

Legislative Assembly

Wednesday, 15 March, 1978

Petitions—Questions without Notice—Public Transport (Urgency)—Questions without Notice (Resumed)—Auctioneers and Agents (Amendment) Bill (second reading)—Statutory and Other Offices Remuneration (Council of Auctioneers and Agents) Amendment Bill (second reading)—Registered Clubs (Amendment) Bill (second reading)—Dental Technicians Registration (Amendment) Bill (Corn.)—Local Government (Amendment) Bill (Corn.)—Egg Industry Stabilisation (Amendment) Bill (second reading)—Marketing of Primary Products (Amendment) Bill (second reading)—Cognate Bills (second reading)—Cognate Bills (**second** reading)—Meat Industry (Amendment) Bill (second reading)—Justices (Amendment) Bill (second reading)—Coroners (Amendment) Bill (second reading)—Bills Returned—Married Persons (Property and Torts) Amendment Bill (second reading)—Notice of Action and Other Privileges Abolition (Amendment) Bill (second reading)—Second-hand Dealers and Collectors (Amendment) Bill (second reading)—**Tocumwal** Railway Extension (Supplementary Agreement Ratification) Bill (second reading)—Scaffolding and Lifts (Amendment) Bill (second reading)—Bill Returned—Local Government (Amendment) Bill (Message)—Metric Conversion Bill (second reading)—Conveyancing (Receivers) Amendment Bill (Corn.)—Adjournment (**Demountable** Classrooms)—Questions upon Notice.

Mr Speaker (The Hon. Lawrence Borthwick Kelly) took the chair at 10.30 a.m.

Mr Speaker offered the Prayer.

PETITIONS

The Clerk announced that the following petitions had been lodged for presentation and that copies would be referred to the appropriate Ministers:

Pensioners' Electricity Accounts

The Petition of certain citizens of New South Wales respectfully sheweth:

That economic hardship is being suffered by those citizens of this State whose incomes consist solely or mainly of age or invalid pensions and who **are—**

- (a) subject to increasing charges for electricity;
- (b) required to pay maximum rates applicable to smaller consumers;
and
- (c) are not able to obtain any rebates **under** the existing provisions of the Electricity Act.

Your Petitioners therefore humbly pray that your honourable House take early steps to so amend the Electricity Act as to empower each electricity distributing authority in this State to allow rebates on the electricity accounts of the abovementioned pensioners.

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

Petitions, lodged by Mr Einfeld, Mr Jensen, Mr **Mulock**, Mr Renshaw, Mr **Stewart** and Mr West, received.

Sydney Kindergarten Teachers College

The Petition of certain residents of New South Wales respectfully sheweth:

That the amalgamation of the Sydney Kindergarten Teachers College, **44** Henrietta Street, Waverley, with Alexander Mackie College, would be inimical to education in this State.

That the removal of the Sydney Kindergarten Teachers College to Oatley would seriously inconvenience students and **staff**.

That it is in the best interest of education that the Sydney Kindergarten Teachers College remain an autonomous College of Advanced Education.

Your Petitioners therefore humbly pray that your honourable House ensure that the Sydney Kindergarten Teachers College, **44** Henrietta Street, Waverley, remain an autonomous College of Advanced Education and not be removed to the Oatley site and amalgamated with Alexander Mackie College.

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

Petition, lodged by Mr Einfeld, received.

Nude Bathing at Windang

The Petition of certain residents of Wollongong and Districts respectfully sheweth:

That there is a need for a free nudists beach in the Wollongong district.

Your Petitioners therefore humbly pray that your honourable House declare that area of **Perkins** Beach at Windang, bounded by a line drawn east from:

- (1) Boundary Road, **Windang**;
- (2) the access road bounded by the south extremity of Port Kembla Golf Course and 2WL Transmission Tower (Sanitary Road) **Primbee** and
- (3) the eastern fence of the Soil Conservation Project out to sea for a distance of two hundred (200) metres below the low tide mark as a free nudist beach.

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

Petition, lodged by Mr **Ramsay**, received.

