribilli), Assistant Minister [9.9], in reply: I have listened to most of the speeches in this debate with great interest. Most of them have been an honest attempt to discuss this problem in an appreciation of the object of the bill. There have been various inaccuracies, and certainly a great lack of knowledge of what the bill is about. For example, we heard the honourable member for Kogarah talking about an international convention that might take place. Some of his colleagues took the trouble to look up what had gone on and found that this convention first met in 1954.

He went on about the area of the authority of the Maritime Services Board, and I hope I have clarified for him how far the authority of the board extends. I want to deal primarily with penalties, since they appear to be the only stumbling block in the bill for the Opposition. I repeat what I said in my second-reading speech, that in the Government's opinion the penalties fixed under the Act are not high enough having regard to the serious nature of the offences involved, but no action has been taken to increase them in view of the need for uniform legislation by the Commonwealth and by all States. We agree that the penalties are not high enough; we have said that all along, yet the honourable member for Maroubra in his usual ranting way says that we should have increased the penalties, that we are happy with them as they are. The honourable member simply does not listen to what is said.

This is the effect of advice by our advisers. When the Australian Transport Advisory Council met on 12th July, 1969, the quantum of penalties was raised by my colleague the Minister for Transport. Since only one State had passed legislation and the others were about to introduce such legislation, the Australian Transport Advisory Council believed that variation of penalties should be left for consideration on a future occasion when the international convention came up for review again. However, the reason for leaving the penalties as they are is that this Government is bound by article 6 of the international convention, which, as it applies to penalties, reads:

> The penalties for the discharge of oil from a ship from a contracting government outside its territorial sea shall not be less than the penalty for such a discharge inside the territorial sea.

The penalties for the discharge by an Australian ship on the high seas are fixed by the Commonwealth Act at $2,000 and it would thus be a breach of the convention for the penalty for a territorial discharge to be fixed by a State Act at a higher level; that is to say any increase in the quantum of the penalties in the legislation of this State must first be preceded by an equivalent increase in the Commonwealth legislation. I have quoted the legal advice given by the Maritime Services Board.

Mr EINFELD: Do you say the penalties should not be less than that sum?

Mr WADDY: I agree that it is fairly technical and I think we should all be clear about it. The Government agrees that penalties should be higher, but it wants members opposite to understand why it is not practicable at present to increase them. I have read legal opinions from the responsible Commonwealth Government department and from the Maritime Services Board. I quoted it *verbatim* so that there can be

no misunderstanding. I admit that when I first read it, I interpreted it differently. Then I had a lawyer interpret it; and if members of the Opposition ask a lawyer to interpret it, they will probably get the same answer. I do not want to comment further about penalties beyond saying that I have given this advice to the House. I have spoken to the Premier about it, and the Government is prepared to consider further the matter of penalties. If there is any way it can be changed—and we should like to see it changed—then it will be changed in another place. I can go no further. I think that approach is reasonable. The Government would like to see heavier penalties imposed if there is any possibility of this being achieved.

Mr EINFELD: Is the Minister undertaking that the penalties will be reviewed in the light of whether it is practicable to increase them? That is, if the Minister finds it is practicable in the other place, he says he will amend the Act to increase the penalties?

Mr WADDY: That is so. We do not believe we can find a way to increase the penalties. Nevertheless, we are prepared to search further for a way. That, I think, is a fair and reasonable approach.

Mr CRABTREE: I think you ought to see another lawyer.

Mr WADDY: We took the best advice available. The honourable member for Kogarah spoke about supervision, a subject that raises more grave problems. Most speakers for the Opposition referred to this as a matter of discharge of oil from cargo tanks. There are far more ships involved and more occasions that could arise. We have specifically mentioned fuel tanks and the use of sea water as ballast in fuel tanks rather than cargo tanks. The honourable member for Corrimal appears to appreciate that point better than any of his colleagues. Special requirements are laid down by the convention making this a highly undesirable practice. The Government is in fact incorporating the same sort of regulation as is contained in the international convention to which the Commonwealth Government is a signatory. Any changes in that convention must have the approval of every subscribing country.

The honourable member for Wollongong dealt with many interesting features of this matter. He spoke of the ballasting of fuel tanks and of possible resulting pollution. When the international convention was revised in 1962 particular stress was laid on the undesirability of this practice. The bill is not directed to controlling the washing out of cargo tanks. If that procedure is properly carried out and the proportion of oil discharged through the filter pumps in the process is not great. The bill is directed to the ballasting of fuel tanks. I do not often agree with the honourable member for Corrimal, but I support him when he says that the closest co-operation is essential on this issue between the State and Commonwealth governments. He spoke of flags of convenience, but I can tell him that both Liberia and Panama are signatories to the convention and the ships of those countries are bound by it.

There are great difficulties in policing the regulations. First, the oil discharge must be detected and the source identified. The honourable member for Maroubra suggested the use of non-soluble tracers in oil cargoes. He spoke particularly about oil cargoes. However, that is not the only problem to be dealt with, and the matter has been covered in the bill. In order to use tracers it would be necessary for this Government to go to the countries where the tankers are loaded and attempt to insist that foreign shippers comply with the law of New South Wales. That would be contrary to the convention. The suggestion is made by the honourable member for Maroubra as a result of a misconception. The Government of New South Wales has jurisdiction only within in its own area.

