

## POTATO GROWERS LICENSING (AMENDMENT) BILL

### FIRST READING

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

### SPECIAL ADJOURNMENT

Motion (by the Hon. J. B. M. Fuller) agreed to:

That this House, at its rising today, do adjourn until Tuesday, 26th September, 1972.

House adjourned, on motion by the Hon. J. B. M. Fuller, at 5.54 p.m.

## Legislative Assembly

Thursday, 7 September, 1972

Questions without Notice—Procedure on Urgency—Government Guarantees (Amendment) Bill (third reading)—Snowy Mountains Engineering Corporation (N.S.W.) Bill (third reading)—Western Lands (Amendment) Bill (third reading)—Potato Growers Licensing (Amendment) Bill (third reading)—Stock Diseases (Amendment) Bill (second reading)—Swine Compensation (Amendment) Bill (second reading)—Medical Practitioners (Amendment) Bill (second reading)—Printing Committee (Third Report)—Adjournment (Philosophy Department, University of Sydney)—Printed Questions and Answers.

Mr SPEAKER (THE HON. SIR KEVIN ELLIS) took the chair at 11 a.m.

Mr SPEAKER offered the Prayer.

## QUESTIONS WITHOUT NOTICE

### CRIME STATISTICS

Mr HILLS: I ask the Premier and Treasurer whether the annual report of the Commissioner of Police which was tabled by the Premier yesterday is complete to December, 1971, and is based on a new method of computing crime statistics and the clear-up rate of crime. Is it a fact that the figures disclosed substantiate the allegations or reports that were made by former Detective-Sergeant Arantz in November last year, and indicate clearly that the Government and the public have been aware for almost twelve months of the trends that were disclosed in the report

yesterday? Is it a fact that, because of this new method of recording crime statistics, it is possible for the Government to have almost month by month up-to-date statistics of the present trends in the incidence of crime and its clear-up rate? What action does the Government propose to take on the figures disclosed in the report that was tabled by the Premier yesterday—having in mind that the figures have been known to the Premier and the Government for almost twelve months—to improve the rate at which crimes are solved and to reduce the number of crimes committed in New South Wales, particularly crimes such as armed holdups, in which there has been an increase of 61 per cent?

Sir ROBERT ASKIN: It is true that the report covered the period up to 31st December, 1971. It is true, also, that there is a new, modern method of computing crime. It is true to say that from now on the only way to make a comparison, to see what crimes are increasing or decreasing, and what the clear-up rate is, will be to compare one set of computer figures with the previous set of computer figures. No guide at all would be obtained if computer figures were compared with figures obtained under the old system. When I received the report mentioned by the Leader of the Opposition, I naturally had a talk with the Deputy Commissioner of Police and discussed a number of aspects of it.

Mr MALLAM: Is the Premier going to apologize to Mr Arantz?

Sir ROBERT ASKIN: Mr Arantz was dealt with by a court, which decided that his dismissal from the service should be upheld. If the honourable member wishes to quarrel with the decision of a court headed by a judge with the status of a Supreme Court justice, that is a matter for him; but I do not propose to do it.

Mr MALLAM: Was the information right?

Sir ROBERT ASKIN: I do not think it was a question whether the information Detective-Sergeant Arantz gave was right or wrong; it was a question of the propriety of giving out such information without the

authority of his senior officer. That is what he was dismissed for doing. I do not think that we should pursue any questions about Mr Arantz, for we know, or should know, what is happening: there is a case pending before the court involving Mr Arantz and I do not think that we should say anything in this House about the matter because that might interfere with the proper hearing of the matter by the court.

It should be pointed out that in the preamble to the annual report of the Police Department—and the Deputy Commissioner of Police pointed this out to me—it is made clear that all sorts of minor crimes as well as serious ones are included in the computer statistics. Formerly statistics of minor crimes were not recorded. Now if somebody loses a fountain pen or has a garden spade taken—and this was an actual case—that fact is fed into the computer, though it was not recorded formerly under this Government or under any previous government. The police certainly do their best to clear up these minor matters, but such crimes were not recorded previously in the official statistics presented to Parliament. Now practically everything is fed into the computer and the result is that the figures have gone up substantially.

The best thing to do is to wait until we get the report next year and see whether the new figures show a substantial decline on this year's figures. The Deputy Commissioner of Police and the police force are devoting themselves to that achievement. The Government has tried to help the police force in every way it can. We as a government and as members of Parliament cannot clear up crime ourselves. What we can do is try to help the police by giving them as many men of the right type as can be recruited, and we have been doing that all along. A recruiting campaign is still under way. The Government has put on a large number of extra policemen. It has increased substantially the size of the police force since it came to office. The rate of increase in the police force transcends the rate of increase in the population, and the Government wants to put on many more men. The Government is trying to recruit them.

The salaries and working conditions of the police in New South Wales, at the time their last award was settled, made them just about the best of any State in Australia. Since that time somebody else may have moved again, but it is the Government's intention, so far as it is within our ambit, to make sure that the New South Wales police are treated as well as, if not better than, their counterparts in other States. We are doing this in every way we can—by increasing the vote for the police, and by providing more vehicles, more technical equipment and more scientific equipment. We are sending more police officers abroad, particularly promising ones, to study the latest methods of crime detection, of dealing with drugs, and so on. As a government we are doing our best in this regard and I am satisfied that the Commissioner of Police and the Deputy Commissioner of Police are anxious to achieve the same ends.

MR SPEAKER: Order! Conversation must cease, gentlemen.

[*Interruption*]

MR SPEAKER: Order! I call the honourable member for Dubbo to order.

[*Interruption*]

MR SPEAKER: Order! I call the honourable member for Corrimall to order.

SIR ROBERT ASKIN: Without having the particulars available to me, I believe that what the Leader of the Opposition has said is true up to a point, but there are some technical problems associated with the computer, which we are trying to straighten out in conjunction with the Deputy Commissioner of Police. Honourable members may rest assured that I, as Minister responsible for the police force, will be in constant touch with the Deputy Commissioner of Police to try to bring about and to help in devising ways and means of reducing the crime rate, as far as the Government is able to do so. This is what everybody wants to see happen, and I can assure the House that the Government is just as anxious as the Leader of the Opposition and everybody else to see the crime rate come down. I emphasize in conclusion that

the proper approach to assessing whether the crime rate is increasing, and to determining the clear-up rate, is to compare computer figures with other computer figures, and not to compare the results obtained from the computer with figures produced by the old method, which did not involve the computer method used now.

#### BUSINESS PAPER

Mr CHAFFEY: On a point of order. You will recall, Mr Speaker, that yesterday, having tried to speak on privilege, I gave notice of a motion. I should like to ascertain why that notice of motion does not appear in the business of the House with priority over other business. If the security and privilege of this House are to have priority over any other business, I should like to know why that notice of motion does not take priority on the business paper. If no one else is worried about security and privilege in this House I am left with no alternative but to move urgency on the next occasion when I receive the call. I should have thought a matter of this importance, which threatens the very institution of Parliament, should have taken priority over other business.

Mr SPEAKER: The honourable member has merely given notice of a motion to set up a standing committee of privilege. It is not a motion complaining of a breach of privilege. Therefore it gets no priority; it goes into the ordinary general business notices of motions. If the honourable member feels that there is some urgency about his motion, he has to deal with it in another way; but, because it is only a motion to set up a committee, it takes its normal place on the business paper.

#### WRECKS AT SOUTH WEST ROCKS

Mr BROWN: I direct my question without notice to the Premier and Treasurer. I ask him did three ferries, the Koondooloo, Lurgurena and the Sydney Queen, run aground on the lovely beach at South West Rocks about eight months ago? Have all efforts to remove them failed and have the wrecks so deteriorated that they are most unsightly and a danger to children, surfers, surfboard riders and small craft? Has there

been some dispute whether the responsibility lies with the Maritime Services Board or the Commonwealth Department of Shipping and Transport to remove these wrecks, particularly in view of the fact that the owner has recently been declared bankrupt? Will the Premier and Treasurer give an assurance that he will endeavour to sheet home the responsibility and have the appropriate department act as soon as possible so that these unsightly wrecks can be removed from this fine area?

Sir ROBERT ASKIN: I appreciate the honourable gentleman's concern. He has been most active in this connection and has been vigorously pushing it as much as he can. I understand why he feels upset: it is a beautiful beach—I have been there and it is one of the finest beaches along our coast. I am most anxious, as he is, to have these wrecks cleared away. The situation is much as the honourable member has outlined in his question. Up to the present time the Commonwealth has said that it is the responsibility of the Maritime Services Board but our advisers in the State Government say that it is definitely the responsibility of the Department of Shipping and Transport. In view of this difference of opinion between these two bodies, State and federal, I have taken it up with the Prime Minister to try to get him to resolve it. That was done about three weeks ago.

Mr MALLAM: The Prime Minister will not help.

Sir ROBERT ASKIN: If he continues as he has been recently, it will be settled satisfactorily. That was done pursuant to references made by the honourable member. I expect an early reply. I hope that it will be a favourable one.

#### A.P.I.A. CLUB: INVESTIGATION BY COMMISSIONER FOR CORPORATE AFFAIRS

Mr EINFELD: My question without notice is directed to the Chief Secretary and Minister for Sport. Has the Commissioner for Corporate Affairs carried out an investigation of certain aspects of the operations of the A.P.I.A. Club? Has a report been submitted to the department? If so, will the

Minister inform the House, and also the officials who have done a magnificent job in rehabilitating the club, whether he proposes to implement any action which may be proposed in the report?

Mr GRIFFITH: Inquiries are in hand concerning the A.P.I.A. Club. I have not received a report so far. When that report comes to hand I will let the Deputy Leader of the Opposition and the House know the contents of it.

#### LOCATION OF CORRECTIVE ESTABLISHMENTS

Mr OSBORNE: I direct my question without notice to the Minister of Justice. Is the Minister aware that Randwick council has expressed opposition to the announced plan of the Government to build a maximum security wing at the Long Bay gaol? Has the council demanded also that the whole gaol complex at this location be removed? Further, is the Minister aware that Bathurst city council has, by resolution, informed me as the member for Bathurst that the council would be delighted to have any proposed extension of prison facilities carried out at the Bathurst gaol complex? Will the Minister give urgent consideration to this request of the Bathurst city council which would effectively assist in decentralizing the Department of Corrective Services and also provide a harmonious solution to the problems of siting corrective service institutions?

Mr MADDISON: I have seen reports in the press that the Randwick council opposes the construction of a maximum security block for forty intractable prisoners at Long Bay and of a decision by the council—I think reported in the same press report—to oppose the continuance of the whole complex for prisoners at Long Bay. It is true that Bathurst city council recently wrote to the honourable member for Bathurst, of which letter I have been provided with a copy, indicating that by resolution it supported an extension of the Department of Corrective Services complex at Bathurst. The letter further said that the present

establishment had a staff of 100 men who were permanent residents and that this was considered to be a good industry for the city of Bathurst.

It is correct that the Bathurst city council, apparently on reading of the objection by the Randwick council, has again been in touch with the honourable member for Bathurst and confirmed that it would welcome any development in Bathurst which would otherwise take place at Malabar. Indeed, I am pleased to find a council in a rural area indicating its support for the extension of prison facilities in its area. This is unusual in many parts of the State where the department encounters difficulty in establishing facilities. When establishments have been set up in country areas, local citizens and local councils have favoured the development associated with them in view of the opportunities that are opened for employment and the general increase in economic activity that flows from the establishment of a prison.

I shall certainly accept the invitation of the honourable member for Bathurst and give serious consideration to enlarging the Bathurst complex. However, the block to house forty intractable prisoners is to be deliberately placed close to this city bearing in mind the need to protect the public, the difficulty in maintaining strict security in transporting prisoners over long distances, the expense of such transportation and the proximity of the Long Bay complex to our courts. I cannot see any immediate prospect of abandoning the Long Bay establishment. It has been part and parcel of the scene in that area for 100 years and has facilities which would cost many millions of dollars to relocate in another area. In fact that would be out of the question, having regard to priorities in other areas of government. Nevertheless, I believe that a substantial case has been made out generally for greater decentralization of the Department of Corrective Services than hitherto. Other problems relating to staffing and visits to inmates by relatives and friends must be considered. I congratulate the Bathurst city council on the forward-looking resolution carried at a recent meeting. I assure

honourable member for Bathurst that the matter will receive my earnest consideration.

#### LANE COVE: DESPOLIATION OF PARKLAND

Mr K. J. STEWART: I ask the Minister for Environment Control whether his department has had referred to it a dispute concerning the Willoughby council and the despoliation of certain parkland in the Lane Cove area. If the matter has been referred to his department, will the Minister tell the House what action he has taken?

Mr JACK BEALE: It is a fact that a dispute between Willoughby council and certain residents concerning a project proposed by the council to develop playing areas has come to my notice. The matter has been referred to the State Pollution Control Commission. That commission has been in touch with the council which has stopped work on the project while the commission considers all the aspects. I understand that officers of the National Parks and Wildlife Service are visiting the area today to evaluate the bushland. Officers from the fisheries section of the Chief Secretary's Department were scheduled to be there to evaluate the marine environment. When information is received from those departments, the commission will make a decision on the matter and I shall inform the House.

#### WORKERS' COMPENSATION PAYMENTS

Mr MUTTON: My question without notice is directed to the Minister for Education representing in this House the Minister for Labour and Industry. Is the Minister aware of comments made comparing New South Wales with other States in relation to workers' compensation payments? Will the Minister inform the House of the current position in regard to compensation payments and protection afforded to workers injured in this State?

Mr WILLIS: In view of the fact that a letter, apparently written by a gentleman who was previously a Labor candidate for election to Parliament, appears in today's edition of the *Sydney Morning Herald*, I anticipated that an honourable member who sits on the Opposition benches might ask

a question on this subject. My colleague the Minister for Labour and Industry, also anticipating a question on this subject, has supplied me with the answer.

Mr K. J. STEWART: On a point of order. Standing Order 147 provides that no member shall allude to any debate of the same session in the other House of Parliament. The honourable member for Yaralla asked the Minister was he aware of comments about comparisons. The comments were made last night in another place by the Hon. L. A. North and his speech is reported in this morning's newspapers. The Minister has been asked by the honourable member for Yaralla to comment on the speech made last night and the allegations contained in it. I submit, therefore, that the question is out of order.

Mr MUTTON: On the point of order. My question was not based on a speech made in another place; it was based on the letter to which the Minister has referred.

Mr WILLIS: To clarify your thinking, Mr Speaker, let me state that I was unaware of the speech made in the other place.

Mr HEALEY: References to workers' compensation, including statements about delays and other matters, have appeared in the press during the past fortnight.

Mr EINFELD: Is the honourable member's question based on a press report?

Mr SPEAKER: Order! I think honourable members appreciate that this is always a difficult problem. It is not proper for an honourable member of one House, in effect, to become engaged in debate with an honourable member in another place. The reason for this is well known to all honourable members. From what has been said it would appear that we could become involved in a difficult situation if I allowed the question to be answered. I think I should disallow the question, although I do it with some reluctance. However, there are other ways in which the honourable member and the Minister could deal with the question. I think it would be safer to disallow the question because it could lead to certain difficulties.

**MERCURY CONTENT IN SHARK MEAT**

Mr DEGEN: I ask the Minister for Health whether he has been informed of the Victorian Government's action in banning the sale of all shark meat following tests showing mercury levels of up to 2.5 parts per million. Has the New South Wales Government received a request from the Victorian Government for an increase in the safe mercury level in food, from the accepted world standard of 0.5 parts per million to 1 part per million? If so, has the Government agreed to this request?

Mr JAGO: The question of mercury content in fish has been under close examination and investigation for more than a year in this State as a result of incidents that have occurred in Botany Bay and other places. I have no direct information about the situation in Victoria other than what has appeared in the press. Because of the serious implications to the fish industry in Tasmania as a result of the Victorian proposal, Dr A. J. Foster, the Minister for Health in Tasmania, has proposed an Australian conference. The Director-General of Public Health in New South Wales, Dr C. Cummins, who is taking a close interest in this general question, represents this State on the National Health and Medical Research Council and the pure food advisory committee of that council. I understand the National Health and Medical Research Council met yesterday to consider this question. World standards of mercury content in fish have been accepted in New South Wales. As the honourable member mentioned in his question, the standard is 0.5 parts per million and a proposal has been made to increase this figure. As a result of active investigation in New South Wales it has been established that only rare instances have occurred in which the mercury content has exceeded this limit.

I have been assured by experts in this field that there is no danger to people in this State. We are leaving the matter more to Victoria, which has made certain drastic decisions in this field which may have serious repercussions, particularly in Tasmania. However, as soon as I get information as a result of the meeting of the National Health

and Medical Research Council, I shall be in a better position to advise the honourable member, the House and the public of what has been done to protect the public in this important field.

**MOTOR VEHICLE NOISE**

Mr CAMERON: My question without notice is directed to the Minister for Transport. Is a motorist seeking the re-registration of his vehicle required to obtain a certificate of roadworthiness from an authorized inspection station? Is any requirement at present put upon the authorized inspection station to ascertain the noise level of the exhaust system of the vehicle? Will the Minister investigate the possibility of requiring authorized inspection stations to ensure not merely that the vehicle has a working exhaust system but also that the noise level emitted by that system is within acceptable bounds? Have I on a number of occasions raised with the Minister the problem of the destruction of suburban quality by fruity exhaust notes from sports-type motor vehicles? Will the Minister take my past representations into account and reconsider this question?

Mr MORRIS: The noise level generated by some motor vehicles registered in this State leaves much to be desired. It is true that the honourable member for Northcott has raised this important matter on a number of occasions. When complaints are made that noise levels from vehicles are too high in certain suburban areas around hospitals and in other places, the police give those areas special attention. The Motor Traffic Act is a little vague on this question of noise; it refers to undue noise and so on. The honourable member for Northcott will have noticed the announcement made by the Premier this morning of the Government's intention and aim to do something about noise. The matter is being closely examined all the time. We are seeking out devices by which noise can be measured on the spot by police officers. We shall do all that we possibly can to ameliorate this problem, and I shall certainly take into account the many representations that have been made in this regard by the honourable member for Northcott.