Eastwood Road Accidents

The humble petition of the undersigned residents of **Lovell** Road and its environs, Eastwood, New South Wales, respectfully sheweth:

That, as evidenced by the numerous accidents to motor vehicles which have occurred at the bend in **Lovell Road** at its junction with **Russell Street** and **Pickford Avenue**, the condition and conformation of this road junction causes great danger to your Petitioners and to others.

Your Petitioners humbly pray that your honourable House will issue instructions to ensure that the source of the danger be carefully investigated, and that new and clearer signs to show the danger and to regulate traffic be set up in accordance with the findings of that enquiry.

Your Petitioners as in duty bound will ever pray.

Petition, lodged by Mr J. A. Clough, received.

QUESTIONS WITHOUT NOTICE

WENTWORTHVILLE TRAFFIC

Mr COX: On 16th February the honourable member for Wentworthville asked me a question relating to afternoon traffic conditions in the Wentworthville shopping centre. I am now able to advise him that the Parramatta council's traffic committee, consisting of representatives of the council, the Department of Main Roads and the Police Department has completed its investigations into traffic conditions at the junctions of Wentworth Avenue with Goodall Street, Pendle Hill, and Freame Street, Wentworthville. The honourable member will be pleased to learn that traffic control signals are considered necessary at both sites. The Traffic Authority of New South Wales will be asked to consider their inclusion in the programme for the 1978–79 financial year. As an interim relief measure, it is proposed to ban right-hand turns from **Goodall Street** into Wentworth Avenue and from Wentworth Avenue into Freame Street during the evening peak. This action was recommended by the traffic committee. However, it has yet to be endorsed by the council which, by delegation from the Traffic Authority of New South Wales, has responsibility for traffic management of local streets.

ALLEGATIONS AGAINST MR A. SAFFRON

Mr MULOCK: On 10th March the Leader of the Country Party asked me a question in regard to proceedings in Central Court of Petty Sessions in October last year before Mr M. F. Farquhar, the Chief Stipendiary Magistrate, involving as the honourable member put it, "illegal multiple-pay poker machines . . . installed in a Kings Cross Club by a Mr Saffron". I undertook to have investigations made and to advise the honourable member in due course of the results of them. The proceedings to which the honourable member refers have been identified as relating to proceedings between Peter Robert Brown, an officer of the Treasury, and the Aquatic Club, with a registered office at 15 Greenknowe Avenue, Potts Point, and Maurice Chippindale, the manager of the club.

A perusal of the court papers reveals that on 12th August, 1977, Mr Brown exhibited an information alleging that on 18th February, 1977, the Aquatic Club **did—** in the words set out in the information—"use a number of poker machines of a class which the club was then licensed to keep in excess of the number of poker machines of that class which the said club was at that time licensed to use". In a further information against the Aquatic Club it was alleged that the club did "use a certain poker machine, to wit a Seeburg poker machine which was not at the time owned by the said club". Identical informations were laid against Maurice Chippindale, the secretary of the club. Other informations against the Aquatic Club and Maurice

Chippindale contained allegations that on the same date the club and Chippindale kept a number of poker machines in excess of the licensed number and kept a Seeburg poker machine that was not at the time owned by the club. The proceedings were taken under section 50BA of the Gaming and Betting Act, 1912.

The matters came on for hearing at Central Court of Petty Sessions on 12th October, 1977, before Mr M. F. Farquhar, the Chief Stipendiary Magistrate. The solicitor from the Crown Solicitor's Office who appeared for the Treasury informed Mr Farquhar that he wished to proceed against the defendants with the two charges of using poker machines in excess of the number it was licensed to use. Pleas of guilty were entered. The facts given indicate that it was found during an inspection of the premises that the club was licensed to keep fifty-eight poker machines. In fact, it had fifty-nine, the extra one being a Seeburg. The manager revealed that the machine was not owned by the club, that it was there on trial and the club had no intention of buying it.