Great problems are involved in detecting oil leakages. Once the oil is discharged into the water chemical processes take place and the oil breaks up in various ways. The honourable member for Maroubra spoke of heavy fuel oil going to the bottom of the ocean. He said that a heavy sea could move it at a later date. That is true, but even if tracers were used in that oil, it would not be possible to say from which

ship it had come. The oil may have been discharged from a vessel miles out at sea. The honourable member for Corrimal then spoke about different treatments applied to oil slicks to remove them. He spoke of using detergents, but there are many forms of treatment. When the *Torres Canyon* broke up a form of chalk was used. It absorbed and carried the oil to the bottom. In harbours oil has even been hand-skimmed off the water into 200-gallon or 300-gallon containers. That would be a backbreaking job.

The honourable member for Granville has spoken in this House on many occasions about pollution of the Parramatta River. As usual, members opposite seem to begin their consideration of these matters by attacking the big firms. This bill refers in many places to the negligence of a person performing an operation such as turning on a valve. Those operatives are employees of big firms, but it does not seem reasonable in the circumstances to criticize the firms because they are big. The different jobs needing to be done are done by ordinary people. Frankly, from the information available to it the Government believes that most ships' masters, crews and shipping owners are only too pleased to help to avoid pollution of harbours and navigable waters.

Mr EINFELD: The point made by the honourable member for Granville is that no inspection is made, or that inspectors are not doing their job properly.

Mr WADDY: The same situation has existed since 1927, and particularly since 1960. I do not want to harp on an old subject, but the Government believes that within the economic means available to it ample inspections are being carried out. I have already referred to the difficulty of pinpointing the source of the trouble. A classic instance was the discovery of an oil slick near a ship in Botany Bay. Everybody assumed that the oil had come from that vessel. The oil was tested and found to be different from the oil carried by the ship. Eventually it was discovered that the discharge was coming from the Chullora workshops through the drainage system. The point was also made that leaks can occur when oil is being transferred from one refinery to another. If in fact that does happen on the land and the oil finds its way to the water, then the Act would have effect. The bill deals only with water pollution. In the same way, if a line carrying oil under water leaked, the legislation would apply.

One honourable member raised the matter of a ship running into an underwater line and causing oil to discharge. That would be covered by the legislation, and always has been. It would be an accident and a general defence is provided in the Act. I am pleased that the Opposition agrees that the bill is necessary and that it improves the present situation. The Government agrees with the suggestions of members opposite on penalties. I have given the House an undertaking, which will be honoured. At this stage the Government can take no other action to deal with the matter, but is willing to investigate it further.

Motion agreed to.

Bill read a second time.

IN COMMITTEE

Clause 2

[Amendment of Act No. 48, 1960]

Mr CRABTREE (Kogarah) [9.30]: First, I thank the Minister for his consideration in relation to the question of penalties. This clause deals with three offences against the Act for which a penalty is prescribed. I compliment the Minister on the way in which he has handled the bill and on his reply at the second-reading stage. I was most interested in his remarks on article 6 of the international convention. Though I have no legal status, I am of opinion that, to use a navigational term, this article gives the green light for the Government to increase the penalty. I emphasize that we of the Opposition consider this to be most important legislation. The greatest deterrent to wilful negligence or what I term criminal acts in relation to this legislation is the imposition of penalties. The Opposition feels that the Minister is adopting the right attitude. I should like him to supply me with a copy of article 6 of the international convention, which is most interesting. I should

like to examine the legal interpretation put upon it by the Minister: I think that privately he does not accept that legal interpretation any more than I do. We look forward to advice from Mr Speaker, when the bill comes from another place, that the necessary amendments have been made. We had intended to move an amendment that would at least double the penalty. We are confident that the Government, which has power under article 6, will consider our arguments. The Government should double the penalty.

Mr L. B. KELLY (Corrimal) [9.33]. This is an important clause. I listened with interest to the Minister's advice on article 6 of the international convention. I think I understood him aright as saying that the penalty for offences committed outside territorial waters could be no more than that which is fixed for offences within territorial waters. However, I understand from this legislation that the Minister proposes that the penalty for offences committed inside territorial waters shall be no more than that provided for offences outside territorial waters. It seems to me that the Government is making a convenience of something in the international convention, article 6 of which states that the penalty for offences committed outside territorial waters—that is beyond 150 miles—shall not be more than that fixed for offences committed inside territorial waters. I cannot see that this has anything to do with it. The Minister and the Government have power to fix whatever penalties they wish for offences inside territorial waters. That is the essence of our argument.