### MINEWORKERS SUPERANNUATION FUND

Mr NEILLY: I should like to ask the Minister for Mines, Minister for Power and Assistant Treasurer a question without notice. For a period of years has the solvency of the mineworkers superannuation fund been affected by the Commonwealth means test? In the recent federal budget was a suggestion made that superannuation funds will be dealt with in a different manner from previously? If this is done will it to a large extent reduce the amount of money that the mineworkers superannuation fund will be required to pay to retired miners? If these are facts, will the Minister give immediate consideration to granting substantial increases to retired mineworkers?

Mr FIFE: It is a fact, as suggested by the honourable member for Cessnock, that the Commonwealth means test has reacted against the solvency of the mineworkers pension fund. It is true, too, that recently the Commonwealth Treasurer announced a relaxation in this field. I expect that great benefits will flow to the superannuation fund, as the honourable member for Cessnock suggested but I am not certain at this stage how substantial those benefits will be. The registrar of the pensions tribunal is at present giving consideration to the matter. I understand that a report will be forthcoming at one of the early meetings of the pensions tribunal. I do not want to commit myself at this stage as to the future of mineworkers' pensions other than to say that for some time—indeed since my appointment as Minister for Mines—I have been concerned about the actuarial position of the mineworkers pension fund.

The relief promised by the federal Government will go a long way towards improving the actuarial position of the fund. In the long term as well as in the short term it will be in the interests of mineworkers and those at present receiving the benefits of mineworkers superannuation to have that fund in the strongest possible position. Therefore, in the matter of priorities it will be my intention in making any recommendations to the Government to ensure that as far as possible the fund is strengthened. The

matter is under close consideration, but it will not be possible to reach any conclusions until we know exactly how much benefit will flow to the fund as a result of the recent Commonwealth decision.

### TRAFFIC SIGNALS

Mr VINEY: I ask the Minister for Transport whether the Department of Motor Transport is planning to use solid state circuitry instead of electro-mechanical controls in future traffic light installations. If this is so, has the department yet proposed detailed specifications, and are they available to potential suppliers? Will the Minister ensure that the widest possible publicity is given to the proposed changes so that the department might have a wider range of suppliers of traffic control equipment than it has at present?

Mr MORRIS: Yes, I understand this change is contemplated, and I shall do exactly as the honourable member for Wakehurst asks.

### HONOUR FOR DR McBRIDE

Mr R. J. KELLY: I ask the Premier and Treasurer whether he is aware that last year the French Government saw fit to honour a great citizen of this State, Dr McBride, for his services to humanity in discovering the evil side effects of the drug thalidomide on human genetics. Is it a fact that twice every year a number of citizens of this State are honoured for alleged services to the community? Does the list of persons honoured include jockeys, politicians, public servants, horse trainers, business tycoons, bookies and all kinds of other persons? If this is true, will the Premier inform the House why this Government has never recommended an honour for Dr McBride?

Sir ROBERT ASKIN: It could be because Dr McBride has already received an honour from Her Majesty the Queen—the CBE.

### ENVIRONMENT CONTROL

Mr BARRACLOUGH: I ask the Minister for Environment Control whether his attention has been drawn to a statement by

Dr Maddox, editor of *Nature*, who recently visited Australia, in which he declared that the prophets of environmental doom are hindering a practical approach to solving pollution problems. Does the Minister agree with this statement?

Mr SOUTHEE: On a point of order. I submit that, as the question seeks an expression of opinion from the Minister, it ought to be ruled out of order.

Mr SPEAKER: Order! I am not sure that statements made by a visitor from overseas have anything to do with the Minister, anyhow. What I am afraid of is that if I allow the question, the reply to it might be lengthy. If the Minister can assure me and the House that the reply will be brief, I will allow it.

Mr JACK BEALE: Those remarks by Dr Maddox, which were referred to me, appear to represent a balanced view on the conservation of the environment. It is pleasing to see a tendency to move away from the extremist positions adopted on the one hand by the advocates of unbridled growth and development at any cost and on the other by persons who demand total preservation—perhaps without considering whether it is desirable or even possible in an ever-changing world. Dr Maddox stressed that many problems of the environment are much more complex than they appear to be at first sight. He said that if we are not careful in our primary action, the result could be a secondary and deleterious effect upon the environment—in other words, out of the frying pan and into the fire. In answer to the second part of the honourable member's question, I think there is a need to encourage the implementation of well-thought-out, balanced programmes to combat pollution, and to deal with the management of resources and also future planning of human settlements.

Mr SOUTHEE: On a point of order. As I intimated earlier, the Minister was asked to express an opinion. This is exactly what he is doing. I submit that question time is for the purpose of obtaining from Ministers not opinions but answers to specific questions.

Mr SPEAKER: Order! There is some substance in the honourable member's submission, and I hope that the Minister will not pursue that line.

Mr JACK BEALE: The pollution problem can be cleared up only by resorting to practical measures, not by simply waving a magic wand and expecting the evil to disappear. Practical measures are being taken by the Government, industry, commerce and the community generally, and some results are flowing from these measures. A good example is the progressive return of bird and marine life to the Parramatta River.

#### CARTAGE OF COAL AT WOLLONGONG

Mr L. B. KELLY: I ask the Minister for Transport a question without notice. Despite the Minister's recent remark that the serious problem caused at Wollongong by the road haulage of coal was a tin-pot parochial issue, what does the Minister intend to do in regard to this serious problem? Does this problem concern the Minister and other members of Cabinet, especially those who for some time have been on a sub-committee to investigate the problem? Is the Minister now in a position to indicate whether he and his colleagues will come up with any solution, and whether any progress has been made to carry this coal on the railways, thus conferring benefit on the railways through freight charges on the increasing tonnages of export coal?

Mr MORRIS: I appreciate this opportunity to withdraw my reference to this being a tin-pot parochial issue at Corrimal. I should not have said that, for it is a serious matter in the Wollongong area, where for some years the people have been plagued by the tremendous noise that has developed down there from the number of coal lorries that are being used to haul coal. More of the coal should be carried by rail, and Cabinet is looking at certain proposals that should help with this problem. I do not think I can say much more at this stage, for I shall have to examine the relevant papers when I return to my office. If there is something further I can say immediately, I shall do so when the House next meets.



However, I assure the honourable member and his colleagues on the South Coast that the matter is being actively considered by a number of Ministers.

#### WORKERS' COMPENSATION PAYMENTS

Mr MUTTON: I ask the Minister for Education, representing in this House the Minister for Labour and Industry, whether his attention has been invited to a letter to the editor of the *Sydney Morning Herald*, in which a prominent member of the Australian Labor Party alleges that workers' compensation in this State lags behind South Australian benefits. If so, can the Minister advise the House on the validity or otherwise of these allegations?

Mr K. J. STEWART: On a point of order. The honourable member for Yaralla bases his question on a letter that appeared in the *Sydney Morning Herald*, and he asks the Minister to confirm or deny the contents of that letter. I submit, first, that the question is based on a newspaper report and second, that the Minister has been asked to confirm or deny a matter that has appeared in a newspaper report.

Mr WILLIS: On the point of order. As I understand it, a few minutes ago the honourable member for Canterbury took exception when a question was asked on the same subject, his objection on that occasion being based on his contention that the question was related to an incident that occurred in another place. Now, when a question is related to a statement that has been made outside the Parliament, he claims that it is a newspaper report. I submit with great respect that there is a considerable difference between a newspaper report, which is an anonymous statement of someone's opinion, and a letter to a newspaper editor, signed by the person concerned and is publicly distributed for all and sundry to see. The author of the letter takes responsibility for it. If we are to be denied in this House the right to comment on statements

that people make outside the House—written statements to which people are willing to put their names—it is virtually gagging Parliament from ever saying anything.

The honourable member for Canterbury also submitted that it would be out of order for me to answer this question because I should be confirming or denying a statement that is alleged to be fact. Mr Speaker, a while ago you ruled that it was not possible for a Minister to comment or to express an opinion when answering a question. Now, when a Minister is asked a question based on facts, the honourable member for Canterbury submits that the Minister cannot answer it. That is completely absurd.

Mr SPEAKER: Order! It is clear that had the honourable member for Yaralla merely asked the Minister whether workers' compensation benefits in New South Wales lag behind those in South Australia, there could be no possible objection to the question. Also, Standing Order 77 provides that, in putting any question no argument or opinion shall be offered, nor any facts stated, except so far as may be necessary to explain the question. I propose, therefore, to treat the reference to the letter in the *Sydney Morning Herald* as merely an explanation by the honourable member for Yaralla as to why he feels it is necessary to seek the facts.

Mr WILLIS: In answer to the honourable member's question, today a letter appeared in the *Sydney Morning Herald*, written by a gentleman who I understand is a prominent member of the Labor Party and has been a candidate for parliament.

Mr CRABTREE: On a point of order. Mr Speaker, in ruling that the question was in order, you informed the House that you accepted it because the honourable member for Yaralla had made only passing reference to the letter in the *Sydney Morning Herald*. For that reason, you said you would allow the question.

Mr SPEAKER: That is an overstatement. But I ask the honourable member to proceed with his point.

Mr CRABTREE: The Minister—and you from the chair, Mr Speaker—said that the question should have sought a factual comparison of workers' compensation in New South Wales and in South Australia. The Minister is now debating the rights and wrongs of the matter. He has already started to do that in relation to the letter that appeared in the *Sydney Morning Herald*. I submit that in doing so he is totally out of order.

Mr SPEAKER: Order! I cannot inhibit the Minister's reply in the way suggested by the honourable member.

Mr WILLIS: For the benefit of the honourable member for Kogarah, I was about to say, after making passing reference only to the letter in the *Sydney Morning Herald*, that because of the widespread circulation of that paper and the way in which people read letters to the editor, I should imagine that today a large number of people in this State who previously had been under the impression that New South Wales workers' compensation was ahead of other States, might now believe that it lags far behind. On behalf of my colleague the Minister for Labour and Industry, I was attempting to take the first available opportunity to correct the error that was perpetrated in the letter to the editor, and to assure the people of this State that far from our workers' compensation system lagging behind, indeed it leads the field in all States in Australia.

The comparison that the writer of the letter attempts to make is not a valid one. The rates he quotes from the New South Wales Act are payable in addition to weekly compensation, which continues to be payable during the whole of the worker's incapacity even after he receives the appropriate lump sum. By contrast, a worker in South Australia becomes entitled to the lump sum as soon as the amount of that sum can be settled and thereafter he receives no further weekly compensation. He can, it is true, elect to continue to receive weekly payments but if he does so, his entitlement to a lump sum is lost altogether. You will appreciate that in these circumstances a

comparison between the lump sums prescribed is quite misleading and gives no true indication of the worker's entitlement under either Act.

Other points of comparison between the legislation of the two States include first, the fact that under the South Australian Act the maximum weekly compensation, including dependants' allowances, is \$65. Under the New South Wales Act a worker with more than two dependent children would normally receive more than this sum. Second, in South Australia the aggregate of weekly payments cannot exceed \$15,000 even if the worker is totally and permanently disabled by his injury. For a married worker with two dependent children this sum covers only about four and a half years' compensation. Under the New South Wales Act no limit is placed on aggregate payments, and it is not uncommon for a permanently incapacitated worker to continue to receive compensation until his death, or to accept an amount well in excess of \$15,000 in redemption for his claim. Third, the benefits available under the New South Wales Act in respect of the death of a worker from an employment injury are also the more favourable in the average case. Under that Act the widow is paid a lump sum together with weekly payments for each child until the age of 16 years or, if the child is attending a school or university, 21 years.

Mr CRABTREE: On a point of order. The Minister informed this House, in reply to the question, that he had made arrangements to have the first opportunity to answer a letter in the *Sydney Morning Herald*.

Mr WILLIS: I did not say that. I said, "I am taking the first opportunity".

Mr CRABTREE: The Minister said that he is taking the first opportunity to come into this House with a prepared statement, which could be adjudged a ministerial statement. It is carefully prepared, and he is reading it word for word. I submit he is making a joke of question time.

Mr SPEAKER: Order! The Minister is quite in order.

Mr WILLIS: I know that these facts and the rebuttal of Labor Party propaganda is most unpalatable to the honourable member for Kogarah and his colleagues. I thought they were rather proud of the workers' compensation legislation of this State and that they would rush in to assert that the Workers' Compensation Act of New South Wales is so far ahead of that type of legislation in the other States of Australia that they would want this to be said. Apparently now that they are the Opposition they take a different attitude.

Mr HILLS: On a point of order. If the Minister wants to give an answer to a letter that appeared in the *Sydney Morning Herald*, he can do it either by tabling papers or by answering the question without becoming involved in cross-fire with a member on this side of the House.

Mr SPEAKER: Order! I agree with the Leader of the Opposition, but I think he will agree, too, that the Minister's irrelevancies have been provoked by disorderly interjections.

Mr WILLIS: What I was saying was purely factual, but the Opposition have taken five points of order in the course of my remarks, and then they complain about the length of answers to questions. I was attempting to say that in a case where the worker has left a widow and two dependent children each of whom is eligible for payments for a period of 10 years—and, of course, this period is often exceeded—the total compensation, calculated at present rates, is \$21,050 including \$3,900 for each child. This calculation leaves out of account increases in the weekly rates that are bound to take place from time to time in the future. If the death had occurred in South Australia the maximum payment would consist of lump sums totalling \$15,600.

Mr SOUTHEE: On a further point of order. Question time is for the purpose of asking and answering questions. Clearly the Minister is making a ministerial statement. I am sure that all honourable members appreciate that New South Wales compensation laws are good, because this Government inherited them from Labor governments.

Mr SPEAKER: Order! Will the honourable member for Mount Druitt take his point of order?

Mr SOUTHEE: I submit that this is a ministerial statement and that it should be treated as such. The information being given is most valuable, but question time should not be used in this way.

Mr WILLIS: On the point of order. For the benefit of the honourable member for Mount Druitt, I was not giving opinions, and I was not stating Government policy: I was giving facts. That is exactly what question time is supposed to be for. If this had been information or policy, it might have been a ministerial statement.

Mr SPEAKER: Order! The Minister may proceed.

Mr WILLIS: In conclusion, I point out that features of the South Australian Act to which I have drawn attention—namely, the limit to weekly and aggregate payments, and the provision of lump sums instead of weekly compensation for dependent children in death cases—formerly existed in the New South Wales legislation also but have been abandoned at one time or another in the course of the frequent amendment of that legislation. It is well accepted by those familiar with the subject that the New South Wales legislation is more generous and progressive than any other Workers' Compensation Act in Australia, particularly that of the Labor-governed State of South Australia.

#### SUSPENSION OF DRIVERS' LICENCES

Mr MORRIS: In answer to a question without notice asked yesterday by the honourable member for Cooks River about the suspension of drivers' licences under the points scheme I promised to provide the House with further information today. Legal advice has been received that, as the law stands, a person is not entitled to drive pending the hearing of an appeal against the suspension of his driver's licence by the Commissioner for Motor Transport. I intimated yesterday that I thought it might be possible to rectify the anomaly by way of an amendment to the regulations but I

am informed that the matter cannot be handled this way. To enable persons to drive pending an appeal, an amendment to the Motor Traffic Act is required. As I informed the House, it is my strong personal belief that a person should be permitted to drive in these circumstances. I propose, therefore, to submit to Cabinet in the near future a recommendation designed to rectify the position.

#### HANDICAPPED CHILDREN: SAFEFLEX MATTRESSES

Mr JAGO: On 29th August the honourable member for Blacktown asked me a question concerning the use of the Safeflex system equipment for the benefit of the handicapped. This equipment consists of several inflatable devices of different shapes and sizes. Handicapped children are placed or postured on these units and can be encouraged to walk or crawl. This "soft-air" principle is part of the Bobarth technique of physiotherapy of using inflatable balls for the treatment of brain-damaged or intellectually handicapped children to aid in their development and in the treatment of neuro-muscular disorders. It has been used for some time, particularly at the Spastic Centre. This treatment is carried out under the supervision of a physiotherapist, with plastic inflatable balls ranging from two to six feet in diameter being used. Children are postured on these units in the appropriate manner to produce the desired effect on their muscular system. The Safeflex system equipment could be most beneficial in stimulating motor activities in brain-damaged or intellectually handicapped children, as an addition to the range of inflatable devices already in use in the Bobarth technique. This equipment would be suitable for use in homes and hospitals that care for the handicapped.

#### PROCEDURE ON URGENCY

Mr SPEAKER: Order! The time for questions has expired. Have members notices of motion?

Mr CHAFFEY: Mr Speaker—

Mr SPEAKER: Order! Is this a notice of motion?

Mr CHAFFEY: No, this is urgency.

Mr SPEAKER: Order! The honourable member for Tamworth cannot move urgency now.

Mr CHAFFEY: Why not?

Mr SPEAKER: Because question time is over.

Mr CHAFFEY: I have seen urgency moved by the Government on plenty of occasions other than during question time.

Mr SPEAKER: Order! The honourable member for Tamworth will know that my predecessors have ruled that a private member may move for the suspension of standing orders only during question time. I myself have specifically endorsed those rulings since I have been Speaker.

#### ART GALLERY OF NEW SOUTH WALES (AMENDMENT) BILL

Order of the day for the second-reading of this bill discharged, on motion by Mr Freudenstein.

Bill withdrawn, on motion by Mr Freudenstein.

#### GOVERNMENT GUARANTEES (AMENDMENT) BILL

##### THIRD READING

Bill read a third time, on motion by Sir Robert Askin.

#### SNOWY MOUNTAINS ENGINEERING CORPORATION (NEW SOUTH WALES) BILL

##### THIRD READING

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

#### WESTERN LANDS (AMENDMENT) BILL

##### THIRD READING

Bill read a third time, on motion by Mr Hughes on behalf of Mr Lewis.