According to the statement of facts in the court papers the key to the machine was said to be held by the owner. Allied Industries was given as the name of the owner of the machine. It appears that the correct name of the company is Leisure and Allied Industries, which is registered as a business name in New South Wales, the proprietors being Leisure and Allied Industries (1973) Pty Limited, a company registered in Western Australia. The nature of business of this company is given as amusement machine operators. There was no evidence to indicate when the machine was delivered to the club and no records were kept in regard to sums withdrawn from or put into the machine. The manager said that the machine was cleared on 12th and 14th February, 1977, and the money was put into another machine. Apparently this machine has an upper and lower section. The company had the key to the upper portion. As the lower portion was unlocked it was possible for the machine to be emptied.

According to the statement of facts the manager stated: "Allied Industries said they did not deal with the club direct but dealt with Mr Sacchron and they thought he had placed the machine in the club". It was further stated that there was no minute of the club recording agreement to this process. Apparently Mr Chippindale did not deal with the committee in regard to the installation of the machine. It is alleged that he said that "other men knew about it". There was some question that the machine was licensed but, according to the officer of the Crown Solicitor's Office who appeared for the Treasury, Mr Chippindale was told by the Treasury that a licence would not be granted for the Seeburg machine.

Mr Farquhar found proved the two charges in respect of the use of the additional poker machine by the Aquatic Club but dismissed the information under section 556A of the Crimes Act. The defendant was ordered to pay \$8 court costs in each case. On the charge of using a machine in excess of the licensed number Chippindale was fined \$50 and ordered to pay \$8 court costs and \$50 professional costs. In respect of the charge of using a Seeburg poker machine that was not owned by the club, the offence was found proved but the information was dismissed under section 556A of the Crimes Act. The defendant was ordered to pay \$8 court costs. The second barrel charges against the club and Chippindale for keeping additional poker machines were adjourned until 8th November, 1977. On that date, there being no appearance of either informant or defendant, the informations were dismissed by Mr K. Jones, the presiding stipendiary magistrate.

I am unable to say whether Mr Sacchron—the name appearing in the depositions—is the Mr Saffron named last week in the South Australian Parliament. The papers were not referred to the department or the Attorney-General. In spite of the suggestion made by the Leader of the Country Party, there was nothing for the

magistrate to refer. Inquiries of Treasury officers reveal that, on the face of things, it **would** appear that no offence was committed by the person who supplied the poker machine to the club.

A search, details of which were received by Telex from Western Australia, **has** disclosed that no person named Sacchron is a director of Leisure and Allied Industries (1973) Pty Limited. Also, no person named Sacchron or Saffron is disclosed as a shareholder of that company. My departmental officers are continuing a search in regard to the two companies shown as shareholders. However, I considered it relevant to place all these matters before the House now.

VOTE OF CENSURE: MINISTER FOR TRANSPORT AND MINISTER FOR HIGHWAYS

Urgency

Mr **COLEMAN** (Fuller), Leader of the Opposition **[10.401: I move:**

That it is a matter of urgent necessity that this House should forthwith consider the following motion, viz.:

That this House condemns the Minister for Transport and Minister for Highways for his **maladministration** of his Ministry, in particular:

- (1) his responsibility for the horrendous and crippling Public Transport Commission deficit in this financial year of at least \$500 million;
- (2) his inability to settle industrial disputes within the Public Transport Commission such as that involving the abandonment and non-use for the past year of the multiunillion dollar workshop at the Clyde Waggon Maintenance Centre;
- (3) his refusal, despite rising public anger and disgust, to restore the cancelled freeway programme,

and this House calls on the Premier to dismiss him and replace him with a more suitable Minister.

This matter is urgent because in the current financial year the deficit of the Public Transport Commission of New South Wales is expected to be at least **\$500** million. In other words the Minister is presiding over a deficit that is costing the taxpayers **\$1,000** a minute. It is urgent because the deficit is rising each week the Minister continues in office. In fact the deficit has risen by **\$12,000** since the Minister entered the Chamber this morning. It is urgent because each family in New South Wales is paying almost **\$400** towards the deficit before it catches a single train or bus or exercises a choice between public transport or a private car. The matter is urgent because despite the horrendous deficit, rail and bus revenues continue to decline and **commuters** continue to complain increasingly of worse service, dirty service, slow service and no service.