The Opposition believes that the penalty of £1,000 fixed in the 1960 Act, which is now to be changed to $2,000, is not sufficient. I am pleased that the Minister agrees on this point. This is a serious offence which has caused grave concern to everybody. Some consideration should be given to increased penalties. Will the Minister give an undertaking that he will endeavour to make the penalties fit the offence, and will he make them comparable with the penalties which the Commonwealth Government may introduce? The Government has the power to increase these penalties. Members know that in the nine years since 1960 there has been great depreciation in money values. Therefore this penalty is not significant. Penalties for traffic offences have been increased so that motorists will take notice of them and desist from committing offences. The same thing should be done in this matter: a much more severe penalty should be fixed so that people will be aware that if they perpetrate the offence of discharging oil into the harbour or into navigable waters, they will face a stiff penalty. Subsection (2) of proposed new section 6A prescribes:

> Where any discharge of oil or of any mixture containing oil into any waters within the jurisdiction occurs as referred to in section six of this Act, and the discharge occurred by reason of the carrying out of, or the failure to carry out, an act in a transfer operation,
>
> (a) if the discharge is from a ship—on another ship or at a place on land or in connection with apparatus used in the transfer operation, both the owner and master of that other ship or the occupier of that place or the person in charge of such apparatus, as the case may be, or
>
> (b) if the discharge is from a place on land—at another place on land or on a ship or in connection with such apparatus, the occupier of that other place or both the owner and master of the ship or the person in charge of such apparatus, as the case may be, or
>
> (c) if the discharge is from such apparatus —on a ship or at a place on land, both the owner and master of the ship or the occupier of that place, as the case may be,
>
> shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two thousand dollars.

This defines certain persons—the owner and the master of the ship or the person in charge of the apparatus. It has limited the responsibility to these people. The Minister pointed this out in his reply to the second-reading debate. The point is that a penalty of $2,000 is not of great consequence.

Mr WADDY: We are putting in a new section 6A of the Act.

Mr L. B. KELLY: Section 6 of the Act sets out a penalty of £1,000.

Mr WADDY: Yes.

Mr L. B. KELLY: The Government has failed to make it binding on persons in charge of the ship or land installations, or on persons in charge of the apparatus. Something needs to be imprinted indelibly on their minds to ensure that there is no breakdown of the apparatus. It is the responsibility of the owners of the ship to which the apparatus is affixed or the proprietors of the land on which the apparatus is affixed to ensure the operation of safety methods in the event of a spillage so that somebody can cut off the flow and prevent any large discharge.

There should be an increase in penalties. Article 6 of the international convention should not have any influence on the question of penalties. As the Minister intimated when he read it, the article clearly states that the penalty for the discharge of oil outside territorial waters shall not be more than that fixed for the discharge of oil inside territorial waters. The Government has the power to impose whatever penalty it likes, depending on how seriously it considers the offence.

Mr HAIGH (Maroubra) [9.40]: It is gratifying to see that the Committee is obviously unanimous on the need for a marked increase in the penalties imposed on persons found guilty of offences under this legislation. I was most interested in the remarks of the Assistant Minister when he referred to article VI of the international convention. I appreciate the courteous and detailed way in which he explained the printed matter. It appeared to be somewhat confusing and conflicting. I should be anxious to read the legal opinion, as suggested by the Assistant Minister. He said that he had sought legal opinion on this point and I should be most interested to know the result. It appears that unless this point can be clarified this Parliament might be restricted in bringing down appropriate legislation at some future date to increase penalties or in amending this legislation in another place. I should like to ask the Assistant Minister to make a copy of that material available to me.

Mr WADDY: I shall ask the Premier; it comes from his department. I see no reason why the material should not be made available.

Mr HAIGH: I should appreciate it if the Minister would do that. As we have agreed earlier by our general expressions, we appreciate the need for an increase in penalties and this appears to be the key to the situation. Though we had considerable discussion on other points and may have had some differences—I think differences are always healthy—I appreciate the straightforward manner of the Assistant Minister in replying to a straightforward approach by the Opposition. This is good. It indicates a healthy atmosphere in which at least we are attempting by reasonable debate and discussion to improve a serious situation. If we can in the final analysis succeed in the near future in increasing penalties in the area referred to by the Assistant Minister, Government supporters, and members of the Opposition, we shall have done some good. I accept the sincerity of the Assistant Minister in his undertaking to look at this aspect in another place and if possible amend the provisions of the bill to provide for an increase in penalties. If it is possible I know that the Minister will fulfil his undertaking.

Mr WADDY (Kirribilli), Assistant Minister [9.46]: I want to deal with two small points. It has generally been overlooked on this question of penalties that not only can penalties be imposed but also the cost of cleaning up can be charged against individuals. This is a new provision and in effect the financial deterrents go a long way further. I appreciate that article VI is confusing but the international convention itself is concerned essentially with the prevention of pollution of the high seas, not of territorial waters. It therefore regards it as a matter of extreme importance that no country will bring in legislation to make it cheaper for a vessel to discharge its waste on the high seas than in territorial waters. That is the reasoning behind the article. Until such time as we can reach agreement with all the States and the Commonwealth—and this is what we are doing, and we have already had discussions—we can go no further. The convention governs this problem in one way and we are governed in another way. I have no doubt that if we increased our penalties we should raise serious legal difficulties both

for the Commonwealth and the other States. The assurance I have is that we are a sovereign State and eventually will increase penalties, but from a practical point of view as Australia is a signatory to the convention we must decide upon a course of action with everyone else.

Mr L. B. KELLY: If the *Almak* deposits oil all around Australia, that may bring the matter to a head.

Mr WADDY: I think that would be looked after.

Clause agreed to.

ADOPTION OF REPORT

Bill reported without amendment, and report adopted on motion by Mr Waddy.

BOARD OF TEACHER EDUCATION BILL

SECOND READING

Mr CUTLER (Orange), Deputy Premier, Minister for Education and Minister for Science [9.48]: I move:

That this bill be now read a second time.