# POTATO GROWERS LICENSING (AMENDMENT) BILL

## THIRD READING

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

# STOCK DISEASES (AMENDMENT) BILL

## SECOND READING

Mr CRAWFORD (Barwon), Minister for Agriculture [12.1]: I move:

That this bill be now read a second time.

Honourable members may recall that in my introductory speech on this bill I intimated that its purpose is to bring up to date certain provisions contained in the principal Act relating to the age limit on membership of the Board of Tick Control and also to the vacation of office of members of that board. The Stock Diseases Act of 1923 makes provision for the appointment by the Governor of the Board of Tick Control to consist of eight members. Of these members the chairman shall be an officer of the Department of Agriculture; six members shall be persons owning stock in quarantine areas; three of these members must be elected in the prescribed manner; and the remaining member is a representative of the Commonwealth. The term of office of members of the board, other than the chairman, is three years, and members are eligible for re-appointment or re-election.

Under the Act the only way in which a person can cease to hold office is by removal from office by the Governor on sufficient cause. Accordingly, even if a member wished to retire from office, it would be necessary for the Governor formally to remove him from office. Additionally, the Act contains no age qualification, with the result that a person could continue as an elected member *ad infinitum*, assuming voters were prepared to elect him.

As honourable members are doubtless aware, it is the Government's policy that there be an age qualification on persons who hold office as members of statutory boards. Consonant with this policy, the bill ensures that persons above the age of 70 years shall not be appointed as members of the board.

This provision will apply equally to elected and nominated members. The bill provides also the grounds upon which the office of members of the board shall be deemed to have become vacant. These grounds are the usual ones and are found in most up-to-date statutes. Honourable members will note also that one of these grounds states that a member is deemed to have vacated his office on attaining the age of 70 years. The bill is a relatively simple measure and I commend it to honourable members.

I take this opportunity of informing honourable members of the excellent service given to the board by three present members who will no longer be eligible for appointment by reason of this bill. I refer to Mr J. E. Muldoon, Mr T. W. Somerville and Mr B. G. Yabsley. Mr Muldoon was appointed to the board in August, 1942, and has served as a member since that time—a period of thirty years. Mr Somerville was elected to represent the Tweed-Lismore division in August, 1951, and has continuously occupied the office of member since his first appointment—a period of twenty-one years. Mr Yabsley was first appointed to the board in 1946 and except for a break of three years has been a member since that year—a period of twenty-three years. Each of these gentlemen has been assiduous in his duties and the board has benefited greatly from their services. The board and stock owners have reason to be grateful for the manner in which they performed their duties during their long periods of service.

Mr DAY (Casino) [12.6]: I agree with the Minister for Agriculture that this bill is a simple measure. At the introductory stage I indicated that members of the Opposition would not be opposed to it. At that time I mentioned briefly some of the serious problems that exist in regard to tick infestation in the north-east corner of the State. I suggested that these might occupy the attention of the Minister as some time in the future. Nothing is being done about them in a real sense, apart from this trivial bill.

I am gratified to some extent, as are all honourable members on this side of the House, that the Government is now catching up with Labor Party policy. We hope this bill will speed up the process, because it has taken the Minister thirteen years to agree with policy that he opposed in 1959. The retiring age of directors of hospital boards is a similar matter and will serve to illustrate how the Minister has changed his mind about compulsory retirement at the age of 70 years. On 18th November, 1959, in the debate on the Public Hospitals (Amendment) Bill the Premier and Treasurer, who was then the Leader of the Opposition, said:

However, if he is appointed, immediately he attains 70 years of age he will be given the axe. It cannot be denied that many members of hospital boards aged 70 years and over are doing a good job. I know, and I am sure that most honourable members do also, members of hospital boards who are older than 70 years and are rendering splendid service. Hospitals will be the loser if the appointments of such men are terminated peremptorily, even though, as the Minister said, a cushioning period of six months is to be provided.

That was much more than is to be provided by this bill. There is no such cushioning period in this measure. The Leader of the Opposition of the day continued:

The community will be the poorer, also, for the loss of the services of these experienced men, who are fit and well able to do the job. I know many men in all walks of life who at age 70 are doing much more arduous work than many members of hospital boards.

The Minister who is introducing this bill for the compulsory retirement of members of the Board of Tick Control at 70 years of age then indicated strong opposition to the proposed compulsory retirement of members of boards of hospitals. He said:

The bill provides that no man or woman over the age of 70 can be a director or member of a hospital board. In these enlightened times this is an extraordinary provision. I hate indulging in personalities, but it is well known that the Premier is approaching 70 years of age. If he were the director of a hospital board he would soon have to resign at 70. The theory is that in twelve months the burden of being a hospital director would become so heavy that he must lay down his bundle and let somebody else take his place.

It has taken thirteen years for the Minister to get the message. The honourable member for Burrinjuck was the Minister for

Health who introduced that measure in relation to hospital boards. The present Minister for Agriculture, who was then a member of the Opposition, said further:

The Premier is permitted to take on the heaviest job in the State when approaching 70 years of age, but the poor hospital director must lay down his load because it is alleged that he would not be efficient at that age.

The Minister then said that this was plain humbug—those were his words. Now this Government has come round to adopting the policy laid down then by the Australian Labor Party that people in non-elective positions should retire at the age of 70. Members on this side of the House do not oppose the bill and hope that in the fullness of time the thinking of the Minister and Government policies might catch up with other aspects of Labor policy. It is to be hoped that it will not take thirteen years. It is gratifying also to know that if the report of the select committee on the meat industry is adopted, it will in fact be another adoption of the policy of the Australian Labor Party.

I wish to join with the Minister in expressing respect for the men who have served with distinction for many years on the Board of Tick Control. I regret that this bill will mean the termination of their services. On behalf of the Opposition, I give support to the principles outlined in the bill.

Mr DUNCAN (Lismore) [12.10]: As the Minister has stated, and also the honourable member for Casino who led the debate for the Opposition, the bill is a simple one in that it brings into force a statutory obligation for members of the Board of Tick Control to retire at the age of 70. The work of the tick control board is of particular significance and importance in my electorate, and particularly to the stock-owners in the north-east corner of the State. It is incorrect for the honourable member for Casino to imply that the Government is doing nothing. It must be recognized that this board is responsible for the administration of policy.

For the financial year ended 30th June, 1972, some \$4 million was spent on tick control. In this financial year it is proposed

that some \$4.5 million will be expended. One can only hope that the current inquiry being undertaken will recommend a continuation of similar funds being made available and a continuation of the activities of the Board of Tick Control in the north-east corner of the State. This board has been responsible not only for the administration of policy but also for many worthwhile recommendations over the years it has been in existence. For as long as I have ridden a horse I can recall being aware of the tick control programme. The present position in the north-east corner of the State so far as cattle tick is concerned is much healthier than it has been before.

This measure will affect three existing members of the board—Mr Bruce Yabsley, Mr Jim Muldoon and Mr Tom Somerville. These members of the board have had a fairly hard row to hoe, as will those who replace them. The introduction of quarantine measures and changes in policy, often resulting in inconvenience to stockowners, bring forth criticism of members of the board. These three men have faced this criticism and challenge particularly well. I do not know Mr Yabsley personally but I know the other two members as they are my constituents. Mr Muldoon was a government appointee and he has served on this board for a period of thirty years. He is a dairy farmer and has been interested in administering those policies that affected dairy farmers with their distinctive problems. His advice to me recently that he missed one meeting in a period of thirty years is indicative of his interest in his work on the board. That record is no mean feat and shows the interest and capacity of Mr Muldoon.

Mr RENSHAW: He must have been a Labor government appointee.

Mr DUNCAN: Whether he was a Labor appointee or not, his appointment was approved by the present Government and he has served well as a board member. Mr Tom Somerville is well known and respected by every stockowner in my electorate. He has been connected with the breeding of dairy and beef stock and is recognized as one of the best judges of cattle in the area.

He has served on the board for the long period of twenty-one years. Also, he has served for a period of twenty-nine years as a member of the Richmond-Tweed Pastures Protection Board. He told me recently that during his terms of office he missed three meetings and this was due to a clash of dates of meetings of these two organizations.

The honourable member for Casino was somewhat critical of remarks the Minister for Agriculture made as a member of the Opposition in 1959 upon the introduction of a similar measure dealing with members of hospital boards. I regret that the introduction of this legislation will result in the replacement of men of the type I have mentioned. There can be no substitute for experience. These three men are sound and clear thinkers, and I am sure from my conversations with them that they will accept the decision graciously and will probably welcome the opportunity for younger men to follow them on to the board. I express my gratitude for the work done by the Board of Tick Control and pay tribute to those members of the board who will be replaced. I trust that the new and younger members will approach this responsible and vital task of tick control with the same enthusiasm and knowledge as their predecessors, and with as much aptitude for making practical decisions. I commend the measure to the House.

Mr STEPHENS (Byron), Minister for Housing and Minister for Co-operative Societies [12.19]: In expressing my support for this bill, I point out that it is a long time indeed since the Board of Tick Control was first brought into operation in New South Wales by Government direction. This board has carried out its work with considerable skill and ability. Unfortunately, with the influx of tourists on the far north coast, one is aware that many people are critical of the Board of Tick Control and of those men who carry out the board's policy. I believe that it is vitally necessary to maintain tick control at the highest possible level and any attempt to make it subservient to other considerations is wrong both in principle and in action. There are some who say that the tick gate at the border between New South Wales and

Queensland should be abolished. It is said that it is a waste of time and is merely creating a haven for men to obtain employment. I am convinced that the tick gate plays an important role in preventing the spread of tick fever from Queensland into New South Wales. The board has performed its tasks with great skill and much credit goes to the board members and the board staff.

I join with the honourable member for Lismore in paying tribute to Mr Yabsley, Mr Muldoon and Mr Somerville, all of whom will retire after the enactment of this legislation. Those men have given many years of service to the Board of Tick Control. They have fulfilled their duties without fear or favour and have at all times upheld what they believe to be right and in the best interests of the animal industry, particularly in the northern part of our State. I pay tribute to each of them.

One aspect of this legislation—the appointment of two Government nominees to this board—is most important to my electorate. When one looks at a map of the area served by the tick control board one sees that the voting strength lies in the Richmond River area. The Tweed River area and the Brunswick River area are left out on a limb. Some years ago the Government nominee on the board was the late A. C. Pratt of Murwillumbah, who represented the Tweed-Brunswick district. When he retired from the board the new appointee came from the Richmond River area and the Tweed-Brunswick area was not represented. Because of the high incidence of tick fever in the Tweed-Brunswick district, and because of that district's close proximity to the Queensland border, it is essential that it should be represented on this board. I make a strong plea to the Minister that when the next appointments are made to this board a young and effective representative from the Tweed-Brunswick district should be appointed.

Another item I should like to mention relates to trotting and the transport of trotting horses from the Border Park Raceway at Tweed Heads through the tick gates. Honourable members will no doubt be pleased to know that greyhound racing and

trotting at Tweed Heads are big tourist attractions. As a result of the allocation of funds raised by the Totalizator Agency Board, considerable sums will soon be spent at the Border Park Raceway. This will further increase interest in this raceway, which is a big industry and draws tremendous crowds. The Richmond, Tweed and Brunswick areas have many trotting horses which are taken to the Border Park Raceway for trotting meetings.

Although the track is located in New South Wales, it is north of the tick gates and trotters returning from a meeting must pass through the gates. The horses are required to undergo lengthy and irritative inspection and treatment. The owners, trainers and drivers of that area have approached the Minister for Agriculture and requested an alleviation of this inspection and treatment, having regard to the way in which these horses are groomed and kept isolated from other animals. I hope the Minister will refer this matter to the new board and that there will be some relief of the irritation that occurs under the present requirement.

I should like to repeat that the appointment of someone from the Tweed-Brunswick district as Government nominee on this board would make the board more effective, having regard particularly to the fact that the Tweed-Brunswick district is the area most heavily infected by this pest. I commend the bill to the House.

Mr MALLAM (Campbelltown) [12.25]: I compliment the honourable member for Byron, the Minister for Housing and the Minister for Co-operative Societies, on what he has said about this bill. He is aware that at one time on the North Coast I was a farmer and I remember when a Mr Arthur Keyes lost three successive herds through tick fever. The Minister knows the importance of this legislation to farmers in the north. When I think of the millions of dollars spent over the years on tick eradication on the North Coast I am concerned that we have not advanced much. It seems wrong in this modern day and age that we should keep spending so much money without advancement. I should



like to see an allocation of funds to an organization such as the Commonwealth Scientific and Industrial Research Organization so that proper study and research may be undertaken. I have thought this for many years.

Mr CRAWFORD: How does the honourable member know it is not done? What he is saying has nothing to do with this bill.

Mr MALLAM: What the Minister's colleague, the honourable member for Byron had to say had nothing to do with the bill either, and the Minister's Dairy Industry Bill had nothing to do with it, and subsequently he apologized.

Mr SPEAKER: Order! I understand that a lot of this debate has not been relevant to the bill, but I did not hear it.

Mr MALLAM: For many years I have observed activities in relation to tick control and eradication on the North Coast. We are not getting anywhere. We heard a lot of things from the Minister for Housing and Minister for Co-operative Societies, including a suggestion that it was irritating for people to have their cars inspected when they pass through the tick gates. The problem of ticks on the North Coast concerns me. I have a lot of love and respect for the northern rivers areas of New South Wales. I regret that this pest has not been eradicated.

I should have liked to hear the Minister enlarge on what he is doing to tackle this major problem once and for all. Some years ago in this House I asked a question about tick eradication and I was told that such a programme would cost more than \$6 million. That is a lot of money but I believe ticks should be eradicated. What the honourable member for Byron said, if acted upon, would be a tremendous boost to the tourist trade in the Tweed Heads area. Whether the new board will be able to implement his suggestion I do not know. We must move with the times and find a method of controlling ticks on our North Coast. Perhaps we should ask the CSIRO to look at the problem and if necessary the Government should make an extra grant to find a way to eradicate ticks for all time.

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.

#### SWINE COMPENSATION (AMENDMENT) BILL

##### SECOND READING

Mr CRAWFORD (Barwon), Minister for Agriculture [12.30]: I move:

That this bill be now read a second time.

As I indicated at the introductory stage, the main object of the bill is to repeal the stamp duty payable on the delivery of pigs to an abattoir or slaughterhouse for slaughter. The swine compensation fund, which is constituted under the Swine Compensation Act, 1928, was created for the purpose of paying compensation to owners of pigs destroyed, and for carcasses condemned, on account of certain prescribed diseases. The revenue of this fund is derived from the stamp duty payable on pigs delivered to abattoirs and slaughterhouses.

The amount of stamp duty has varied over the years, depending upon the needs of the fund. The current duty is ten cents, to which figure it was reduced on 1st January, 1968. Notwithstanding the gradual reduction in tax, the annual revenue of the fund has continued to be greater than the annual expenditure, with the result that the credit balance of the fund had grown to \$896,843 as at 31st December, 1971. I can say with some pride that one of the reasons for this situation is the success of my department in its disease control and eradication programmes. As a result of the programmes, the incidence of tuberculosis, brucellosis, anthrax and other diseases has declined, and continues to do so.

The present balance of this fund represents an adequate reserve to meet any serious outbreak of exotic diseases, including swine fever, and any further substantial build-up of the fund would be unwarranted. As the amount available is more than enough to meet commitments there is no

justification for continuation of the stamp duty. The fund will continue to grow by investment of fund surpluses and it will be self-supporting. The bill therefore repeals the imposition of the swine tax and the repeal is made retrospective to 1st April, 1972.

The bill provides that any person who has in his possession unused stamps may apply to the Department of Agriculture for a refund for full value. Because of the healthy balance in the fund, it is considered to have sufficient money to permit use of limited amounts for purposes other than compensation, but which will still be of benefit to the pig industry. Accordingly, the bill provides that fund money not immediately required for the purposes of the fund may be used to finance research into diseases of pigs or problems affecting pig production. Use of the fund for this purpose must be approved by the Minister.

It is also considered appropriate that after allowing a margin above immediate requirements, the balance of the fund should be interest-bearing in much the same way as the cattle compensation fund. Accordingly, the bill provides that this balance may be used or invested by the Treasurer in such manner and at such rate of interest as he may determine. It is expected that investment of portion of the fund along these lines will return an income of approximately \$35,000 per annum. This amount will be credited to the fund.

The measure also extends the time allowed for submissions of claims for compensation under section 8 (3) of the Act from twenty-one days to sixty days, to bring it into line with the Cattle Compensation Act. The bill will also prevent payment of compensation for pigs introduced into New South Wales which, at the time of introduction, were suffering from any prescribed disease. Under the Act, this principle applies only to pigs suffering from swine fever.

The bill increases the amount of compensation payable under the Act from seven-eighths of the market value of the pig to nine-tenths of its market value. Under the principal Act there is deducted from the fund on 1st July each year an amount equal

to 5 per cent of the total sum paid to the credit of the fund during the preceding year. This provision will now be amended to permit that amount or \$2,000, whichever is the greater, to be deducted from the fund to cover these administration costs. This amendment will ensure that money deducted from the fund is adequate to meet this liability.

The bill generally increases the penalties provided under this legislation to bring them into line with today's values. It contains also some consequential amendments. I have no doubt that the measure will be welcomed by the industry and I have no hesitation in recommending it to honourable members.

Mr RENSHAW (Castlereagh) [12.35]: As I indicated at the introductory stage, the Opposition has no quarrel with the bill. I gather from what the Minister has said that his department feels that an investment of about \$500,000 from accumulated funds will provide a return to the fund of \$35,000 each year. It may be of interest to remind the Minister that when the Potato Growers Licensing (Amendment) Bill was being debated here last night it was stated that the administrative costs of collecting licence fees and inspections under that legislation were about \$2,800 per annum. The figure of \$2,000 mentioned in the present measure as the amount required for administration costs might have to be increased later. There seems to be some disparity here, but it is of little moment. I merely drew attention to it.