The matter is urgent because this fantastic deficit is growing despite the Minister's having increased freight rates by 8 per cent and levied an extra **\$70** million on wheatgrowers in this financial year. The matter is urgent because though the Opposition has drawn attention to the failure to use the new multi-million dollar workshop at the Clyde waggon maintenance centre, which was completed almost a

year ago, the best the Minister can say to the House almost a year after its completion is that it is hoped that a basis for resolving the matters at issue will be established at an early date.

The matter is urgent because taxpayers are sick of the Minister's hopeless hopes. It is urgent because, despite calls from the Transport Workers' Union and the National Roads and Motorists Association, this \$1,000-a-minute Minister refuses to restore the cancelled freeway programme and is presiding over the daily choking of **traffic** on the State's roads. Massive traffic jams are becoming the normal pattern on Sydney's arterial roads. It is urgent because there is a major traffic jam every second day on Sydney Harbour Bridge. It is urgent because a short trip to the city from a middle-distance suburb can now take almost two and a half hours.

The matter is urgent because it is still possible ~~for~~ a new Minister and new policy to restore the freeway programme and thus prevent the loss of the land reserved for freeways for future generations. It is urgent because following the cancellation of freeways, the Minister's announcement of 12-hour clearways is a delayed death sentence on some shopping centres, causing distress and confusion ~~to~~ shopkeepers, suburban chambers of commerce and shoppers. It is urgent because the Minister has done nothing to assist the efficient private bus operators to purchase new buses and equipment. It is urgent because the \$1,000-a-minute Minister has done nothing to provide better transport facilities for those whom the public transport system serves least, namely, the very young, the old, the poor, the handicapped, the sick and the chronically unemployed. It is urgent because although the \$1,000-a-minute Minister issued a challenge on 24th February for a full-scale debate in Parliament on his administration—a challenge that was immediately accepted by the honourable member for Wakehurst—the Minister and the Government have until now carefully avoided honouring that challenge. This is the last opportunity.

Mr Mason: Another \$6,000 has gone.

Mr SPEAKER: Order!

Mr WRAN (Bass Hill), Premier [10.46]: Everyone will have some sympathy for the residents of the North Shore who, from time to time, experience great frustration in getting over the Sydney Harbour Bridge.

Mr Webster: Every day.

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

Mr WRAN: It is curious that the former Government, which we defeated on 1st May, 1976, was notoriously known as the North Shore Government. Over all those years it let down its own supporters by not making adequate provision for the smoother and faster flow of traffic from the North Shore areas and the Warringah shire into the city. At the outset I say that the Leader of the Opposition—and indeed the whole of the Opposition—does no good for New South Wales by constantly knocking New South Wales and constantly telling lies or dreaming up figments of someone's imagination. There is no prospect at all of the transport deficit this year being \$500 million or anything like that sum. That is merely a figure that the Leader of the Opposition plucked out of the air this morning in order to get a cheap newspaper headline. I notice that the honourable member for Maitland laughs. He had more ways of solving the transport problem than a dog has fleas. But in his term of office we had no more buses, trains or freeways.

[Interruption]

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

Mr WRAN: The simple situation is that the Leader of the Opposition is not within \$100 million of the projected deficit of the Public Transport Commission. If he did not go round knocking New South Wales, as he did yesterday—not only by misrepresenting but also by actually inventing figures—then, perhaps there would be even greater impetus to the State's development than that given by this Government. As to the so-called cancellation of freeways, I have never been more surprised than I am about the National Roads and Motorists Association's attitude to this matter. At Christmas when I, the honourable member for Ku-ring-gai and a number of other Opposition members had lunch with representatives of the National Roads and Motorists Association, I told its president that I should like to discuss with him early in the new year the whole freeway question. Since then I have heard nothing from him or from any other representatives of the National Roads and Motorists Association. Fortunately I shall be addressing the National Roads and Motorists Association next week. The misrepresentations and misunderstandings will then be cleared up. The Government merely used a rubber to erase lines on a map representing freeways which the Opposition had put there in terms of needs for the next forty or fifty years. All these proposals were on the same basis as the Opposition's proposals for the Eastern Suburbs Railway. The simple situation is that the present Minister for Transport and Minister for Highways has in twenty-two months obtained more visible results than the honourable member for Maitland, who was Minister for a much longer period, and the honourable member for Tenterfield, who was the most hopeless Minister for Transport the State has ever had. The honourable member for Tenterfield did absolutely nothing.