In speaking to the House during the debate on the Higher Education Bill I foreshadowed the introduction of legislation to provide for a statutory board of teacher education. The broad purpose of this bill is of course to promote and co-ordinate the development of teacher education in New South Wales. I think I made it clear when I was speaking on the Higher Education Bill and on a number of subsequent occasions just what the broad purposes of the bill were to be. I should have thought that everyone, including members of this House would have the details of the broad concept of the board of teacher education. I did not expect that everyone would agree in complete detail with all the proposals in the bill. I realized that when the bill was introduced there might have been some variation of opinion on the matter but I did not expect grave objection on matters of principle. Since I gave notice of and obtained leave to introduce the bill, it has been printed and I have sent copies to various people interested in this matter. Late this afternoon I received a telegram from the Teachers' Federation asking that I should see representatives before I proceeded with the second reading of the bill. It was not practicable for me to do that but I intend to deliver my second-reading speech on the bill tonight and then to ask the honourable member leading for the Opposition to move the adjournment of the debate so that the second-reading debate will not conclude tonight. I then propose to see members of the Teachers' Federation to avail myself of their views before the second-reading proceeds tomorrow.

The State's responsibility in teacher education has increased over the years. The population is growing larger. Children are staying longer at school and knowledge is increasing. These, together with significant developments in educational practice, demand an increasing supply of teachers whose education meets acceptable modern standards.

In 1946 there were two teachers colleges in New South Wales and these, in collaboration with the University of Sydney and its college in New England and other institutions like the Conservatorium and the Department of Technical Education, were responsible for preparation of teachers. In 1969 there are nine teachers colleges and seven university institutions involved, if one includes Wollongong University College and the Australian National University. In 1970 two new teachers colleges will open and Mitchell College of Advanced Education will begin courses for teachers. Clearly, the situation in 1969 is much more complex than it was in 1946. When there were two teachers colleges, problems of co-ordination between the colleges themselves and with the universities were in the hands of the college principals who, quite often, held joint appointments within my department and in the university.

Professor Alexander Mackie was one such principal, whose influence in teacher training has been far-reaching. But some of the newer institutions will not have an association with a teachers college and will prepare teachers independently, as does Macquarie University. As well, the movement of State teachers colleges to autonomous status under the provisions of the Higher Education Act, means that the former departmental co-ordination will not be possible

and an organization to keep the needs of teacher education under review is necessary. It is appropriate that, at this stage, I should say something about the future of the preparation of teachers in this State. In doing so, I would not wish to pre-determine issues on which the Board of Teacher Education is being set up to advise. Indeed, my purpose will be to set before the House and, in turn, the Board of Teacher Education when it is established, the background against which I hope the Board of Teacher Education will give consideration to the issues which I shall point out.

There have, over many years, been discussions in education circles about the best means by which teachers should be prepared. There are those who have said that all teachers should be prepared in universities. There are those who have upheld the special contribution which a single-purpose teachers college can be said to make. There are those who have argued that teachers should not be prepared in isolation from those students who are hoping to enter other professions, but that they should be brought into contact with a wide variety of students having different occupational orientations. Some have advocated that the preparation of a teacher should be closely linked with schools and that a great deal of his work should be under the guidance of people who, if not actually working in schools, have had recent and intimate experience in them. Some have maintained that the first essential in the education of a teacher is that he or she should be given a broad general education at the tertiary level.

It appears to me that there is considerable merit in all of these points of view, but that it would be obviously a very difficult thing to reconcile all of them and provide in the one institution all the advantages which the protagonists of the various approaches would seek to provide for students in preparation as teachers. The Government has therefore adopted the point of view that the teaching service is enriched by drawing its entrants from a variety of programmes of teacher preparation. In New South Wales, at present, some teachers enter the service having received the whole of their training in universities; some are prepared by a combination of courses provided in part by universities, in part by teachers colleges; some enter the service after courses which are provided wholly by teachers colleges; some receive their preparation through courses which are offered by teachers colleges working in conjunction with other institutions such as the Conservatorium of Music or the National Art School.

I see no reason why this variety should be discouraged. Indeed, with the establishment of the Mitchell College of Advanced Education at Bathurst, and the proposed establishment of the Riverina College of Advanced Education at Wagga Wagga, a new element is added to this variety. This is the provision of courses of teacher preparation in a college which is not a university, but will provide for students entering other occupations than teaching. I envisage, therefore, that the future of teacher education in New South Wales will be in the hands of a variety of institutions. These will include the universities—some providing some courses which will be wholly completed within the university, some providing courses which will be taught with the assistance of an associated teachers college. For example, some universities will offer bachelor of education degree courses, and some will offer degree courses followed by a diploma of education course. They will include single-purpose teachers colleges such as we now have: teachers colleges in this State have established a very fine tradition and have developed courses which are particularly well adapted to the preparation of teachers for the schools of New South Wales.

I see only two reasons why a move should be made to change the nature of such colleges: in certain country districts where the only possibility of building up advanced education in a variety of fields would appear to lie in building an institution around an existing teachers college, there would appear to be a strong justification for incorporating a teacher training programme within a college of advanced education of multi-purpose type, as is being done at Bathurst; a second possible reason for a change in the nature of the single-purpose teachers college would be where such a college wishes to enter into a close association with a university in such a way

as to link more closely the activities of the two institutions for the benefit of all the students concerned. The establishment of multi-purpose colleges of advanced education will be undertaken only after thorough investigation of each case, as has been done at Bathurst and at Wagga Wagga. The change in the association between a college and a university will be authorized only after full consideration of the wishes of each of the two institutions concerned.