I pay tribute to the officers of the Department of Agriculture for their general field work that has helped so much to overcome a number of difficulties and to control many outbreaks of disease in the past. Through the salutary effect of increased fines people will become even more conscious of their responsibilities. They will know that if they breach the provisions of the Act in regard to notification of these diseases substantial fines will be imposed.

I note with pleasure that fund money not in use may, with the approval of the Minister, be applied to research into pig diseases. Additional research should be

undertaken into diseases that affect pigs, and anything that can be done to expand this programme must be of value to primary industry, particularly the pig industry, and to the State generally. The Opposition does not join issue on any aspect of the bill. It is pleasing to note the provisions that will increase the amount of compensation payable almost to the full market value of a pig that has to be destroyed. It must be a relief to a producer when faced with the wholesale slaughter of his herd to know that he will receive in compensation almost the full market value of his stock. This knowledge will make him more alert to notify diseases. As I said yesterday at the introductory stage, the Opposition has no objection to the bill, which will have an easy passage through the House.

Mr CRAWFORD (Barwon), Minister for Agriculture [12.37], in reply: I thank the honourable member for Castlereagh for his remarks on this measure, which the Government believes will do much for the pig industry. It is true that the Government has not been able to devote as much to research in the pig industry as it would have liked, but that has been due mainly to the failure of the industry to organize itself on an Australia-wide basis. The industry has now done this. Previously, Victoria was the problem: it had two producer organizations. There has now been set up an organization known as the Australian Commercial Pig Producers Federation, which is providing the industry with funds that will be matched by the State and the Commonwealth. As a result it is hoped greatly to expand research into problems encountered in the pig industry. The bill will allow this State to make a contribution from the funds which, it would seem, will never really be used in likely compensation payments of between \$19,000 and \$20,000 a year.

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.

### MEDICAL PRACTITIONERS (AMENDMENT) BILL

#### SECOND READING

Mr JAGO (Gordon), Minister for Health [12.43]: I move:

That this bill be now read a second time.

As I said in my speech at the introductory stage, the bill is intended to amend the principal Act so as to correct unsatisfactory aspects of the present procedures followed by the board, the investigating committee and the disciplinary tribunal, which have become apparent over the last few years. Apart from amendments made in 1967 designed to deal with cancer quacks, it is more than eight years since the Act was amended, and it has become apparent that certain sections need to be revised. These have been the subject of discussions with the New South Wales Medical Board and the New South Wales Branch of the Australian Medical Association, and I believe the amendments in the bill to be wholly acceptable to these two bodies.

The bill contains provisions for the setting up of a register of specialists, on which subject I shall have more to say later. The Act provides for the Medical Board to include representatives nominated by each of the following bodies: the Royal Australasian College of Physicians; the Royal Australasian College of Physicians, New South Wales Committee; the Royal Australasian College of Surgeons; and the Royal Australasian College of Surgeons, New South Wales Committee. The board is of the opinion that representation of the federal bodies of these two colleges is unnecessary when the State bodies are represented and it considers that the state body of the Royal College of Obstetricians and Gynaecologists should be afforded a place on the board. This would then give adequate representation to the various segments of medicine. In addition, it is desired to afford representation to the New South Wales Universities Board so that the educational facets of the profession may be provided for. The bill provides for these amendments to be made.

Although the Act provides in section 13 for the appointment of a secretary, there is no power to appoint inspectors or other officers. Consequently, the board must rely on officers of the department, who are not specifically authorized by the Act, to undertake investigations of complaints of contravention of the regulations—for example, relating to advertising. The bill will remedy this by authorizing the appointment of inspectors and other officers, but I should perhaps hasten to add that there is no intention of having an army of inspectors take over the functions under the Act at present carried out by the department's inspector, Mr Lindsay Browne. The Act provides that the board may recommend, and the Minister may approve, that a doctor who trains outside New South Wales and receives a degree and who has special qualifications or experience may be exempted from meeting the examination requirements normally imposed on doctors from overseas. The bill transfers this power of approval from the Minister to the board.

One of the more important amendments in the bill is that relating to the requirement at present contained in section 17 (3) that a registered person shall not practise his profession until he has served as a medical officer in a hospital for a period of twelve months, under pain of being deemed not to be registered. This is fine on paper, but in practice a graduate is registered when he completes his university examinations and before he receives his hospital experience.

Mr CRABTREE: Could he go out and practise?

Mr JAGO: Legally no, but we have had examples of the requirement of a year's hospital residency not being completed and the fact not becoming apparent. Persons have gone abroad immediately on graduation and returned some years later and this aspect has not been followed up. Should the person not receive his hospital experience during the next few years, no ground exists on which continued registration can be refused unless it can be shown that he is practising. With the passage of the years it becomes increasingly difficult to keep track of who has and who has not had the requisite

hospital experience and who is or is not entitled to practise. To overcome the problem, the bill will authorize the board to issue a certificate of conditional registration to those who complete the university examinations successfully; this certificate will be valid for practice by a doctor only in a public hospital, a private hospital or other institution approved by the board.

The bill will also require that in gaining the requisite hospital experience, doctors will spend six months in gaining medical experience and six months in gaining surgical experience. Any obstetrical experience will be counted as either medical or surgical experience. Should the holder of a certificate of conditional registration practise otherwise than in a hospital or approved institution, as required by the terms of his conditional registration, he will be deemed to be guilty of misconduct in a professional respect and will then be required to appear before the disciplinary tribunal set up under the Act.

The grounds on which registration may be refused by the board are set out in section 17 (6) and include when a person becomes mentally ill, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958. This ground has been removed and is dealt with later in the amendments to section 30. A new ground has been added, however, in line with some of the other professional registration Acts: habitual drunkenness or addiction to a deleterious drug may be relied on to refuse registration.

The Act at present requires certificates of provisional registration to be signed by the president of the Medical Board or, in his absence, by an authorized board member. These provisional certificates are granted on presentation of credentials so as to enable an applicant to commence practice without waiting for the formal approval of the board, which meets only once a month. This proves inconvenient at times, particularly when newly graduated applicants flock to the board. The bill provides that, in addition to the present arrangement, the secretary to the board may sign these certificates. This is for convenience of administration.

As well, applicants will not have to wait for registration until the next meeting of the board.

Section 21A of the Act deals with the registration of doctors from overseas who are permitted to practise only in regions where the residents are not adequately provided with medical services. Subsection (8A) provides that the Minister may direct the board, if it is unable to obtain a doctor suitable for regional practice, to register under this section a doctor who holds a licence under section 21c (4) which entitles him to practise only in a hospital. The need for this subsection no longer exists and it is now being deleted. Subsection 13 of the same section, which empowers the Minister to cancel a certificate of regional registration if the holder practises outside the region in respect of which the certificate is issued, has been amended to enable the Minister to do so on any other ground that he may consider just and reasonable.

Section 21c (3) provides that an overseas doctor may be registered to practise only in a hospital and under supervision. When the doctor has had twelve months service and passes a test of his knowledge and skill to practise, he may be licensed under section 21c (4) to practise, still in a hospital, but no longer under supervision. This test is conducted by a committee composed of the dean of the faculty of medicine at the University of Sydney and two registered medical practitioners. As it is now possible for the dean to be an unregistered person, the bill amends the Act to require that the dean may, and shall if he is unregistered, appoint a registered person to act on the committee in his place.

I have received representations that medical practitioners should not be required to pay a roll fee when they reach the age of 70 years if they are not engaged in private practice, and as this is a reasonable request the bill contains the necessary amending provision. If a registered medical practitioner does not pay his roll fee by the required date, his name is removed from the register. On application and on payment of the roll fee and the restoration fee, the board is obliged to restore that person's name.

*Mr Jago*

The board has no option in the matter and must restore that person's name even if it becomes known, for example, that he is no longer of good character. The Act is accordingly being amended to provide that an application for restoration is to be considered by the board, and the members are being given the powers of Royal commissioners to hold any inquiry they may consider necessary in connection with the application.

Section 26 of the Act empowers the board to remove from the register the names of persons who are registered under section 17 (1) (b) or (c) if their names are removed for misconduct from the register of any other country. This reference to section 17 (1) (b) or (c) is unnecessarily restrictive and the power has been extended to cover all methods of registration under the Act and to cover other States as well as other countries. It will now be competent for the board to remove from the register the name of any doctor removed from any other register for misconduct.

Some of the most important amendments are being made in respect of the disciplinary powers contained in the Act. The phrase "infamous conduct in any professional respect" has been altered to "misconduct in a professional respect" as being in keeping with modern usage as exemplified by the Dentists Act, 1934. A charge that a registered person is "not of good character" may now be considered by the investigating committee. Complaints to the investigating committee may now be made in writing instead of by way of statutory declaration, although the committee may require the complaint to be verified by statutory declaration. If further particulars sought by the committee are not forthcoming, the complaint may be declared by the committee not to have been received by it.

The requirements that the courts refer to the committee details of convictions of registered persons in respect of felonies and misdemeanours, has been widened to include crimes and offences. This is in keeping with recent amendments to other registration acts. Minor offences, such as minor traffic and parking offences, will be excluded by the regulations. The committee will now be

able to regard the notification of a conviction by the courts as a complaint, thus eliminating the need for a formal complaint to be made. When investigating a complaint or charge, the committee will now be able to consider another complaint or charge instead of or in addition to the original complaint or charge. Members of the police force or the public service are not required to lodge the required sum of ten dollars when a complaint or charge is lodged. The Act is being amended to make it clear that this applies only when acting in a member's official capacity.

The committee is now authorized to appoint a member of the public service as the nominal complainant when it decides to refer a complaint or charge to the disciplinary tribunal. This has been done to enable the Crown Solicitor to prosecute the case before the tribunal. In the past, there have been several cases where a strong *prima facie* case existed against a registered person but the person making the complaint was not in a position to bear the costs of legal representation before the tribunal and was forced to let the matter drop. At present, the chairman of the disciplinary tribunal is required to be a judge of the district court when appointed; the Act as amended by the bill will make it clear that on ceasing to be such a judge, the chairman will also cease to be a member of the tribunal.

[Mr Acting-Speaker (Mr Bruxner) left the chair at 1 p.m. The House resumed at 2.30 p.m.]

Mr JAGO: At the adjournment I was discussing the important amendments proposed in respect to the disciplinary tribunal under the Medical Practitioners Act. The chairman of the tribunal is at present empowered to suppress the name of any witness and prohibit publication of the name and address of a witness or the evidence he gives. A need has been recognized, however, to extend this to enable the chairman to include the name and address of the person making the complaint or charge, the name and address of the registered person concerned and the subject-matter of the complaint or charge. Further, the chairman is authorized by the bill to exercise these powers before, as well as during, the hearing if he gives prior

notice to the persons concerned. In addition, the chairman will be able to direct that the inquiry be held in camera. These provisions have been inserted to protect the interests of the doctor charged, the person making the charge, or witnesses; they have been found most desirable in the past, particularly because of the sensational or unsavoury nature of some of the facts of cases. I am confident that the chairman of the tribunal, who is a judge of the district court, will ensure that these provisions are applied impartially and irrespective of which party makes application for an order.

I mentioned earlier that the investigating committee will be empowered to consider another complaint or charge instead of, or in addition to, the original complaint or charge. This power is being extended to the disciplinary tribunal also, and may be exercised after any adjournment of the inquiry considered desirable.

In accordance with section 29 the tribunal may reprimand a registered person or suspend him from practice. The bill will amend this section to permit the tribunal to order compliance with specified conditions where these are considered desirable, and may hold a further inquiry and make a further order in the event of non-compliance. As an example, a doctor may become involved in a minor way with the taking of drugs. The tribunal may not consider it necessary to deregister such a person, but be satisfied to reprimand him, and order that he place himself under treatment for his addiction after his drug authority has been withdrawn. Should the doctor not carry out these conditions, it will be competent for the tribunal to hold a further inquiry and possibly to suspend his registration or deregister him.

I turn now to another important amendment contained in the bill. This relates to refusal of registration or restoration to the register, and removal from the register for reasons of unfitness to practise by reason of infirmity. The Act already provides in section 17 (6) (c) that the board may refuse to register a mentally ill person and, in section 30 (1), that the board may remove from the register the name of such a person. There are cases, however, in

which a registered person may not be mentally ill within the terms of the Mental Health Act, 1958, but is nonetheless not a fit person to practise; there are other cases in which a person may be suffering from injury or is physically unfit to practise. In these cases the board will have the power under section 30 in future to require that person to undergo, at its expense, a medical examination to determine his fitness to practise. The board will also be able to hold an inquiry to explore the matter further, if necessary. If the board is satisfied after the examination that a person is unfit to practise, it may suspend or deregister that person. Should a person refuse to undergo the examination, such a refusal may be regarded by the board as evidence that that person is unfit to practise. An appeal to the Supreme Court may be made by any person aggrieved by a decision of the board under this section.

Section 30 at present provides that the board may remove from the register the name of a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, and the Director of State Psychiatric Services is required to inform the board of the names of any such persons. Protected persons and incapable persons are somewhat rare phenomena these days and, in any case, would not be known to the director. The section will accordingly be amended to require the director to notify the board of the name of any registered person who becomes a patient or a voluntary patient within the meaning of the Mental Health Act, 1958, so that the board may decide what it wishes to do in the matter.

Section 35 at present provides that a medical practitioner may not sue for his fees until a period of three months has elapsed after the bill has been rendered. Section 36 provides that an application to the medical practitioners charges committee for review of a bill for fees must be made within a similar period. This period has been found in practice sometimes to be too short to enable complainants to make the applications in time, and accordingly the period in the two sections is being increased to six months. It is of interest to remember

that not all medical practitioners in this State are registered in New South Wales. Some are employed by the Commonwealth Government in the armed forces and others may be registered in other States and visiting this State. In a disaster situation near one of the State's borders, doctors from nearby States may be available to assist. As the Act stands at present, none of these people is able to give any medical or surgical advice or attention, even in an emergency, without breaching the Act. Accordingly, a provision has been included in the bill to authorize persons registered elsewhere in Australia to act in an emergency.

Before dealing with the final major points in the bill, I should mention that the regulation-making powers will be widened to permit of regulations being made which differ in respect of time, place or circumstances. This will be done to permit the regulations to be amended so as to provide for a sliding scale of fees being fixed in respect of registration applications. At present, the one fee is prescribed irrespective of the amount of checking and verification of credentials involved, and the amended powers will permit a higher fee being imposed in respect of an applicant from overseas than will be charged to an applicant whose qualifications were obtained locally.

Honourable members will notice that many of the penalties are to be increased by the bill. This has been done, not with any covert intention to take action against any particular class of offender, but simply with the object of bringing the penalties more into line with other Acts and to correct some anomalies. For example, there is no penalty provided in the Act at present for the signing of a death certificate by an unregistered person; and the penalty at present provided in respect of an unregistered person holding an appointment as a medical officer in a public hospital or a medical officer of health is a paltry forty dollars. This penalty will be increased to a maximum of \$2,000 or imprisonment for two years, or both such penalty and imprisonment, in keeping with other serious offences under the Act.

**Mr Jago]**

In concluding, I wish to speak about the provisions in the bill relating to the register of specialists. The decision to establish a register of specialists was taken by the Government as a result of consideration of the subject over a number of years, having examined closely a number of unsavoury incidents. The first suggestion for such a register came from the Royal Australasian College of Surgeons in 1959. The need for such a register was emphasized in 1965 by the city coroner, Mr J. J. Loomes, S.M., after an inquest into the death of a patient who had undergone an operation for adenoma of the thyroid. Considerable disquiet had been aroused in the minds of the general public and the medical profession over the performance of complicated surgical procedures by persons who may not have had the requisite specialist knowledge, and the coroner pointed out the need for some form of accreditation attesting to the possession of the knowledge and skills required of a specialist.

The New South Wales branch of the Australian Medical Association indicated in 1966 that it was opposed to any proposal to establish a register of specialists. In the following year the Commonwealth Government indicated that if the States were to set up registers of specialists, the Commonwealth's administration of the national health scheme would be greatly facilitated. In 1968, however, the Australian Medical Association held a plebiscite of its members, with the result that the association changed its policy and supported the setting up of such a register. As a result, the Government decided to establish a register of specialists.

Because of delays on the part of some of the States in setting up registers, the Commonwealth Government set up the specialist recognition advisory committee to enable it to decide in respect of which medical practitioners it would make payment of the medical benefit applying to services rendered by a specialist. This reduced the importance of the need for this State to inaugurate a register. In addition, I am informed that the Australian Medical Association has now found the Commonwealth's system of specialist registration to function

satisfactorily so far as the profession is concerned. In these circumstances, I do not see any point in setting up at present a register of specialists as was originally intended. The legislation has been drafted, however, and may prove useful in the event of the need for a register being demonstrated in the future. It is intended, therefore, to continue with the bill as drafted, but to refrain from proclaiming a date for commencement of part IIIA. It is not the Government's intention to proclaim such a date in the foreseeable future.

Part IIIA provides for the keeping of a register of specialists for New South Wales, which will be divided into divisions, each of which will be kept in respect of a specialist branch of medicine or surgery. For example, there will no doubt be a division of specialist surgery, and another of specialist urology. In each of these divisions will be entered the names of those medical practitioners who are practising in that special division; on entry in the register they will be entitled to describe themselves in the manner authorized, for example, specialist surgeon or specialist urologist.

Some restrictions will be placed on those who are registered in the register of specialists. A person will not be able to register in more than one specialist division, and to be entered in the register he will need to satisfy the Medical Board on three matters. First, that he possesses special skill and experience in that specialist branch; second, that he holds a qualification in that branch approved by the board; third, that he has been practising in that specialist branch, and no other, for a period immediately prior to his application as warrants his registration as a specialist. Once registered as a specialist he will not be permitted to practise outside that specialist branch without the board's consent. This restriction will not apply in cases of emergency; or where a specialist renders services in his own specialist branch and in connection therewith finds it necessary to render services properly belonging to another specialist branch; or where the services are of a minor or trivial nature.