In the short time that the Minister for Transport and Minister for Highways has had control of that Ministry hundreds of new buses have been put on the roads and between August and December there will be 100 more. There are now modern, inter-urban trains on the Blue Mountains run and on the Gosford run. The unsafe state of the railways has been restored to a safe state by a massive expenditure of money. What seems to have been forgotten is that my colleagues and I defeated the previous Government on the basis that it would take \$1,000 million and five years to mop up the mess in public transport that was left to us.

Mr Coleman: A \$500-million deficit.

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

Mr WRAN: For the Leader of the Opposition to argue on the proposal for 12-hour clearways shows a degree of ignorance or duplicity which is unbecoming even in him. The 12-hour clearways were the result of a report procured and adopted by the honourable member for Maitland when he was Minister for Transport—the URTAC report, which was embraced not only by the honourable member for Maitland as Minister but by all the gentlemen opposite when they were in government. As in so many other things, they did nothing. Now one of the wonders that occurs to me is not where the money will come from, but where did the money go when members opposite were in government, for they did practically nothing. There is no point in crying about freeways. The previous Government built no freeways. It built **nothing**—

[Interruption]

Mr WRAN: The honourable member for Davidson is an expert on freeways in Copenhagen.

Mr Healey: On a point of order. For about the sixth time the Premier has made allegations in this House concerning me and Copenhagen. I ask the Premier to make it clear in a public statement in this House what these allegations are so that I can refute them.

Mr SPEAKER: Order! There is no point of order.

Mr WRAN: If some of the money used on your **oversea** trip had been used——

[Interruption]

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

Mr WRAN: If some of the money used on the **oversea** trip of the honourable member for Davidson had been used for freeways we would have no need for clearways **now**——

[Interruption]

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

Mr WRAN: A motion framed, as this one is, in sensational terms and containing figures plucked out of the air is cheap, mischievous and totally trite.

Mr **Coleman**: True.

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

Mr WRAN: I reject out of hand any question of urgency at this stage. Might I say in relation to paragraph 2 of the motion that since the honourable member for Auburn has been Minister for Transport and Minister for Highways industrial peace in the transport system has been unsurpassed.

Mr Mason: You would not know ——

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

Mr WRAN: You would not know because you are always putting motor cars into trees. The honourable member for Dubbo should not even hold a driving licence. The Government will be making a definitive statement on freeways in order to clear the air and to rid public discussion of the deliberate campaign of misrepresentation conducted by the Opposition.

Question of urgency put.

The House divided.

Ayes, 47

Mr Arblaster
Mr Barraclough
Mr Boyd
Mr Brewer
Mr **Bruxner**
Mr **Cameron**
Mr **Caterson**
Mr J. A. Clough
Mr **Coleman**
Mr Cowan
Mr Darby
Mr Dowd
Mr Doyle
Mr **Duncan**
Mr Fischer
Mr Fisher

Mr **Freudenstein**
Mr **Griffith**
Mr Healey
Mr Jackett
Mr Leitch
Mr Lewis
Mr **McDonald**
Mr **McGinty**
Mr Mackie
Mr Maddison
Mr Mason
Mrs **Meillon**
Mr Morris
Mr Mutton
Mr **Osborne**
Mr Park

Mr Pickard
Mr Punch
Mr Rofe
Mr **Rozzoli**
Mr Schipp
Mr Singleton
Mr Taylor
Mr Viney
Mr N. D. Walker
Mr Webster
Mr West
Sir **Eric Willis**
Mr Wotton
Tellers,
Mr **Moore**
Mr Murray