One of the purposes of the Board of Teacher Education will be to advise me concerning any future proposals that may be made to change the status of any of the present single-purpose teachers colleges. In passing, I point out that the Higher Education Act which was passed by this Parliament earlier this year, makes it possible for individual single-purpose teachers colleges to be recognized as colleges of advanced education for the purposes of that Act. Such recognition will bring such a college within the scope of the Advanced Education Board and will provide opportunities for such colleges to be recognized in due course as autonomous institutions. As mentioned, the development of multi-purpose colleges of advanced education will provide further means of preparing teachers, of which the Mitchell College at Bathurst is the forerunner. As I have indicated before, I see the purpose of such colleges in country districts as being to provide a pattern of advanced education in a variety of fields which could not be made available to the people of these districts unless it were provided in association with the already well-established teachers college. I envisage that mutual benefits will derive to the teacher education programme and to the other vocationally oriented programmes or general education programmes within such colleges because of the existence of a teachers college tradition in the centre in question.

The Commonwealth Government has already indicated its acceptance of such multi-purpose colleges of advanced education as recognizable under its Act for the purpose of Commonwealth financial assistance. Recently, the Commonwealth Government has expressed its agreement to the provision of the same kind of recurrent and capital financial assistance for the teacher education programme of such colleges as for other types of studies in these colleges. While this is a matter of gratification to the State Government, I have indicated to the Commonwealth Minister for Education and Science, and my colleagues in other States have also indicated to him, that we feel that it would be appropriate for the Commonwealth Government to regard single-purpose teachers colleges as colleges of advanced education for the purpose of providing Commonwealth financial assistance with recurrent expenditure. At present, however, the Commonwealth Government has not agreed to this and, indeed, I have also informed the Commonwealth Minister for Education and Science that this State's first priority for assistance in teacher education must be the completion of the present capital works projects in teachers colleges on the basis of unmatched Commonwealth grants in the next triennium. I hope that, before too long, the Commonwealth Government will see its way clear to assist single-purpose teachers colleges with matching funds for recurrent expenditure.

Recently the Commonwealth Government agreed to make public two reports which have important implications for the future of colleges of advanced education in this State, and in this context I include the single-purpose teachers colleges. These have become known as the Sweeney report —concerned with the salaries of academic staff in colleges of advanced education, and the Wiltshire report—concerned with the nomenclature of awards to be granted in colleges of advanced education. Though neither of these reports is prescriptive of the actions to be taken by the State in respect of their recommendations, each lays down broad guidelines which may be taken into consideration by each State in determining its policy.

So far as New South Wales is concerned, consideration will be given by the Public Service Board, as the appropriate wage-fixing authority, to recognizing certain academic staff positions in single-purpose teachers colleges and in multi-purpose colleges of advanced education as qualifying

for salaries equivalent to those of positions in universities calling for generally similar qualifications and having similar responsibilities. This was an essential feature of the Sweeney report recommendations.

The Higher Education Act authorizes the Board of Advanced Education to make recommendations to the Minister on nomenclature for the academic awards to be given by colleges of advanced education in New South Wales. The Wiltshire report sets out certain categories of courses which, in its view, should lead to awards to be named diplomas, advanced diplomas and degrees. It is for the Advanced Education Board to recommend whether courses provided for the preparation of teachers in any college of advanced education will qualify for awards to be named in this way. In making such a recommendation, the Advanced Education Board is required to confer and collaborate with any body set up by the State in the appropriate field.

The purpose of this bill is to set up such a body in the form of the Board of Teacher Education. The way is therefore open for teachers colleges and colleges of advanced education to submit proposals for the awards to be given as a result of the successful completion of their courses: some may well wish to put forward a proposal that particular courses may lead to the awarding of degrees.

One of the arguments advanced by those who seek to enhance the status of teachers colleges has been that these institutions should be granted autonomy. Autonomy is a word which needs careful definition. No institution that is dependent for its funds upon any other body is completely autonomous. Nevertheless, as I have indicated in the years that I have been Minister, I have much sympathy for the view that, as far as possible, academic institutions should be allowed to run their own affairs within the limits of the resources the State is able to provide for them or they are able to obtain by other means. In this State, teachers colleges have enjoyed considerable autonomy in respect of their curricula and the standards that they apply. I would hope that, as a result of the actions that are now being taken, all of them will in due course enjoy a greater measure of autonomy.

It will be for the Advanced Education Board to recommend to me the granting of such autonomy under the provisions of the Higher Education Act; in doing so, however, the Advanced Education Board will again be required to confer and collaborate with the Board of Teacher Education and would no doubt wish to confer with the Director-General of Education in respect of colleges at present maintained by the Education Department. Members will be aware that an advisory Board of Teacher Education has been in existence since the latter part of 1966. It consists of members of the departments of Education and Technical Education, teachers colleges, the universities, and teachers nominated by the Teachers' Federation.