The provisions of the Act relating to registration at present—such as registration to be applied for; an annual roll fee; removal from the roll for non-payment of fees, or on request, or for misconduct—will apply to registration in the register of specialists. Naturally, there will be a right of appeal from the board's decisions to the Supreme Court. I repeat what I said earlier when first referring to the register of specialists. It is not the Government's intention to proclaim a date for the commencement of part IIIA the registration of specialists—in the foreseeable future.

The provisions of the bill for a register of specialists have been drafted and have been found to be satisfactory to the New South Wales branch of the Australian Medical Association and the New South Wales Medical Board and are left in the bill against the day when it may be found desirable to implement them. The provisions of the bill as a whole represent an important revision and updating of the Medical Practitioners Act, 1938. In conclusion I pay tribute to the Medical Board of New South Wales for the great sense of responsibility it exhibits in the discharge of its duties. I commend the bill.

Mr K. J. STEWART (Canterbury) [2.46]: I am happy to say that the Opposition unreservedly supports the bill—an attitude quite different from that adopted by the Liberal-Country party Opposition in 1962 when somewhat similar amendments were being considered. At that time supporters of the present Government reacted hysterically to proposals to amend the legislation. Apparently they thought that an appropriate attitude to adopt when alterations were put forward by a Labor government. Yet today, when a Liberal-Country party Government is about to amend exactly the same clauses that were the subject of their hysteria in 1962, none of the amendments proposed by them at that time is included in this legislation.

I thank the Minister for his courtesy in endeavouring to assist me in my consideration of the measure in the short time that it has been available to the Opposition. The bill was introduced last night, and it was distributed at 10 o'clock this morning. I am

now expected to make an intelligent commentary on behalf of the Opposition on a bill which, according to the explanatory note, has thirty-six objects, and to understand what it proposes to achieve by way of amendment. Perhaps I am not as lucky as the present Premier and Treasurer was on 2nd April, 1963, when, as Leader of the Opposition, he said:

I place on record my appreciation of the fact that I was given the adjournment last week to enable me to make a closer study of this measure.

Although I thank the Minister for Health for the help he has given me in understanding the contents of this bill, on behalf of the Opposition I must voice a strong protest at being thrust into such a debate at short notice, particularly when the title of the measure gives no indication of what is in the Government's mind. However, as I say, the Opposition welcomes the amendments, and at this stage can see no objection to them. Perhaps after I have reminded honourable members of what happened in April, 1963, some supporters of the Liberal and Country parties will move amendments to maintain an attitude consistent with that taken by them at that time.

When a Labor government sought to insert in this legislation a clause, the need for which arose from an incident at Windsor hospital, there was a great conflict and a distinct lack of unanimity among the Liberal-Country party Opposition. The honourable member for Hawkesbury came to grips with the honourable member for Gloucester on a number of occasions. I am not sure whether the honourable member for Hawkesbury voted with the Labor Government on that occasion, but he certainly supported the provision relating to emergency treatment to be given by doctors. One of the clauses in that bill provided that a doctor failing to give emergency treatment could be reported to the Medical Board by way of a statutory declaration. That reference to a statutory declaration was an important ingredient of the measure, for it comes under review in the amendments being considered now. The Premier, who was then the Leader of the Opposition, was most concerned about a provision that a statutory declaration was the only way by

which a person could register a complaint against a medical practitioner. He said that frivolous statutory declarations would be made, and he insisted that the Labor Government accept an amendment that a sum of £5 should accompany each complaint. This is what he said:

Under the bill any complaint or charge must be made by way of statutory declaration. This could help to reduce frivolous and vindictive complaints to a minimum. We have to bend over backwards to guard as far as possible against frivolous and vindictive complaints, which we all know occur. I welcome the provision that a complaint or charge shall be made by way of statutory declaration.

The bill might go further and provide that the statutory declaration shall be accompanied by a deposit of £5. Honourable members may ask, what about pensioners, but the fact is that the Dentists Act, the Pharmacy Act and the Nurses Registration Act provide that a deposit of £5 shall accompany a complaint, and that the deposit shall be forfeited if the committee is of opinion that the complaint is vexatious or frivolous. If it is good enough to include this safeguard in the law relating to dentists, pharmacists and nurses, it is good enough to include it for the protection of the medical profession.

When that amendment was proposed in this Chamber the Minister for Health said that he would arrange for it to be placed in the bill in another place. It is interesting to know that in 1963 the Labor Government had lost its majority in the upper House and legislation that went to that Chamber was always liable to alteration. A number of amendments were made to the Medical Practitioners (Amendment) Bill in the upper House. One was that the £5 should go as part and parcel of the clause that required the complaint to be made by statutory declaration. Everyone said that the statutory declaration was one of the most important ingredients. The Premier, as Leader of the Opposition then, thought the £5 would be a further barrier to prevent people from making vexatious or frivolous complaints. Members of the Government at that time pointed out that the Oaths Act provided a penalty of £100 for making a false declaration and if a person under the proposed legislation made a false declaration he would be liable to that penalty, so that the amendment would only make the penalty £105.

By this bill the requirement for a statutory declaration is being removed from the Act, so the protection that was the be all and end all, the safeguard, for the medical profession against the ravages of the Labor Party of New South Wales is being removed at the suggestion of the Liberal-Country party Government. The Minister is starting to writhe. He might say that when the complaint is considered in the first instance by the Medical Board the board, if it thinks it is of such moment, may require the complaint to be given to it by statutory declaration. It would not ask for a statutory declaration on the second occasion unless it has caused some inquiries to be made into the nature of the complaint to ascertain whether it was vexatious or frivolous, so that a medical practitioner, without a person making a statutory declaration, can come under the scrutiny of the Medical Board of New South Wales. Members of the Opposition feel that the requirement for a statutory declaration that was inserted in the Act in 1963 was a reasonable protection. Apparently the Government thinks otherwise. It is now to be removed.

In the 1963 debate there was considerable discussion about the composition of the Medical Board. The honourable member for Armidale, who led for the Country Party in that debate, claimed that representatives from the federal bodies of the College of Physicians and the College of Surgeons could be unconstitutional appointments because they were companies that were incorporated in Victoria. Though the members would be registered in New South Wales, they would really be representing an interstate corporation. It was felt that there could be some legal or constitutional barrier against that representation. The Minister proposes by this bill to remove the provision for two federal representatives of those colleges. He is doing that without any explanation to the House of whether he thought two surgeons and two physicians on the board were too much or whether he has had legal advice to the effect that the appointment was unconstitutional in the first place and there should not have been a representative of the Australasian college

on the Medical Board of New South Wales, though these appointments had been suggested by the Premier, as Leader of the Opposition, in his speech in 1963.

Opposition members support the appointment of a representative of the Royal College of Obstetricians and Gynaecologists, New South Wales committee. In retrospect, in this regard there should have been a little more wisdom on this side of the House in 1963. The members of this important college look after the health and welfare of the mothers and babies of New South Wales. It is right that they should have representation on the Medical Board which is setting the highest possible standard for medical practice. When the Opposition was in Government during the three years that I was a member of it I admired the hard work of the honourable member for Armidale who is now the Minister for Public Works. As I listened to him on many occasions I admired the research and work he put into his speeches. On one notable occasion he virtually rewrote the loan estimates for the State of New South Wales. He reallocated loan votes and presented his suggestions to the Parliament as an alternative loan programme. I do not think he rewrote the budget; that task would probably have been beyond him. However, he proposed a lengthy amendment to the Medical Practitioners (Amendment) Bill to set up the statutory committee of the New South Wales branch of the Australian Medical Association. If he thought that was important in 1963 and the Premier thought the statutory declaration was important, what reasons do those honourable members give for not thinking those matters are important in 1972? If the honourable member for Armidale, who is at present Minister for Public Works, thought the statutory committee of the New South Wales branch of the Australian Medical Association was an important ingredient, necessary for insertion in the Medical Practitioners (Amendment) Bill in 1963, why does he not think it important in 1972? I ask the Minister for Health why he did not think so. Sometimes members of the Opposition state contrary views to those expressed by other members of the Opposition. This always causes ribald laughter on the part of members of the

*Mr K. J. Stewart]*

Liberal Party and Country Party, especially the newer members. At the risk of reading a long extract I shall read the amendment moved in 1963 by the honourable member for Armidale:

(1) There shall be a committee of inquiry which shall be called "The Statutory Committee of the N.S.W. branch of the Australian Medical Association" (in this section called "the Committee") for the purpose of hearing charges of professional misconduct upon the part of registered persons whether or not they are members of the N.S.W. Branch of the Australian Medical Association.

I am glad to see that the Minister for Public Works is in the Chamber. He might like to propose this amendment to the bill before the House, as he considered it important enough to propose it on 3rd April, 1963. The amendment continues:

(2) The committee shall consist of the chairman as hereinafter mentioned and four members of The New South Wales Branch of the Australian Medical Association appointed by the Council of such Association.

(3) The chairman of the committee shall be a magistrate or barrister-at-law who shall be appointed as such by the Minister.

(4) A quorum of the committee shall consist of three members thereof including the chairman.

(5) The committee shall investigate all complaints made to The New South Wales Branch of the Australian Medical Association in respect of registered persons. For the purpose of any investigation conducted by it the committee may administer an oath and by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the committee or producing any document relating to the investigation.

I quoted that at length to indicate the enthusiasm, sincerity and energy of the honourable member for Armidale in 1963. The Minister has gone to all the trouble of providing a complete amendment to cover investigations into or charges of infamous conduct, or failure to render the necessary emergency treatment against a medical practitioner by this statutory committee. Amendment of this section of the Act has received consideration, yet the amendment of the honourable member for Armidale is conspicuous by its absence. The amendment that the honourable member for Armidale moved for a substituted new section 27A of the Medical Practitioners Act

deserves particular attention. The Minister has done in this bill exactly what members on this side of the House do when they prepare amendments—he took one or two lines out of a paragraph; like we do, he stole it from another measure. It is a great help to be able to steal a couple of lines and incorporate them in an amendment. I do not say that to denigrate anybody. When one prepares amendments one tries to use verbiage as near as possible to that contained in the bill or the principal Act. It is difficult enough to understand legal verbiage without trying to work out an amendment unaided. The proposed amendment of the honourable member for Armidale included the words:

... Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee. If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

(c) if it is satisfied that a *prima facie* case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.

On that occasion the honourable member for Armidale was followed with great gusto by the Leader of the Opposition, who was then the honourable member for Collaroy. He said:

My colleagues and I support the amendment that has been proposed by the honourable member for Armidale.

So it was not merely the amendment of the honourable member for Armidale; it was an amendment of the Liberal-Country party Opposition. It represented its policy on how to handle complaints against medical practitioners in New South Wales. It is this section of the Act that is now being amended. Not only did the Premier say at that time in his role as Leader of the Opposition that

he supported the amendment proposed by the honourable member for Armidale, but he said also:

I intended to move, in proposed new section 27A on page 18 of the bill, for the deletion of the words:

Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

The Leader of the Opposition of that time foreshadowed a further amendment to alter the amendment of the honourable member for Armidale. Really he did not know what was in that amendment. I trust that I have not bored the House but I wanted to recapitulate some of the things that occurred in this Chamber when the members who sit smilingly and knowingly and comfortably on the Government benches were in opposition. It all happened at the press of a button. I am looking forward to the day—not for any personal aggrandizement—when somebody else will be pressing the buttons and new government members can get down to some hard work. Nobody could set a better example of how to work hard in opposition than the Minister for Public Works when he was a member on the opposite side of the House. He gave an example to all honourable members. I do not care whether the Minister wishes to contribute to this debate; I am not trying to talk him out of speaking or defending himself.

When members of the Opposition propose amendments in this House, in effect they state Opposition policy. Therefore, when we on this side propose an amendment to a bill before this Chamber, it represents Labor policy. Apparently it was not the policy of the Liberal and Country parties when they were in opposition in 1963. Rather they were jumping on the band waggon and making as loud a noise in as hysterical manner as they could in order to alarm medical practitioners of New South Wales about the big bad wolf that was going to devour them—the Labor Government of New South Wales. All that has been done to this legislation has been to

tidy it up a little. The Government has not made many alterations to it. Certainly it has not incorporated the amendments that it wished to make in 1963.

I refer now to the provision relating to members of the police force or members of the public service who make complaints or charges alleging infamous misconduct by a medical practitioner. From my quick reading of the 1963 debate during the luncheon adjournment it would appear that Colonel the Hon. Sir Hector Clayton picked this matter up in the other House. He commented that it was a rather wide provision to insert into the law. I think he suggested an amendment to overcome the difficulty. The Hon. R. R. Downing, who was then Minister of Justice, gave an assurance that if there was any malicious use of this provision by any member of the police force or by a public servant acting in his private capacity in making a complaint, he would report that officer to the Commissioner of Police or to the Public Service Board. Apparently Sir Hector's interpretation was the correct one and it should have been acted upon at that time.

The Minister made great play about the registration of specialists. I do not wish to play down the seriousness and importance of it, nor the difficulty of implementing it. That I do not wish to play it down is all the more reason why I should mention it now. For three or four years the Australian Medical Association did not favour the establishment of a register of specialists. Then it suddenly decided it was in favour of it. I suppose that the association approached the Government and certain negotiations took place. I recall I did ask the Minister for Health a question on the matter. The Opposition was waiting for a register of specialists to be established.

The Minister referred to unsavoury incidents involving doctors working outside their capacity and ability. Now the Government uses the excuse that the Commonwealth Government under the national health scheme has a register of specialists. Let us not kid ourselves—that register exists purely for monetary purposes. Is it not strange when important questions like this are being dealt with that it is the financial

side that receives the most consideration, and the personal and physical side—patient care—is not considered? Patient care will remain dormant until the Government sees fit to take appropriate measures under part III of the Act. I have not had time to study the matter completely or to determine what I would consider to be the consequences of establishing such a register in New South Wales. Had my colleagues and I sufficient time to study those consequences, and had he been satisfied that they would be detrimental to patients and the citizens of New South Wales, I should have little reluctance in moving an appropriate amendment to this measure. However, as the bill stands it will be open to me or any other honourable member to ask for such a register to be gazetted or incorporated in the Act at a later stage.

The Commonwealth Government has drawn up a list of medical specialists. Medical practitioners who appear on this list may claim the most common fee payable to specialists. If a practitioner has the imprimatur of the Commonwealth Department of Health he may practise as a specialist and charge a higher fee. The Commonwealth merely asks him to produce evidence that his skills permit him to practise as a specialist. He need not belong to any of the Royal colleges relating to medicine. He does not need a post-graduate degree in the sphere in which he claims to have special talents, nor does he need to have special skills. Inclusion on the Commonwealth register permits him to charge the specialist fee and his patients receive a refund applicable to specialist services. The Commonwealth system is purely a monetary measure and it has nothing to do with patient care. It does not stop a practitioner working outside his sphere or even outside his capacity.

I should like to see a register of specialists in New South Wales, designed to prevent medical practitioners working outside the specialities in which they are registered unless there is good and justifiable reason, such as an emergency. That should be the purpose of the specialist register. It is not the purpose of the Commonwealth's register of specialists, which merely entitles a doctor

*Mr K. J. Stewart]*

whose name is on the list to be paid a certain fee. The Commonwealth register does not offer any protection against unsavoury incidents. I am grateful to the Minister for giving me a copy of his second-reading speech. It helped me considerably. I notice that not only will there be a separate classification for surgeons in the register but also that surgeons will be divided into various specialities. This will be most difficult to implement and it might cause a lot of heartburn.

Mr JAGO: And perhaps litigation.

Mr K. J. STEWART: It might even cause litigation. If a medical practitioner is registered as a thoracic surgeon he would not be entitled to perform other types of surgery. Possibly a lot of thoracic surgeons are going broke because it is not every day of the week that open heart surgical operations are needed. Many thoracic surgeons might have to turn to general surgery but they cannot all do that. I see complications and problems in having a register that classifies specialist surgeons under subheadings of general surgeons, neurologists, thoracic surgeons and whatever other types of surgeons there are. If a practitioner is registered as a specialist obstetrician and gynaecologist he will not be permitted to perform, say, general surgery or thoracic surgery. Indeed, it would be a moot point whether he would even be permitted to remove a patient's appendix. Should the register of specialists restrict doctors to a narrow sphere there will be some difficulties.

In country towns, where a limited range of specialists is available, the difficulties will be even greater. General practitioners in country centres have a wide experience in general surgery and they perform many and varied operations. Unless special provision is made, specialists practising in country areas could be restricted in their practice. Perhaps these reasons prevent the Minister from introducing the register system immediately. If the Minister tells the House that his reason is that the Commonwealth already has a register of specialists, that would not be a valid reason, unless the Minister is interested only in the actuarial position of the national health fund. The Commonwealth register is related only to

the finances of the Commonwealth Government as related to refunds applicable under the most common fee concept. I hope that New South Wales does establish a register of specialists. I hope too that practitioners trained in various fields are restricted to work within those spheres. Doctors who have no particular skill in a speciality should not be permitted to practise in the specialty, particularly in metropolitan districts where skilled specialists are readily available.

Grudgingly I make an allowance for country areas. I hate perpetrating the thought that because persons live in the country they should be entitled to only second class or mediocre services. I do not say this with that thought in mind but in an attempt to face the facts. Country districts have particular problems and the legislation must make due allowances for them. I do not know whether the register will be a schedule to the bill or something quite separate. The Opposition will examine it in due course. It is one of the most important features of this legislation. I urge the Minister to have a look at this matter and to grasp the nettle. If he is not inclined to grasp the nettle he must be prepared to provide some safeguard to avoid the possibility of operations by doctors who do not possess the necessary skills. Selfpraise should not be the basis for permitting a surgeon to act beyond his training and experience.