Noes, 49

Mr Bannon	Mr Gordon	Mr Paciullo
Mr Barnier	Mr Haigh	Mr Petersen
Mr Bedford	Mr Hatton	Mr Quinn
Mr Booth	Mr Hills	Mr Ramsay
Mr Brereton	Mr Hunter	Mr Renshaw
Mr Cahill	Mr Jackson	Mr Ryan
Mr Cleary	Mr Jensen	Mr Sheahan
Mr R. J. Clough	Mr Johnson	Mr Stewart
Mr Cox	Mr Johnstone	Mr Wade
Mr Crabtree	Mr Jones	Mr F. J. Walker
Mr Day	Mr Keane	Mr Whelan
Mr Degen	Mr Kearns	Mr Wilde
Mr Durick	Mr McGowan	Mr Wran
Mr Einfeld	Mr Maher	
Mr Face	Mr Mallam	<i>Tellers,</i>
Mr Ferguson	Mr Mulock	Mr Akister
Mr Flaherty	Mr O'Connell	Mr Rogan

Question so resolved in the negative.

Motion of urgency negatived.

QUESTIONS WITHOUT NOTICE

(Resumed)

STATE ECONOMIC CONDITIONS

Mr FLAHERTY: My question without notice is directed to the Premier. Has his attention been drawn to comments made by the Leader of the Opposition, based on research by John **Jackson** and Associates Pty Limited, suggesting that New South Wales is economically lagging behind other States. Can the Premier tell the House and me what the true situation is?

Mr WRAN: My attention has been drawn to a statement in the press referring to a report by John **Jackson** and Associates, and the use made of it yesterday by the Leader of the Opposition.

[Interruption]

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

Mr WRAN: The research of John **Jackson** and Associates covers only a small section of the economy and only part of the total construction industry, namely, the non-dwelling section. Every other economic indicator points to New South Wales performing better than any other State over the past eighteen months.

[Interruption]

Mr WRAN: This is typical of what I was **referring** to in the discussion on the urgency motion this morning. The sole object of members of the Opposition seems to be to knock New South Wales, and not to put our State first, where it is, and where it is intended to be. I repeat, every other economic indicator points to New South Wales performing better over the past eighteen months than any other State.

[Interruption]

Mr WRAN: **All** members of the Opposition have their heads down. I should like to know who said rubbish.

[Interruption]

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

[Interruption]

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

Mr WRAN: Official Australian Government statistics reveal that the growth of unemployment in New South Wales has increased **by** only 11 per cent, or one third the rate of increase for the rest of Australia, which was more than **33** per cent. Inflation in New South Wales over the past year has been lower than in other States. By the end of the December quarter the Australian average was 9.2 per cent, as opposed to 8.5 per cent in New South Wales. The figures issued by the Australian Bureau of Statistics show that for the calendar year ended December, 1977, New South Wales was the only State with an increase in new housing approvals. This trend is confirmed by the leading private economic forecasting group **Philip** Schrapnel **Pty** Limited, which is the only group that produces a comprehensive index measuring all economic activity on a State basis. **Philip** Schrapnel Pty Limited in its last published report, in February, 1978, revealed that over the past year New South Wales was the only State in Australia that showed a positive movement in economic activity. The figures for each of the States were, Tasmania, **minus** 0.5 per cent, Western Australia, minus 6.1 per cent, South Australia, minus 8.5 per cent, Queensland, minus 10.2 per cent, Victoria, minus 2.8 per cent, and New South **Wales**, the only State **with** a positive movement in economic activity, plus 0.9 per cent.

I suppose everything is fair in politics, but having regard to the continuing recession in Australia, politicians of all pasties should put their State and **country** first, and not go about knocking New South Wales when our economic performance is well ahead of that of the other States, having regard to the fact that New South Wales has heavy manufacturing industries, and is the heartland of such industries, which are the first to suffer in a recession. I repeat, on all the basic economic indicators, New South Wales is well ahead of any other State in the Commonwealth. By all means let us have proper analytical discussion and debate, but I appeal to honourable members opposite to stop knocking New South **Wales**.