In setting up this board the Government had in mind the need to review the professional preparation of teachers, to consider such matters as relationships between teachers colleges and universities, evaluation of courses of study, and the provision of courses to improve qualifications. In short, the board was to advise the Minister on matters relating to the education of teachers.

The members of the advisory board have all been actively engaged in the teaching field and have been drawn from the various authorities mentioned. Some have had considerable experience in the administration of teachers colleges. Their work has been most valuable and I express the Government's appreciation of the work that they have done. They have devoted a considerable amount of time to carrying out investigations on matters which I submitted to them and have offered advice on these and other matters originating within the board.

Early in its career the board recommended the lengthening of course of training in teachers colleges. As members know, the Government has implemented the recommendation to lengthen courses of training. The board gave consideration to the provision of autonomy for teachers colleges and the conditions under which the colleges become autonomous. Honourable

members will recognize that teachers colleges meet the criteria for colleges of advanced education under the Higher Education Act and the provisions of that Act may apply to them equally with other institutions.

The legislation now proposed provides for the establishment of a Board of Teacher Education with statutory powers in addition to an advisory function. For a number of reasons, it has been decided not to establish a third board with powers similar to the Advanced Education Board established under the Higher Education Act. Almost every institution of higher education in this State is involved in the preparation of teachers. The contributions of the universities, colleges of advanced education, the Conservatorium and the National Art School are significant elements and it became clear that if such a board of teacher education were to be established it would necessarily have responsibilities in the areas under the care of both the Universities Board and the Advanced Education Board. To isolate State colleges from other institutions preparing teachers or indeed from other branches of higher education, is inappropriate and unnecessary. On the other hand, the quality of our teachers is a matter of great importance wherever they are trained.

In the exercise of its constitutional responsibilities for the education of children, the government of a State must interest itself in the pattern of teacher education and the quality of teachers produced. In a sense the proposed legislation complements the Higher Education Act by creating a body to promote the special field of teacher education, in collaboration with the Universities Board and the Advanced Education Board in the institutions for which those boards are responsible. The proposed Board of Teacher Education by its nature and because of the responsibilities with which it is charged, has the capacity, however, to influence profoundly teacher education in this State, both in the establishment and development of institutions and in the nature of the courses which are offered.

Clause 10 provides that the Board of Teacher Education will establish and maintain a register of persons entitled to registration. In clause 14 provision is made for the register to be divided into parts, each part relating to a prescribed class of teacher. A person may be registered on application if he satisfies the board that he is of good character and possesses qualifications and experience prescribed for the appropriate part of the register. It is expected that this will become a most important function of the board.

Obviously the introduction of registration must be a gradual process, but there is little doubt that once established it can be a powerful force in co-ordinating the professional standards of teachers and maintaining these at an appropriately high level. Institutions will wish their graduates to be qualified for registration and will see that their courses are designed so that there will be no doubt as to their quality. In the exercise of this influence, however, it is intended that the board operate on the broadest possible lines in order that flexibility and innovation be encouraged.

It is hoped that the initiative in the development of new courses and programmes in teacher education will remain with the institutions preparing teachers, but it is also hoped that the institutions will see the Board of Teacher Education as a source of encouragement and as an ally in convincing the Universities Board and the Advanced Education Board that appropriate provision should be made for their proposals. Similarly, I am sure that these boards will welcome the expert knowledge of the Board of Teacher Education.

The provisions for registration will establish desirable standards for the professional preparation of teachers and there will be a good deal of moral suasion to ensure that courses meet these standards. In effect this bill will establish a teaching credential, namely registration, which will have recognition far beyond that of any single authority or institution. Furthermore, the establishment of such a credential makes it possible, when the time is opportune, for a government to insist that only persons who meet the standards appropriate for registration are employed as teachers.

The bill provides for the removal of names from the register. These conditions are outlined in clause 16. A person who ceases to hold qualifications prescribed will, thus, have registration withdrawn. A person who is mentally ill or is a protected or incapable person will have his name withdrawn, and a person's name will be removed from the register following his death. The board may reprimand or caution a teacher or remove his name from the register either for a stated period or permanently if he has been convicted of a felony or a misdemeanour or has been guilty of misconduct which renders him unfit, in the public interest, to engage in teaching.

The bill provides that the trivial nature of a misdemeanour or the circumstances in which it was committed may indicate that the teacher is not unfitted for teaching by reason of that offence. During any inquiry conducted by the board for the purpose of deciding whether registration should be withdrawn the teacher will be entitled to appear and, if he wishes, to be represented by counsel. Clause 17 outlines the means available to a teacher who has been refused registration. In general, a teacher who has been refused registration or whose registration has been withdrawn or suspended may appeal and the bill provides that such an appeal will be heard by a judge of the Industrial Commission.

In addition to this power of registration, the board has other functions which are of great importance. Clause 10 outlines its powers and functions. The board is to be empowered to foster research into matters relating to instruction for teaching and to recommend the provision of scholarships, fellowships and financial assistance to persons and bodies conducting such research.

Research in the field of teacher education is vital to the provision of appropriate courses for the education of teachers. If the board is to give sound advice to the Minister or to the Advanced Education Board or to the University Board, then its advice must be made on the results of properly designed enquiries into the problems involved. New approaches are being made in teacher education. There is evidence that the universities are changing some of the traditional methods and new courses are being designed. Regional colleges of advanced education at Bathurst and Wagga Wagga will enter the field with, it is hoped, new programmes. The State teachers colleges also have instituted changes based on their periodic examination of their own performance. However, critical and comparative evaluation of courses in teacher education will be necessary to choose the lines of development this State should pursue. For this constant research will be necessary.