Another important matter concerns resident doctors in hospitals. This bill provides that residents must have twelve months' service at a public hospital. Perhaps the definition will be altered to include private hospitals and other institutions. Hospitals will complete and sign a certificate to indicate that a medical officer has served twelve months' residency at an approved institution. For some time the medical authorities of this State have been talking about increasing the period of hospital residency for graduates. On 5th November, 1969, in this House, I asked the Minister for Health a question on this subject.

No doubt honourable members are aware that New South Wales is facing probably its greatest shortage of resident medical officers at public hospitals. From a discussion I had yesterday with a medical practitioner I understand that next year might be the worst ever for shortage of resident medical officers. Next year it is estimated that 450 resident medical officers will be required in New South Wales, but it is suggested that we shall be lucky to get 350 graduates from our medical schools at the end of this year. So next year New South Wales will have 100 fewer resident doctors than it needs. This serious, tragic set of circumstances will create many problems for hospitals, for the Minister for Health, and I think, for the medical board in relation to the disciplinary clauses that are being debated today. Resident doctors attached to hospitals in New South Wales are already overworked. They must face the burden of extra patients who come to casualty sections not as casualty patients but as medical patients. Many people who telephone private practitioners late at night or on Saturdays and Sundays and are told by way of recorded message that they should seek attention at the nearest public hospital.

In 1968 a survey by Dr Amos revealed that the lower the wage group the higher the proportion of medical cases compared with emergency cases attending casualty sections of hospitals. One thinks of the casualty section of a hospital as the place for emergency treatment of the fellow who cuts his foot with the motor mower or who falls off the ladder while painting the guttering. I assure honourable members that in most casualty departments of public hospitals the proportion of medical cases is almost equal to emergency casualty cases. In the area represented in this House by the honourable member for Mount Druitt, who is a former president of the board of Blacktown District Hospital, between 60 per cent and 70 per cent of patients presenting themselves to the casualty ward are seeking attention because they are medically sick, not because they have sustained an injury.

Two problems require solution. First, is the absence of the family doctor—the general practitioner. Second, a burden is being thrown on to the hospitals of this State,

*Mr K. J. Stewart]*

which are short of resident doctors. A dual problem at that level will increase in the future. For example, I understand that the position will be worse in 1973 than it has ever been before. On 5th November, 1969, I asked the Minister for Health the following question without notice:

Is there a serious shortage of medical officers in hospitals and in practice in New South Wales? Will the reduction of quota reflect itself in the graduation rate and, as a result, create a serious shortage of doctors? Has the Government for some time been considering extending the period of hospital residency for graduates from twelve to twenty-four months? In order to overcome the shortage of resident medical officers at public hospitals, can the Minister say what is the present position with regard to these considerations?

The Minister gave a lengthy reply but I shall read only this extract from what he said:

The Government is conscious of the shortage of medical practitioners, particularly in country districts. As a matter of urgency the Government has acted to assist teaching hospitals identified with the University of New South Wales. This has not been done without creating additional problems . . .

The Minister went on to say:

The latest decision in this regard is to proceed with a \$17,000,000 expansion programme for the Royal North Shore Hospital, for which working drawings and sketch plans are being made . . .

Then he continued:

As far as expanding or altering the medical course is concerned, that is a matter within the province of the Medical Board of New South Wales.

That was on 5th November, 1969, and now we are discussing the legislation that created the Medical Board of New South Wales, under which that board operates. The board has not done much about the medical course but apparently it has tried to keep the resident doctors at public hospitals for at least twelve months. Continuing his reply on that occasion, the Minister went on to say:

For many years the medical course has been an undergraduate period of training of six years, and one year in residence at a hospital. This aspect is being examined at present to see whether the introduction of the Wyndham scheme and the extension of secondary school training makes it appropriate, having regard to the increasing complexity and demands of medicine, to make the course a period of five

years of academic training, with two years of post-graduate residency. The latest information that I had on this matter was that consultations were taking place with medical boards in other States. However, I shall examine the question further to see if any more information is available.

On 26th November, 1969, in giving a further reply to my question the Minister said:

The honourable member also asked whether the reduction of quota would reflect itself in the graduation rate and create a serious shortage of doctors, and whether the Government had for some time been considering extending the period of hospital residency for graduates from twelve to twenty-four months. In my reply I intimated that the intake of students in the coming year for the Faculty of Medicine at the University of Sydney had been reduced to a total of 210 . . .

I am tempted to branch off there and talk about the medical graduation rate. Instead, let me compliment the Minister on the enlightenment he has displayed in recent months. Recently the Minister wrote a letter to the editor of the *Sydney Morning Herald* and stated what is being done in regard to medical training in this State. However, when I made a speech in this House in the budget debate in 1970 on that aspect the Minister said that it was not a matter for him—that it was the concern of the Minister for Education. When I compared the proportion of medical graduates to the population with the situation twenty years ago and related the figures for this State to those of other States, the Minister came up with the enlightened comment, "So what."

I am glad that at last some enlightenment has crept into the Department of Health on this serious problem. Perhaps a few bombs are needed to wake some people up. They should be told that they are using public money and that more results are expected. On 26th November, 1969, the Minister had this to say:

Upon my request, the Hospitals Commission of New South Wales has convened a committee of representatives of the University of Sydney, the University of New South Wales and the New South Wales Medical Board to consider the action necessary to ensure that medical graduates can be assured of a planned, formal, and adequate training programme during their compulsory residency in a hospital prior to registration. The committee, by majority, has reached the conclusion that a

two-year hospital residency should be obligatory to give adequate practical training to graduate medical officers. At present it is difficult to accommodate the required periods in medicine, surgery, obstetrics and specialties plus experience in a country hospital into a twelve months' period. However, concern has been expressed by the committee that the introduction of a two-year hospital residency, without a corresponding reduction in the length of the formal course, would extend the period of compulsory training to eight years. The views of the vice-chancellors of the University of Sydney and the University of New South Wales have been sought to obtain their views as to the number of years of formal training required by medical students within the university. The Vice-Chancellor of the University of New South Wales has advised that the Faculty of Medicine has appointed a sub-committee to examine this matter, the sub-committee supporting the proposal in principle provided that the university will have some direction of the training programme during the residency period. A sub-committee of the Faculty of Medicine of the University of Sydney has also been formed and is holding discussions with the University of New South Wales, considering the implications of the proposed changes.

Although those proposed charges are of vital importance to the people of New South Wales and they have been discussed in this House, no mention of them appears in the bill. The Government is merely removing the anomaly in regard to whether a doctor has had twelve months' residency or not. The Government has made no attempt to take this matter up even though three years have elapsed since it was brought before this House. I do not know how many subcommittees have been formed in that time, though, at a guess, I should say that three such bodies have been appointed to determine whether doctors should undergo two years' residency at a particular public hospital before they are ready to go into private practice.

I am disappointed on two aspects: first, in regard to the specialists; and, second, that so much is being left to the Commonwealth Government, which has a poor attitude to medicine and medical education. The federal Government has had some fun trying to keep its national health scheme in balance. When a common fee was fixed, 50 per cent of doctors in this State charged more than that fee. The common fee has been increased, but the whole problem has



been pushed to one side until after the forthcoming federal elections. Although the federal Government received the Mason report in April last I am sure that the Government decided to wait until after the elections before it permits an increase in doctors' fees.

The Commonwealth Government has attempted to classify medical specialists in groups in order to facilitate refunds from the medical funds. In the meantime the New South Wales Government has failed to do anything about resident doctors. After three years of appointing subcommittees and holding discussions, the Government has not achieved anything constructive. Moreover, it has not told the House anything about what it has done or proposes to do. Honourable members are entitled to know what is happening to these subcommittees and whether or not the universities have refused to reduce the medical course to five years and to vary the period of residency to two years, so that there will still be a seven-year training period. I thought that there might have been some discussions with the University of New South Wales on matters requiring resolution. I am sure that the universities will be interested to learn whether the Minister has supplied the House with further information in his reply to this debate. They are closely associated with the problem of the shortage of hospital residents.

Another matter covered in this bill concerns the registration of overseas doctors. I thought that there might be some controversy in this State over certain comments made in Newcastle in about April or May of this year by Dr Alan McLean, who is an anaesthetist at the Royal Newcastle Hospital. I wish to pay Dr McLean a compliment for his courage in raising this matter. He was immediately labelled a racist. I am sure this man had only his professional ethics to guide him when he decided to make public facts that concern him—facts that are causing concern to hospital administrators throughout this State. I should say that the bulk of the medical practitioners of New South Wales are concerned about the issue to which he called attention. Unfortunately, doctors are being registered in New South

*Mr K. J. Stewart*]

Wales under the reciprocity agreement contained in schedule 1 of the Act, who do not meet our standards. I should say that there are two reasons for this situation.

I do not want to be labelled a racist. Indeed, if I deserved to be criticized over this, it would be because I was cowardly two years ago and failed to say something publicly then, when I felt that we were getting people from overseas universities and with overseas qualifications who did not measure up to our standards. Either this question of reciprocity has to be reconsidered or some further form of qualifications for registration must be insisted upon to make sure that those who do not measure up to our standards are not permitted to practise here.

I make no attack on Indian or Asian doctors. Indeed many of them—and most of them—provide a fine medical service in this State. Some, probably for two reasons, do not meet our standards. The first of those reasons is that they have had limited access to clinical material in their medical schools. The lack of opportunity for clinical training in overseas countries compels them to go to other countries to catch up on that training. The second reason is that as some overseas graduates do not understand the Australian idiom, they have great difficulty in communicating. I say that without qualification. At Canterbury Hospital we have had both good doctors and bad doctors who have come from some of those schools with which we have reciprocity.

Mr CAHILL: This applies to doctors from overseas—not necessarily Asians.

Mr K. J. STEWART: It does, but they are registered in two different ways. We have a foreign doctors registration system under which foreign doctors receive only a limited registration to practise in an appointed area.

Mr JAGO: Or under supervision in a hospital.

Mr K. J. STEWART: Yes, or under supervision in a hospital. Those doctors who come from countries having reciprocity with Australia are fully registered and can go straight into practice. Foreign doctors receive only limited registration and may

practise only in a country area or under supervision in a hospital. Some doctors registered under the foreign doctors provision could be better qualified practitioners than some permitted to practise under the reciprocal agreement. I think that is something that the Minister should try to resolve. It would appear that reciprocity is granted under the Union Jack.

Mr JAGO: If the honourable member substitutes the General Medical Council of the United Kingdom, I should agree.

Mr K. J. STEWART: Let us say under the Union Jack, because virtually they are registered under the Union Jack. When we get doctors who come from other countries they must register under the foreign doctors provision. That is the consequence of the curious view that because they have not been trained in a medical school that salutes the Union Jack, they are not competently trained medical practitioners. I do not subscribe to that view. I do not believe that it is beyond the bounds of possibility for the Government of New South Wales to determine the standards necessary for graduates from some of the Swedish, Swiss, Danish or French universities and, if satisfied with them, grant reciprocal registration.

To a degree I am arguing against myself when I talk about this matter. On the one hand I say that we should have more medical graduates from our Australian universities. To counter that the professors say that we lack clinical material. I say that that is nonsense and that plenty of clinical material is available if the faculties looked into the matter and organized a few hospitals into granting access to the universities. The opportunity is there if the professors put themselves out, but they claim that they lack clinical material. On the other hand I complain that some of these foreign or Asian doctors who come to New South Wales are not well trained and I use as an excuse their lack of clinical material.

India has about 15,000 medical graduates a year. From both the University of Sydney and the University of New South Wales, after the second medical school has been operating for about twelve years, we are getting ten fewer graduates than we had with only one medical school, which shows

the impetus that medical training receives in New South Wales. Something must fall in between this point of no clinical material and the other extreme of wanting a mass of clinical material such as the professors at the University of Sydney demand. I shall not read what Dr McLean said. I must say that he is a person of great courage. I am sure that he did not want to make those comments and he is probably sorry that he did. Nevertheless, he has done a service because he has drawn our attention to the fact that a grave problem exists. I shall not try to scandalize the House by making sensational statements but I should like to say that some of the comments by Dr McLean are true, not just of his own area but indeed within the experience of hospital administrators throughout the State. The secretary of the Victorian Department of Public Health, Mr G. W. Rogan, made this statement:

We found it was getting too hard to assess some of the qualifications . . . It was very difficult to draw the line, so we said: "Let's put them all through the Foreign Practitioner's Committee exam." This way we are satisfied they are of the same standard as our own people.

No attempt has been made in New South Wales to do that. We still accept the reciprocity under schedule 1 of the Act, yet we are putting people who come from other countries through the foreign practitioners committee examination and then giving them only conditional registration. I suggest that it could happen that some of them have the full qualifications necessary.

I should have expected that in a bill that deals with the Medical Board of New South Wales, refers to a medical register of specialists, talks about the registration of doctors from abroad, and speaks about the term of hospital residency of our graduates from Australian universities, we might have had a little more positive action. It cannot be doubted that health services in New South Wales—and in Victoria and the other States—are, because of lack of properly trained staff, in dire straits. I do not want to go off at a tangent and talk about paramedical staff but we have links missing from the chain of properly trained staff. We are trying to use stop-gap and *ad hoc* measures to make things work. If we do not have enough

nurses we have nursing aides; if we are short of dietitians, we have dietitians aides. What would the Australian Medical Association say if we decided to have doctors aides? That association does not mind nurses aides or physiotherapists aides, but the thought of doctors aides to assist the medical profession in New South Wales would bring an immediate reaction.

We shall support the bill because really it does not do much that we in the Labor Party would not have done. The measure does not alter the amendments inserted by Labor in 1963; it merely revises them in the light of nine years' experience. We accept from what the Minister has told us this afternoon that they are necessary. The Labor Party does not approach this matter in the hysterical manner the Liberal and Country parties displayed in 1963. We have a much more responsible outlook on matters that affect the people of New South Wales.

I am somewhat disappointed with the bill. If I had the time to study the implications of the specialists register and to find out what the Government actually intends to do, I might have been moved to propose an amendment for its early implementation. We shall certainly look at it. The people of New South Wales are entitled to protection. They should not be exposed to unsavoury incidents of the sort to which the Minister referred. We are concerned that the Minister failed to give the House any information on the investigations of the sub-committee on medical education and the proposal for an increase in the period of residency from 12 months to 24. We are concerned also about a statement by Doctor Rennie, president of the Medical Board. Let me read from this report in the *Sydney Morning Herald* of 10th April, 1972:

The president of the board, Dr H. M. Rennie, said yesterday that the central northern doctors' claim about the language difficulties of Indian and Pakistani doctors was not so much a complaint as a statement of a problem.

"But we are taking these things very seriously", Dr Rennie said. "We certainly do not underestimate such comments".

There is much cause for concern. There is a lack of communication, and sometimes there is a distinct lack of medical understanding and professional ability by some of

*Mr K. J. Stewart*

these doctors. It behoves the New South Wales Medical Board, on the instructions of the Minister, to take positive action to ensure that persons registered to practise medicine in New South Wales are capable of fulfilling all the duties of the profession, as a local graduate would be. In no circumstances do I subscribe to any feelings of racism or discrimination against foreign doctors. They are very welcome to practise in Australia if they have the ability to do so. However, I am afraid that some of them have displayed a lack of ability to perform their duties in a careful and worthwhile manner, and should not be registered here. I urge the Minister to examine the reciprocal arrangements with two objects in mind. He should find out, first, whether some of the institutions at present recognized are entitled to reciprocity, and second, whether some overseas countries with which New South Wales has no reciprocal arrangements have standards of medicine equal to our own. I shall never subscribe to the view that merely because we do something in Australia, it must be the best in the world. However, I subscribe to the view, as all of us do, that Australian medical standards should equal the best in the world, and I hope that we shall always work to protect them.

I ask the Minister to examine the possibility of recruiting doctors from some countries with which New South Wales has as yet no reciprocal arrangements. He could set up a subcommittee to investigate standards in medical schools in those countries. Then, with the committee's recommendations to guide him, he should encourage doctors from countries with satisfactory medical standards to come to Australia.

Mr JAGO (Gordon), Minister for Health [3.45], in reply: Having listened with great interest to the speech by the honourable member for Canterbury on behalf of the Opposition, I appreciate very much the background of past incidents that he has put before the House. I regret that since these considerable proposals were announced at the introductory stage, the Opposition has not had a great deal of time to study them. It is interesting to look back to 1962 and 1963 when most of us were new boys in

this Parliament. The roles of government and opposition were then reversed. I suppose that provides some of the answers to the questions that the honourable gentleman has proposed. The Leader of the Opposition at that time, supported by the honourable member for Armidale speaking for the Country Party, endeavoured to develop alternative proposals that might well have been introduced.

Removal of the provision for a statutory declaration is the result of experience. The lodgment of a small deposit, which is refundable when the complaint is found to have substance, has worked out well. As a result, few vexatious or frivolous complaints have been received. The changes in the structure of the Medical Board will be of benefit. As I said in my earlier remarks, I cannot see any need for federal representatives of the Royal colleges of surgeons and physicians, which consist of persons of ethical and professional standards. I think that one representative from the New South Wales section is appropriate.

As has been stated, the proposal for a register of specialists was announced as a matter of Government policy. It is fraught with many problems. As will be appreciated by all, the Medical Practitioners Act leaves it open for all members of the profession to engage in any part of professional activity, but there are certain requirements as to the manner in which they must carry out their duties. They must be subject to disciplinary action for misconduct, negligence or failure to discharge their professional responsibilities in a satisfactory manner. The honourable member for Canterbury said that the Commonwealth had approached the matter from the point of view of its obligations under the national health scheme and the common fee concept, and that by doing so it had provided what might well be a satisfactory answer for the time being to the problem of a register of specialists. This remains to be seen.

Provision is being made in the legislation for the introduction of resident specialists, if necessary. This is fraught with tremendous problems. Litigation has been mentioned, and I should not wish to be involved in some examples of it that I have seen. I

am sure that medical practitioners engaged in public hospitals and health services would wish to avoid what might almost be termed demarcation disputes, as to who should or should not engage in certain activities. The honourable gentleman mentioned some problems that could arise.

Mr K. J. STEWART: It is like a dispute on whether certain work should be done by ironworkers or sheetmetal workers.

Mr JAGO: Much along the same lines, with professional jealousies and rivalries when someone is denied the opportunity of earning a lucrative income. There are many other aspects like this. I am advised that we are wise in not intending to proclaim these provisions at this stage. They have been inserted so that they might be used if necessary.

As the honourable gentleman said, the situation concerning resident medical officers is extremely critical. We are dependent to a great extent on overseas graduates for provision of these services. Next year the problems will be even more acute. I draw the attention of the House to the establishment by the Prime Minister of an inquiry into medical education and faculties of medicine. This will not be an easy undertaking under present conditions. The faculty of medicine at the University of New South Wales—Sydney's second medical school—which has been functioning for twelve or thirteen years, is gradually approaching its planned optimum output of 200 graduates a year. Its proposal for a five-year undergraduate and two-year graduate course was welcomed by the former Minister of Education, who had principal responsibility in this field. Unfortunately we have not been able to obtain a grant for the necessary inquiries and a feasibility study that would enable us to reach a conclusion on this proposal.

The Minister for Health is not responsible for medical education, but he is responsible for the delivery of a health service. I subscribe to the proposal that the ultimate answer is two years in residency before registration. I commend the University of New South Wales for the manner in which it has undertaken its responsibilities

in the field of medical education, but regret the serious material deficiencies that exist in the teaching facilities available to it. These difficulties are being rapidly overcome, and the Government has devoted a tremendous amount of funds to the provision and maintenance of these facilities, in an attempt to increase the output of medical graduates. In 1966 the University of Sydney produced 314 graduates, but last year I believe the number was just over 200. Despite the increase in output to 70 or 80 graduates from the University of New South Wales, which is the last figure I saw, the fact is that the faculties at both universities are together producing a lower number of high standard graduates than was produced in 1966 by the University of Sydney alone.

Mr K. J. STEWART: I am sure that there are no fewer professors.

Mr JAGO: I am sure that speaks for itself; they are needed in all the various fields for which they are responsible. The vice-chancellor of the University of Sydney has estimated that it costs about \$40,000 to train each medical graduate. That cost has to be borne by the community, whose rights must be defended. The people who pay the bill need an adequate health service, and are entitled to ask something in return from the graduates who have received this substantial assistance to enter not only a responsible profession but also a lucrative and rewarding one from every point of view.

As it is late in the afternoon, I shall make my remarks extremely brief, but I must mention the letter to the *Sydney Morning Herald* to which the honourable member for Canterbury referred. As I did not seek to pass the buck to the Minister for Education, I did not emphasize that medical education is not my primary responsibility, though I tried to bring out some of the education aspects involved. Yesterday morning the final discussions took place with the president of the Medical Board of New South Wales, Dr H. M. Rennie, concerning the number of overseas doctors coming to this country, and the reciprocal recognition granted to them under schedule 1 of the Act. No one would wish to see

these matters determined on a basis of race, colour or creed of any kind. Indeed, following the publicity given to this matter, a question has been asked in the Indian Parliament whether Australia and New South Wales were proceeding on those lines. Obviously, had this impression got abroad, it could cause serious national damage. Proposals will be brought forward to deal with this situation.

The honourable member for Canterbury referred to the rule of the Union Jack. Many of the faculties of medicine that are recognized in schedule 1 of the Act were recognized originally by the General Medical Council of the United Kingdom, which has always been the body for recognition of medical standards. Time does not permit me to mention a number of other matters, but I thank the honourable member for Canterbury for the contribution he has made to the debate. I assure him that, should any further changes be necessary, they will be brought forward. I am sure that before long some matters that will be brought forward will touch upon some of the aspects raised during the debate.

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 Jago.

#### PRINTING COMMITTEE

##### THIRD REPORT

Mr BREWER, as Chairman, brought up the Third Report from the Printing Committee.

#### ADJOURNMENT

##### PHILOSOPHY DEPARTMENT, UNIVERSITY OF SYDNEY

Mr JAGO (Gordon), Minister for Health [3.59]: I move:

That this House do now adjourn.

Mr COLEMAN (Fuller) [3.59]: I take this opportunity of inviting to the attention of the House an aspect of the controversy at the philosophy department of the University of Sydney which has emerged today

with the circulation in the University of Sydney of an open letter to Professor Graham Nerlich, the head of the philosophy department there. It is signed by W. H. C. Eddy, of the department of adult education, who will be well known to many members of this House as the author of the major, not to say massive, book on the Orr case at the University of Tasmania.

I do not wish to repeat matters that have already been brought before the House in relation to this case, but suffice it to say, by way of summary, that it arose out of a letter by Mr Devitt of the philosophy department to the head of the department, in which he stated that: "It seems necessary therefore that he (Professor Armstrong) be discredited and driven from the university. I shall henceforth support any tactic (within certain limits) that seems likely to help the achievement of this end."

This controversy arose out of a disagreement about the appointment of a tutor in the philosophy department at the University of Sydney, and in particular about the appointment to a tutorship of Mr Patrick Flanagan. However, the matter raised by Mr Eddy is different, and I want to make it clear—as I think most persons concerned with this matter want it to be clear—that it is not a question of prejudging the merits of Mr Patrick Flanagan, who may or may not be the ideal man to fill the vacancy in the philosophy department. I would not be so presumptuous as to give an opinion on that, and it is not a matter for this House. What is of wider general concern is the method of appointment to such a position. That forms the substance of Mr Eddy's open letter to Professor Nerlich, which is circulating in the University of Sydney, together with another open letter signed by Professor Henry Mayer, Mr Terry McMullen, Mr Rex Mortimer, Mr John Simons, Professor Bernard Smith and Professor Jack Still, which encloses the original letter written by Mr Michael Devitt out of which this whole controversy has arisen.

Mr Eddy begins by referring to the Devitt letter as being "upscrupulous and, in fact, morally and academically outrageous". He refers to a sentence in Mr Devitt's letter which advises that the persons opposed to

Professor Armstrong should subtly suggest that DMA—and that is Professor David Armstrong—is a troublemaker. Mr Eddy says that this is dirty politics on any showing. He continues:

If you are going to deal in motivations (and one is rarely justified in doing so), you don't "subtly suggest"; you state plainly with evidence or you don't raise the issue at all. It is the coldest kind of calculation and in no sense heat of the moment stuff.

Having stated his general attitude in that way, Mr Eddy goes on to comment on the method of appointment. The method of appointment about which Professor Armstrong has been complaining was that at the meeting of 10th July Professor Nerlich ruled that all those present were entitled to vote for the various candidates. Indeed, they all did so, according to Mr Eddy. To Professor Armstrong, and to academic traditionalists and persons concerned with maintaining the welfare of a university, this is an improper way of reaching such important decisions as who should have positions as tutors in university departments.

In this case a decision was made to appoint Mr Flanagan by taking the votes not only of the full-time staff of the philosophy department, but those also of the full-time but non-permanent tutors, part-time tutors—mostly research students teaching one or two hours a week—research students who are not even part-time tutors, and an undergraduates representative. Of course, this is all part of the current New Left ideal of worker-control in a university department, or of democratization, as they call it. On this serious matter affecting the basis of the effectiveness of a university—and what is more important than the staff appointed to university positions?—Mr Eddy comments in his open letter in terms, a couple of paragraphs of which I should like to read before putting the letter on the table of the House so that honourable members may read it if they wish to do so. Mr Eddy says:

At the best, ratios of types of staff being what they usually are, this puts decisions in the hands of the academically least experienced and puts major difficulties in the way of maintaining the continuity of the academic tradition.

That is at its best. In other words, it enables the inexperienced instead of the experienced to make the important decisions. Mr Eddy continues:

At the worst, if there are totalitarians of any species in the department, it can be disastrous.

Mr MALLAM: I know all about totalitarians.

Mr COLEMAN: Does this amuse the honourable member for Campbelltown? If it does, he is very easily amused by disastrous developments in our education institutions. When Mr Eddy talks about totalitarians, that means communists, new leftists and others forming the whole spectrum on leftwing totalitarianism. He continues:

With their concentration on power and on techniques of winning it and discrediting opponents, their lack of scruple about methods, the priority they give to politics over everything else, with the naivete and vulnerability of the majority of academics when first confronted with them, with their (the totalitarian's) lack of concern about and, indeed, sometimes desire for the wrecking of a university department (it is supposed to prove the decadence of our society), it can, as I said, be disastrous.

They think that if they can destroy a university department, they can say that they were able to do so because it was weak; therefore the university itself is weak, and this shows the decadence of capitalism. Mr Eddy continues:

If there are any academics who understand what is going on and resist it, they have to submit to every species of unpleasantness. Many good ones simply get out rather than give over their lives not to their subjects but to incessant political battling.

This is a serious and factual matter at the moment. Most honourable members would know of some academics who, tired of the political battling in their departments, have withdrawn, resigned, moved to another country or in some way or another looked for a different way of earning a living, instead of trying to maintain academic standards in the face of opposition by leftists and new politicians who are interested only

in political influence on their students and not on academic teaching. The letter continued:

A caucus comes into being and the resistance to it looks hopeless. (Incidentally I was told by a member of the Philosophy staff here that while David was head of the Department there was a caucus in operation. This is in no way for a University Department to run.)

That was before Professor Nerlich became head of the department. It would seem that the caucus is stronger now. Mr Eddy's letter continued, now referring to the time when Professor Armstrong was head of the department:

I also told David that if he took his responsibilities seriously as head of department (as I knew he did) the time would come when his conscience would not let him acquiesce in a vote of staff. If he stood by his own judgment and academic conscience then, he would be abused and slandered unmercifully. Better to resist a rotten system from the beginning. I put all this to David at the time but he was not convinced. He may think differently now. I certainly hope he does. But even so, if he was in error (as I think he was), it was not a culpable error but simply an error of judgment, the attempt to extend democracy where it does not belong.

Things will get much worse in my opinion before they get better unless you give a clear lead.

That is a relevant comment. It seems to me that if this movement succeeds in driving Professor Armstrong from the philosophy department and from the university, the next person whose head is on the chopping block is Professor Nerlich. It may well be that although he is being used as a front man for the left at the moment, once they have succeeded in removing Professor Armstrong they will not hesitate to remove Professor Nerlich. I shall place that letter, which is dated 4th September, on the table of the House so that honourable members may read it.

This situation is now developing in Sydney University and at other Australian universities, though not yet as seriously as in overseas universities. For solution of the matter one looks to the university; if not there, then to the senate of the university. If the solution is not found there, one must look to the Government, which obviously would be the last resort. Governments are

not well suited to run universities; in fact, they are the worst people to run universities. However, if the university is corrupted by this sort of politicization, the Government would have to intervene. Let us hope that that point is not reached. The least we can do is to ask the Minister to take the matter up with the university and to nip this politicization in the bud.

**Mr SPEAKER:** Order! The honourable member's time has expired.

**Mr WILLIS (Earlwood), Minister for Education [4.9]:** I have not seen either of the two open letters to which the honourable member for Fuller has referred, the one signed by Professor Mayer and others and the one from which he quoted at some length by Mr Eddy. However, I am well aware of the regrettable incident that has occurred and has caused difficulties in the philosophy department of the faculty of arts at the University of Sydney or, perhaps to be more accurate, the last of a series of incidents in that department. Honourable members will agree that it is not a good thing at any time to see an institution that the community respects divided within itself in this way and when dirty linen, as it were, is washed in public, as is apparently being done at the present time.

Honourable members will agree with me that it is bad enough when learned academics charged with the serious responsibility of providing tertiary education to the youth of our community engage in public squabbles in a most undignified way. It is worse when the community itself becomes involved in such matters; they then become magnified out of all proportion.

I certainly hope that this disagreement or vendetta—if I adopt the description that the honourable member for Fuller would probably prefer—is not motivated by political differences along the lines that he suggested. If there is some basis for the fears expressed by the honourable member, that there is some leftist plot against a respected academic with more conservative views, it is a most reprehensible thing and I should trust that there will be no more of it, just as I should hope that this whole matter is soon brought to an end. In any

event, I must insist that the whole question is solely a matter for the university authorities themselves. As Minister for Education I do not want to be brought unnecessarily into affairs relating to the internal administration of the University of Sydney or into the affairs of any other university in the State. It has been a long and cherished tradition that universities should not only seek to stand on their own feet but also should remain as independent as possible from outside influence. Apart from the State providing the necessary supply, which is essential to the maintenance of any such organization, the State should leave the internal administration and decisions regarding staffing, courses of study and the like to the university authorities—in this case, the senate of the University of Sydney and its professorial board.

I know that the authorities at this university are well aware of what has been occurring in the philosophy department. I know also that they are already taking appropriate action to bring this trouble to an end as speedily as possible and without washing of more dirty linen in public. I agree entirely with the honourable member for Fuller when he says that the Government is the last resort in such matters. I hope it will not be necessary for that last resort to be reached. In the meantime, I intend to leave these internal matters entirely in the hands of the University of Sydney, which I believe is quite capable of handling them.

**Mr SPEAKER:** Order! Debate having proceeded for fifteen minutes, the House now stands adjourned until Tuesday, 19th September, pursuant to the resolution of Thursday, 31st August.

House adjourned at 4.14 p.m.

## PRINTED QUESTIONS AND ANSWERS

The following questions upon notice and answers were distributed.

### COALMINES IN NEW SOUTH WALES

**Mr MALLAM** asked the **MINISTER FOR MINES, MINISTER FOR POWER AND ASSISTANT TREASURER**—For each year since 1st January, 1965—(1) How many coalmines



were in operation? How many were operated by the State? (2) What has been the gross production of: (a) State-owned coal-mines, and (b) privately owned coalmines? (3) How much coal has been exported by

(a) State-owned mines, (b) privately owned mines? (4) How many of the privately owned coalmining companies have a majority of shareholders who are foreign citizens?

*Answer—*

(1)

<i>Year</i>			<i>Total</i>	<i>State Coal Mines</i>	<i>Electricity Commission</i>
1965	..	..	89	5	5
1966	..	..	89	5	5
1967	..	..	91	5	5
1968	..	..	94	5	5
1969	..	..	85	4	5
1970	..	..	84	4	5
1971	..	..	96	4	5

(2)

<i>Year</i>			<i>State Coal Mines (Tons)</i>	<i>Electricity Commission (Tons)</i>	<i>Private (Tons)</i>
1965	..	..	1,621,402	2,405,293	20,103,307
1966	..	..	1,959,655	2,961,427	20,548,640
1967	..	..	2,430,995	2,844,872	21,537,021
1968	..	..	3,000,115	3,435,443	23,913,203
1969	..	..	2,752,336	3,609,692	26,887,972
1970	..	..	3,471,217	3,665,790	28,195,793
1971	..	..	3,096,289	3,373,793	27,591,018

As all statistics are now based on the financial year, reasonably accurate estimates have been made for the calendar year.

(3)

			<i>Coal Exported</i>		
<i>Year</i>			<i>State Coal Mines (Tons)</i>	<i>Electricity Commission (Tons)</i>	<i>Private (Tons)</i>
1965	..	..	435,543	19,954	4,988,003
1966	..	..	519,086	41,299	6,053,115
1967	..	..	666,790	338,584	6,494,126
1968	..	..	885,119	432,745	7,744,136
1969	..	..	502,504	610,138	9,971,858
1970	..	..	753,666	596,753	10,406,981
1971	..	..	625,231	487,173	11,598,396

As all statistics are now based on the financial year, reasonably accurate estimates have been made for the calendar year. Figures under State coalmines indicate

quantities of coal sold by the State Mines Control Authority to private companies for export.

(4) Twelve coalmining companies (being subsidiaries of six major groups) have a majority of overseas shareholders. There has been no change of ownership over the years from 1st January, 1965, until the present and those coalmining companies have still a majority of overseas shareholders.

#### ACCIDENTS IN COALMINES

MR MALLAM asked the MINISTER FOR MINES, MINISTER FOR POWER AND ASSISTANT TREASURER—(1) How many accidents causing death or injury have occurred in State-owned coalmines in each year since 1st January, 1965? How many persons have been killed or injured in these accidents? (2) How many accidents causing death or injury have occurred in privately owned coalmines in each year since 1st January, 1965? How many persons have been killed or injured in these accidents? (3) How many of these accidents were due to cave-ins in (a) State-owned coalmines, and (b) Privately owned coalmines in each year since 1st January, 1965? (4) What was the total compensation paid to the relatives of those persons killed; and to those persons injured in accidents in (a) State-owned coalmines, and (b) Privately owned coalmines in each year since 1st January, 1965?

*Answer*—The following answer has been prepared from Joint Coal Board records. In regard to State-owned coalmines, data is given separately for mines under the control of the State Mines Control Authority and for mines owned and operated by subsidiary companies of the Electricity Commission of New South Wales. Since information of the overall cost of accidents is only available for financial years, data has been prepared for the six years from July, 1965, to June, 1971.

The question makes reference to accidents which were due to "cave-ins". This is not a term which is used by the Joint

Coal Board in coding accidents in the New South Wales coal industry. The term "fall" has been substituted. It would cover occurrences which would be described by the term "cave-in" together with some lesser incidents. A "fall" is defined as a fall of coal and/or rock from the roof, face, rib or side in underground workings, either at the coal face, in a roadway, shaft or tunnel or elsewhere below ground. The term does not include small falling particles and in order to ensure that a clear distinction is drawn, an arbitrary weight of 10 lb was selected as the dividing line between a "fall" and a "falling object". This line of demarcation was adopted in 1970.