As well as the need for research into programmes, there will be the need to take heed of the rapidly growing body of education theory in order to determine which lines are better for this State to follow. To foster research is one thing; to digest and present the findings is another: and the function of the board in reporting and recommending to the Minister, either at his request or on its own volition, is another responsibility altogether, and will be carried over from the functions of the advisory board. This aspect is most important. I have already referred to the valuable work of that board and I look forward to the continuation of this work by the statutory board proposed by this bill.

The responsibility to confer and collaborate with the Universities Board and the Advanced Education Board is mentioned in clause 10. I am convinced that the responsibility of ensuring that teacher education is placed in its proper perspective in the whole range of higher education is of the utmost importance, and I am convinced that these boards will welcome the collaboration of the Board of Teacher Education in the exercise of their functions.

In the exercise of its powers and in the performance of its functions, the board is charged under the bill with having regard to the needs of the State and to the resources available in respect of the training of teachers. This will be no light task but it will provide me and my successors with sound advice on the many problems associated with the provision of well qualified teachers for the children of this State.

The question of the appropriate constitution of the Statutory Board of Teacher Education was given much thought by the

Advisory Board of Teacher Education. After examining various proposals, including those proposed by the Teachers' Federation and the constitution of the Teaching Council for Scotland, which has similar powers and functions, the Advisory Board of Teacher Education recommended to me that the statutory board should include persons chosen from four categories—employers of teachers, institutions preparing teachers, teachers themselves, and the community at large.

Clause 3 of the bill specifies membership of the board. Briefly, the board shall consist of not fewer than fourteen and not more than twenty-seven members. Not fewer than two or more than five members shall be appointed from employing authorities; not fewer than five or more than eight shall be members of administrative or teaching staff of institutions offering courses for the preparation of teachers; not fewer than two or more than eight shall be persons engaged in teaching and not fewer than three or more than four will have other appropriate qualifications.

These members are to be appointed by the Governor on the nomination of the Minister, after consultation with persons, bodies and institutions, as he thinks fit. These members will nominate two additional members as soon as they are appointed. One of the members will be appointed as chairman and the bill provides for the appointment by the board, from among their number, of a deputy chairman. These provisions are outlined in clause 5. Members will observe that provision exists for the establishment initially of a board having the minimum number of members to deal only with teachers in government schools, but provision exists for membership to increase concurrently with the extension of the board's registration function to other classes of teachers. The procedure for calling meetings and the specification of a quorum are indicated in clause 4. Clause 6 indicates the powers and functions of the chairman, and clause 7 outlines the conditions in which a member ceases to hold office. The members of the board will not be subject to the provisions of the Public Service Act, 1902. The bill provides for the board to have a common seal.

An important aspect of the bill is provided for in clause 13. The board shall, as soon as is practicable, report on its work and activities during the year to the Minister, for presentation to Parliament. It is my conviction that the board now proposed in this bill will have a leadership role in the education of teachers, as well as in the provision of appropriate courses and facilities to ensure that they are adequately prepared to meet the education needs of the children of this State. I indicated in speaking on the Higher Education Act that I and my successors in the office of Minister for Education and Science will find it essential to have the services of advisory and co-ordinating bodies such as the ones set up by that Act. Even if there were no other reason, the State's responsibilities in education require such a body as the one envisaged in this bill.

Debate adjourned, on motion by Mr Durick.

ADJOURNMENT

ST GEORGE HOSPITAL

Mr CUTLER [10.19]: I move:

That this House do now adjourn.

Mr CRABTREE (Kogarah) [10.19]: I wish to bring to the attention of the House the serious situation that now exists at the St George Hospital regarding ward accommodation. The position has become so serious that the waiting list at this hospital has been extended and many would-be patients have been directed to other hospitals, some as far afield as Prince Henry Hospital. The Minister knows some of the history of the problem that I am about to outline to honourable members.

The St George Hospital is a most important one. Prior to 1965 it became a teaching hospital attached to Sydney Hospital. When the present Minister for Health took up his portfolio, the Board of St George hospital readily agreed to a change in policy and reached a most amicable agreement with the Government, with the University of New South Wales and

with the Minister for Health to become affiliated with the University of New South Wales. The board was assured that the Government would expedite the allocation of funds to provide modern and additional accommodation befitting a teaching hospital. That was some years ago and up to the present not one cent has been provided for additional ward accommodation at that hospital. The attention of the Minister for Health has been directed to this serious problem on a number of occasions.

The hospital board in its annual report for the year ended 30th June, 1968, said—and this must have been based on advice received—that it expected work would begin before June, 1969, on this important ward block estimated to cost some $3,000,000. However, no work was begun this year and no tenders were called. In its annual report this year the board has expressed the hope that tenders will be called in March, 1970. The Minister knows that I have often raised this matter with him by way of correspondence and questions in this House. Even as recently as today I asked him a question about it. I am most concerned that the Minister, though he has mentioned many hospitals where money will be spent, has not given any indication of an allocation of funds for St George Hospital. Unfortunately the Minister has not informed me either by letter or by answer to a question when he will be able to redeem his promise to this hospital. I emphasize the serious situation existing there.