The question makes reference to accidents which caused injury. The statistics which are supplied refer to "claims lodged" and to "lost-time accidents". Data regarding "claims lodged" covers all claims for workers' compensation lodged during a particular year, regardless of whether an actual injury is involved. "Lost-time accidents" are in the main those which involved an absence from work of at least one day, other than the day on which the accident took place. Included are claims in respect of which it was assessed that lost-time payments would become payable, although no such payments had been made by 30th June. Also included are fatalities and claims involving permanent injury, such as loss of a joint of a finger, whether or not absence for one full day occurred. Claims for compensation based on a disease, e.g. pneumoconiosis, have in general been excluded from lost-time accidents, the one exception being cases of dermatitis.

During the six years to June, 1971, eighty-four persons were killed at coalmines in the State of New South Wales. This total does not include accidents on the way to or from work or deaths from occupational diseases. Not all those killed were persons employed in the coalmining industry. One

was a visitor to a mine and a further nine were employed by contractors, who had been engaged to do construction or other work in or about a mine.

Table 1 shows how many of the eighty-four fatalities occurred in each year, how many occurred at mines owned by the State Mines Control Authority, and how many

occurred at mines owned and operated by subsidiary companies of the Electricity Commission of New South Wales. The table also shows how many were due to "falls", and by way of footnotes indicates the occurrences which resulted in more than one death.

TABLE I

*Number of Fatalities—N.S.W. Coal Mines—Mineworkers and Others*

			Owners of Mines		Other	All N.S.W. Coal Mines
			State Mines Control Authority	Electricity Commission of N.S.W.		
Number killed—all accidents at work						
1965-66	..	..	2	1	14 (a) (b)	17 (a) (b)
1966-67	..	..	6 (c)	2	13	21 (c)
1967-68	..	..	—	3	5	8
1968-69	..	..	—	—	6	6
1969-70	..	..	1	—	13	14
1970-71	..	..	—	4 (d) (e)	14	18 (d) (e)
TOTAL	..	..	9 (c)	10	65 (a) (b)	84 (f)
Number killed—due to falls						
1965-66	..	..	—	—	5 (a)	5 (a)
1966-67	..	..	5 (c)	1	7	13 (c)
1967-68	..	..	—	2	3	5
1968-69	..	..	—	—	3	3
1969-70	..	..	—	—	3	3
1970-71	..	..	—	2 (d)	3	5 (d)
TOTAL	..	..	5 (c)	5 (d)	24 (a)	34 (g)

(a) Includes 2 fatalities at Corrimal arising from the same incident.

(b) Includes 4 fatalities at Bulli arising from the same incident.

(c) Includes 5 fatalities at Wyee arising from the same incident.

(d) Includes 2 fatalities at Newvale No. 2 arising from the same incident.

(e) Includes 2 fatalities at Newstan arising from the same incident.

(f) Includes 15 fatalities arising from 5 incidents; see notes (a), (b), (c), (d) and (e)

(g) Includes 9 fatalities arising from 3 incidents; see notes (a), (c) and (d).

Table 2 shows how many of the seventy-four fatalities to mineworkers occurred in each of the six years, how many occurred to mineworkers employed by the State Mines Control Authority and how many occurred

to mineworkers employed at mines owned and operated by subsidiaries of the Electricity Commission of New South Wales. The table also shows how many were due to "falls".

TABLE 2  
Number of Fatalities—Mineworkers  
New South Wales Coal Industry

			Owners of Mines		Other	All N.S.W. Coal Mines
			State Mines Control Authority	Electricity Commission of N.S.W.		
No. of mineworkers killed — all accidents at work						
1965-66	..	..	1	—	14	15
1966-67	..	..	6	2	12	20
1967-68	..	..	—	3	5	8
1968-69	..	..	—	—	6	6
1969-70	..	..	1	—	10	11
1970-71	..	..	—	2	12	14
TOTAL	..	..	8	7	59	74
No. of mineworkers killed—due to "falls"						
1965-66	..	..	—	—	5	5
1966-67	..	..	5	1	7	13
1967-68	..	..	—	2	3	5
1968-69	..	..	—	—	3	3
1969-70	..	..	—	—	3	3
1970-71	..	..	—	2	3	5
TOTAL	..	..	5	5	24	34

Table 3 shows the average number of mineworkers employed in the New South Wales coal industry in each of the six years to June, 1971. Separate information is

shown for mines owned by the State Mines Control Authority and for mines owned and operated by subsidiaries of the Electricity Commission of New South Wales.

TABLE 3  
Average Number of Persons Employed—New South Wales Coal Industry

			Owners of Mines		Other	All N.S.W. Coal Mines
			State Mines Control Authority	Electricity Commission of N.S.W.		
1965-66	..	..	615	1,009	10,254	11,878
1966-67	..	..	691	1,101	10,284	12,076
1967-68	..	..	779	1,199	10,426	12,404
1968-69	..	..	804	1,264	10,909	12,977
1969-70	..	..	796	1,345	11,356	13,497
1970-71	..	..	845	1,376	11,895	14,116
Average of six years			5.9%	9.5%	84.6%	100%

For all New South Wales mines the average number of fatalities to mineworkers per annum per 1,000 employed during the six years to June, 1971, was 0.97. The corresponding figures for mines owned and operated by the following groups were:

State Mines Control Authority .. .. .	1.77
Electricity Commission of New South Wales ..	0.96
Other .. .. .	0.91

The average for State Mines Control Authority mines was affected by the death of five men in one incident at the Wyee State Mine in 1966-67.

The frequency rates of lost-time accidents at all New South Wales underground coalmines, i.e. the number of lost-time accidents per million man-hours worked, for the six years have been:

1965-66 .. .. .	144
1966-67 .. .. .	145
1967-68 .. .. .	139

1968-69 .. .. .	134
1969-70 .. .. .	142
1970-71 .. .. .	138

These frequency rates show only minor variations but two qualifications need to be made. The definition of a lost-time accident was clarified and tightened for 1969-70 and 1970-71. In earlier years the calculation assumed that all manshifts worked in the coal industry were of 8 hours' duration, although in fact some mines worked a 7½ hour shift. In 1970-71 allowance was made as from 17th August, 1970, for a reduction to 7½ hours per shift for most mines and to 7 hours for the remainder.

Table 4 shows the number of lost time accidents in each of the six years to June, 1971, and how many occurred at mines owned and operated by the three groups mentioned above.

TABLE 4

*Number of Lost-time Accidents—Mineworkers  
New South Wales Coal Industry*

		Owners of Mines					
		State Mines Control Authority	Electricity Commission of N.S.W.	Other	All N.S.W. Coal Mines		
1965-66	..	..	161	203	2,843	3,207	
1966-67	..	..	161	227	2,860	3,248	
1967-68	..	..	203	269	2,831	3,303	
1968-69	..	..	186	274	2,740	3,200	
1969-70	..	..	183	287	3,014	3,484	
1970-71	..	..	188	331	2,987	3,506	
Average number per annum		..	..	181	265	2,879	3,325
				5.4%	8.0%	86.6%	100.0%

A comparison of the data given in tables 3 and 4 shows that over the six years the mines owned by the State Mines Control Authority employed 5.9 per cent of employees and these men had 5.4 per cent of all lost-time accidents. Mines owned and operated by subsidiaries of the Electricity

Commission of New South Wales employed 9.5 per cent of employees and these men had 8.0 per cent of all lost-time accidents. For all other mines the proportions were 84.6 per cent of employees and 86.6 per cent of lost-time accidents.

During 1970-71 there were 355 claims for workers' compensation lodged by New South Wales mineworkers in respect of "falls", as defined earlier. Of these claims 264 resulted in lost-time accidents. As shown in table 4, there were 3,506 lost-time accidents to mineworkers during 1970-71. As shown in table 2, five mineworkers were killed by falls during 1970-71. Mines owned by the State Mines Control Authority had 18 lost-time accidents due to "falls" during 1970-71, or 6.8 per cent of all such accidents. Mines owned and operated by subsidiary companies of the Electricity Commission of New South Wales also had 18 such accidents or 6.8 per cent of all such accidents.

Table 5 shows the cost of all claims under the Workers' Compensation Act for the six years to June, 1971, taking account of out-standings at the beginning and end of each year. The costs shown cover actual and potential payments to mineworkers or their dependants together with medical, legal and other costs. The totals shown have been affected by variations in costs and provisions for costs arising in connection with accidents in preceding years, because of changes in the provisions of the Workers' Compensation Act, in the cost of medical and hospital services, etc. The amounts outstanding at the 30th June, 1971, have not been adjusted to allow for increased liability arising from the higher rates payable from 13th January, 1972.

TABLE 5

*Costs of Workers' Compensation Claims—Arising from Accidents to Mineworkers in the New South Wales Coal Industry*

		Owners of Mines			
		State Mines Control Authority	Electricity Commission of N.S.W.	Other	Total
		\$'000	\$'000	\$'000	\$'000
1965-66	..	70	53	1,214	1,337
1966-67	..	116	58	1,010	1,184
1967-68	..	29	78	976	1,083
1968-69	..	25	99	984	1,108
1969-70	..	106	261	1,177	1,544
1970-71	..	58	201	911	1,170
Average cost per annum		67	125	1,045	1,237
Percentage	..	5.4%	10.1%	84.5%	100%

The table shows that the average cost of workers' compensation per annum over the six years to June, 1971, for all mines was \$1,237,000 and for mines owned by each of the following groups was:

State Mines Control Authority .. ..	\$67,000
Electricity Commis- sion of New South Wales .. . . .	\$125,000
All other mines .. . .	\$1,045,000

A comparison of the data given in tables 3 and 5 shows that over the six years the State Mines Control Authority employed 5.9 per cent of employees and the cost of workers' compensation claims by these men represented 5.4 per cent of all costs. Mines owned and operated by subsidiaries of the Electricity Commission of New South Wales employed 9.5 per cent of employees and claims from these men cost 10.1 per cent of all claims. For all other mines the proportions were 84.6 per cent for employees and 84.5 per cent for costs.

Table 6 records the cost of claims for workers' compensation as paid, or as assessed in respect of claims where all payments have not yet been made, by Coal Mines Insurance Pty Ltd for 73 of the 74 persons whose deaths are shown in table 2. The employer of the remaining mineworkers was covered by another insurance company.

**TABLE 6**  
**Cost of Workers' Compensation Claims**  
**Fatal Accidents—New South Wales Coal Industry \$'000**

		Owners of Mines			
		State Mines Control Authority	Electricity Commission of N.S.W.	Other	Total
1965-66	..	9	—	140	149
1966-67	..	47	19	92(a)	158
1967-68	..	—	35	47	82
1968-69	..	—	—	32(a)	32
1969-70	..	0.4	—	81(b)	81
1970-71	..	—	27	133	160
Total	..	56	81	525	662
Average cost per annum		9.3	13.5	87.5	110.3
Average cost per man ..		7.0	11.6	9.1	8.9
Percentage ..		8.5%	12.2%	79.3%	100%

(a) No claim was made for workers' compensation in respect of one fatality.

(b) Excludes payments in respect of one man whose employer was not insured with Coal Mines Insurance Pty Ltd.

The table shows that the total cost of workers' compensation for 73 fatalities was \$662,000, or \$8,900 per head. This average is affected by the number who died who did not have dependants. The annual amounts shown in the table were affected by increases in the maximum amount payable to a totally dependant widow. This figure was increased from \$8,600 to \$10,000 on 4th January, 1968, and to \$12,500 on 3rd December, 1970.

The above information covers in detail accident experience to 30th June, 1971. The 1971-72 data for the coalmining industry is currently being processed. An analysis of the results will be contained in the Joint Coal Board's annual report to the parliaments for the year 1971-72. During 1971-72 nine persons, all of whom were employed in the coal industry, were killed in accidents at New South Wales coalmines. None of these nine men was employed by the State Mines Control Authority or by

subsidiary companies of the Electricity Commission of New South Wales. Two of the fatalities were due to falls. As the average number of employees during 1971-72 was 14,309, the number of persons killed per 1,000 employees was 0.63 for 1971-72, compared with the average of 0.97 for the six years to June, 1971.

#### KING GEORGE PARK BATHS

Mr DEGEN asked the MINISTER FOR HEALTH—(1) Were the tidal baths at King George Park, Rozelle, closed because of pollution of the Parramatta River? (2) (a) Have any tests been made recently of the pollution level in the baths? (b) If so, what did the tests reveal?

*Answer*—(1) No. The health surveyor, Leichhardt municipal council, has advised that the baths have been closed simply for the winter and will be re-opened for the coming swimming season. (2) (a) No tests of pollution levels in the baths have

recently been made, but three stations in Iron Cove in the vicinity of the baths are regularly monitored by the Water Pollution Control Branch, Division of Occupational Health and Pollution Control. (b) The results of the tests of these three stations indicate satisfactory conditions, although there is evidence of excessive growths of marine algae and ulva lactuca (sea lettuce) from time to time.

Leichhardt girls junior high school? (2) If so, where are these facilities located?

*Answer*—(1) Yes. (2) One male toilet exists in a separate room attached to the main school building. The difficulty of access to this toilet is recognized and consideration is being given to the provision of an indoor toilet.

#### TOILET FACILITIES AT LEICHHARDT GIRLS JUNIOR HIGH SCHOOL

Mr DEGEN asked the MINISTER FOR EDUCATION—(1) Are toilet facilities provided for male teachers on the staff of

#### MALARIA CASES IN NEW SOUTH WALES

Mr MALLAM asked the MINISTER FOR HEALTH—What were the number and types of malaria cases reported in New South Wales each year since 1st January, 1965?

*Answer*—

Year			No.	Types			Not Specified
				<i>Plasmodium falciparum</i>	<i>Plasmodium vivax</i>	<i>Plasmodium malariae</i>	
1965	..	..	no	information available.			
1966	..	..	9	—	—	—	—
1967	..	..	29	—	—	—	—
1968	..	..	56	—	—	—	—
1969	..	..	63	14	20	—	29
1970	..	..	69	5	34	—	30
1971	..	..	42	4	37	1	—
1972	..	..	34	—	24	—	10

Malaria became a notifiable disease in New South Wales only from 27th May, 1966. The central register of malaria cases did not indicate the types of malaria prior to 1969.

*Answer*—(1) Yes. (2) (a) It has been deferred for financial reasons and other planning problems associated with marketing and the need to give continuity of supply to existing outlets. (b) The planting programme proposed for Barrington Tops is as follows—

#### BARRINGTON TOPS SOFTWOOD PLANTATION

Mr HILLS asked the MINISTER FOR CONSERVATION AND MINISTER FOR CULTURAL ACTIVITIES—(1) Has the projected Barrington Tops softwood plantation programme been deferred? (2) If so—(a) Why? (b) Before deferment, how many men was it anticipated would be employed on the project?

1st year	..	..	100 acres
2nd year	..	..	300 acres
3rd year	..	..	550 acres
4th year	..	..	800 acres
5th year	..	..	1,100 acres
6th year	..	..	1,500 acres

Because the Labor Party has refused to pass the Commonwealth-State softwood agreement through the Senate and has amended the bill to take the decision on forest plantings out of the States' hands



and give it to a federal body, it is not possible to give the date of commencement of these plantings.

The men presently employed on road location surveys and road construction in the Barrington Tops area, numbering about ten, would have been sufficient to cover these tasks during the first six years of the programme. Site preparation would have been by contract, using tractors and possibly up to three operators.

In the first three years existing staff would have been capable of handling the planting and subsequently casual labourers would have been required for three to four months to carry out planting. The number involved would rise from about five in the fourth year to fifteen in the sixth. It is stressed that the full employment potential of pine plantations is not realized until they are being harvested and the timber is being processed. This would be a minimum of fifteen years, but would more likely be of the order of thirty years.

---

## **Legislative Assembly**

*Tuesday, 19 September, 1972*

---

Death of John Julius Thomas Stewart, Esq., Member for Charlestown—Printed Questions and Answers.

---

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

MR SPEAKER offered the Prayer.

### **DEATH OF JOHN JULIUS THOMAS STEWART, ESQUIRE, MEMBER FOR CHARLESTOWN**

Sir ROBERT ASKIN (Collaroy), Premier and Treasurer [2.31]: I move:

(1) That this House desires to place on record its sense of the loss this State has sustained by the death of John Julius Thomas Stewart, Esquire, Member for Charlestown.

(2) That Mr Speaker convey to Mrs Stewart and family the deep sympathy of Members of the Legislative Assembly in the loss sustained.

(3) That this House, as a mark of respect, do now adjourn.

It is with deep regret that I inform the House of the death of Mr John Julius Thomas Stewart, the member for Charlestown and formerly Kahibah. Mr Stewart, who was 62, died in his sleep at 5 a.m. today at his Adamstown home. He had suffered two previous heart attacks. Our late colleague, who was born at Lithgow, had a long and honourable career of service to the community. He enjoyed the warm personal regard of all who came in contact with him either in this House or in the various avenues of public life in which he moved. He was an innate gentleman in the widest sense of the word, a thoughtful member of Parliament, and a man widely esteemed for his personal integrity and probity.

Before entering Parliament Jackie Stewart, as he was known to his friends on both sides of the House, worked at Newcastle State Dockyard where he served his apprenticeship as a boilermaker. Later he rose to the position of plant and yard superintendent. He was first elected in April, 1957, as member of the Legislative Assembly for Kahibah. He was M.L.A. for Kahibah until 1971 when this seat disappeared in a redistribution and the Hamilton and Kahibah seats were amalgamated to make the new seat of Charlestown. Mr Stewart gained Australian Labor Party preselection for this seat, which as we all know he won and retained until his death today.

In the years to come John Stewart will perhaps be best remembered, apart from his well-known parliamentary work and his service to the electorate, for his dedication to the cause of road safety. He contributed as much as any person could have to this work. Around 1960 he became associated with the city of Newcastle road safety council driver training school, and he was vigorous in his representations on their behalf. Then in 1968 he became the zone representative of the northern and north west branches of the Road Safety Council and a representative of the executive committee of the council. In the same year he