I pay tribute to the Minister, who has made many personal visits to St George Hospital, but I am constrained to say that visits alone will not solve the problem of sick people in the St George district who want the additional beds which the Minister and the Government promised this hospital some four or five years ago. There are long waiting lists of patients who need in-patient care. People rushed to the hospital as urgent cases have been sent home at night after receiving treatment in the out-patients department or have been sent to the Prince Henry Hospital. The position is becoming so serious that I fear there could be loss of life because of the inability of this fine hospital and its splendid staff to accommodate these patients.

At the annual meeting of the hospital board I congratulated the board on the work it had done in most difficult circumstances. At no time have I attacked the board, as the Minister alleges. He informed me that he got his information from the *St George and Sutherland Shire Leader*. I have a copy of that publication, which I suggest he take home tonight, but it does not mention any attack that it is alleged I made on the board of the hospital. At the annual meeting I drew attention to the fact that the amount owing in patients' fees at St George Hospital had increased by $50,000 and I said that this indicated the inability of many people in the community to pay the costs of hospital treatment. I think all fair-minded members will agree with that statement.

I have called upon the Government, as many members have, to review the costs of hospital treatment. I make no apology for the statement that I made at the annual meeting of the hospital board. I know the Minister himself is concerned about the many millions of dollars of hospital debts that have accrued in this State in the past twelve months. He must express the same concern as I do. The people of the St George district have reached saturation point in the matter of hospital charges. The fact that outstanding accounts for one year alone have increased by $50,000 at St George Hospital is indicative of the hardship that is being experienced by patients.

The needs of St George Hospital are urgent. The people of this district deserve more consideration than they have received from this Government. I put it frankly that this hospital is being hampered in its work as a major teaching hospital by the lack of clinical material. The citizens of this district are finding it most difficult to be treated as in-patients in their local hospital owing to lack of accommodation there. The need is urgent. I again appeal to the Minister, at this late hour tonight, to provide funds for the urgently needed work at this hospital. I suggest that he give priority to this

work before putting into operation plans for new projects that have been evolved only in the past twelve months and will cost tens of millions of dollars. The people are disturbed that this sort of thing is happening. I hope that the Minister will be able to grant immediately a sum of money for St George Hospital.

Mr JAGO (Gordon), Minister for Health [10.26]: It is becoming rather commonplace to hear the honourable member for Kogarah speaking on this matter, which he mentioned earlier today. There is little substance in what he said. His remarks follow along the lines of the canards and attacks that he has made on plans to develop this young hospital for teaching purposes—it is not a major teaching hospital —in a most important area in which the Government has entered into certain commitments that will be honoured. I said at question time today that I should obtain further information on this matter and make it available to the honourable member and the House. This will be done.

There are many shortages of hospital accommodation and services and many problems involving human beings in most tragic circumstances and as a representative of the Government I shall not be panicked into assisting the St George Hospital. I have a great regard in many ways for this hospital and the people associated with it and I assure the honourable gentleman and the House that its needs, as part of the programme for teaching hospitals in New South Wales which the Government entered into some three or four years ago, will be borne in mind. The Government's undertaking will be honoured, although the cost of implementing this programme has increased from $20,000,000 to $34,000,000. I shall have further regard to the remarks made by the honourable gentleman on the adjournment motion tonight. I assure the House that the needs of St George Hospital are of considerable importance and will not be overlooked.

Motion agreed to.

House adjourned at 10.28 p.m.

Legislative Council

Thursday, 2 October, 1969

Council of Law Reporting Bill (third reading)—Public Defenders Bill (third reading)—Optometrists and Optical Dispensers (Amendment) Bill (third reading)—Old Roman Catholic Cemetery, Crown Street, Wollongong, Bill (third reading)—Taronga Zoological Park (Amendment) Bill (third reading) —Methodist Church (N.S.W.) Property Trust Bill —Wheat Quotas Bill—C. B. Alexander Foundation Incorporation Bill (first reading)—Prevention of Oil Pollution of Navigable Waters (Amendment) Bill (first reading)—Public Service (Amendment) Bill (first reading)—Solicitor General Bill (first reading)—Printing Committee (Second Report)—Question without Notice—Bread Bill (third reading)—Pure Food (Amendment) Bill (second reading)—War Service Land Settlement (Amendment) Bill (second reading)—Factories, Shops and Industries (Amendment) Bill (second reading)—Special Adjournment—Adjournment (Business of the House).

The PRESIDENT took the chair at 4.28 p.m.

The Prayer was read.

COUNCIL OF LAW REPORTING BILL

THIRD READING

Bill read a third time, and returned to the Legislative Assembly with amendments, on motions by the Hon. J. B. M. Fuller.

PUBLIC DEFENDERS BILL

THIRD READING

Bill read a third time, and returned to the Legislative Assembly with amendments, on motions by the Hon. J. B. M. Fuller.

OPTOMETRISTS AND OPTICAL DISPENSERS (AMENDMENT) BILL

THIRD READING

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

OLD ROMAN CATHOLIC CEMETERY, CROWN STREET, WOLLONGONG, BILL

THIRD READING

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

TARONGA ZOOLOGICAL PARK (AMENDMENT) BILL

THIRD READING

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