SUGAR CANE ROADS

Mr PUNCH: I direct a question without notice to the Minister for Transport and Minister for Highways. Is it a fact that the **Government** has abandoned the programme of assistance to shires in upgrading cane roads on the North Coast? Did this form of assistance, which was initiated by the Liberal-Country party Government in 1974, result in \$2 million being spent to improve such roads? As no funds were allocated for this purpose for the 1977-78 financial year, will the Minister give an undertaking that funds **will** be restored in the next Budget because of the importance of this road programme to the future economy of the sugar cane industry?

[Interruption]

Mr SPEAKER: Order! I call the Minister for Decentralisation and Development and Minister for Primary Industries to order.

Mr COX: The Leader of the Country Party has raised the important question of roads for the sugar cane industry. What he did not say was that New South Wales is spending **\$210** million on roads this financial year and the Commonwealth Government is contributing only **\$153.7** million of that. The Leader of the Country Party did not say, for example, that in a period of four years the Commonwealth Government cut back from **\$50** million to **\$28** million funds for urban arterial roads. He did not say that the proportion of fuel tax collected by the Commonwealth Government and returned to the States has dropped in a period of ten years from **60** per cent to **39** per cent. The deplorable fact is that the federal Government is cutting back on funds that are essential to meet the road needs of New South Wales. When the Prime Minister wrote to the Premier informing him of the allocation to New South Wales of **\$153** million for roads, he told the Premier to make sure the State matched that allocation. New South Wales has more than matched the allocation by proposing to spend **\$210** million on this work. Because of the importance of the sugar cane industry to the State I shall certainly look at its road needs. In the meantime, I urge the Leader of the Country Party to get off his tail and approach his federal counterparts with a view to getting a better deal for the roads of New South Wales from a Commonwealth Liberal-Country party Government.

DIVISION OF DRUG AND ALCOHOL SERVICES

Mr MCGOWAN: I ask the Minister for Health a question without notice. Has the Health Commission of New South Wales recently established a **division of** drug and alcohol services, and has it advertised the position of director of the division? Is the Minister able to say whether the position has been **filled** and when the successful applicant will take up his duties?

Mr STEWART: I thank the honourable member for Gosford for his question. Just before Christmas the Health Commission of New South Wales, with the approval of the Public Service Board, created a division of drug and alcohol services and subsequently advertised for a director. I am pleased to announce today that Dr **James Rankin** has been appointed to that position. He is expected to take up duty in July of this year. Dr **Rankin** is currently the director and head of medicine of the Addiction Research Foundation Clinical Institute in Toronto, Canada. He is also a Professor of Medicine at the University of Toronto. He is an Australian, born in Sydney. He worked in various senior positions in hospitals in Sydney and Melbourne before moving to Toronto in **1970** to take up his present position. Dr **Rankin** has published a number of books and a wide range of articles on the effects of alcohol and drugs and is an active member of **scientific** and professional bodies in these and related fields. He has achieved a high international repute in the field of assessment and treatment of alcoholism. As director of the division of drug and alcohol services, Dr **Rankin** will be responsible to the commission for the planning, co-ordination, policy development and evaluation of the commission's drug and alcohol services. Although the provision of such services will continue to be carried out on a regional basis, the creation of the division of drug and alcohol services and the appointment of Dr **Rankin** as director will strengthen the policy and co-ordination aspects of these services on a State-wide basis and ensure a high level of advocacy for this aspect of health services within the commission's central administration.

The creation of this position is seen as an important step in further developing the services provided by the Health Commission. The Health Commission is fortunate to have been able to recruit a person of Dr **Rankin's** calibre to this position. The position was advertised with the approval of the University of Sydney, suggesting **that** the successful applicant may be accorded appropriate academic status up to the

level of clinical professor within the faculty of medicine at that university. Negotiations are taking place with the university with a view to Dr Rankin's being awarded such status. In that way Dr Rankin will be able to assist in the undergraduate and post-graduate education of medical students and doctors, which will be a positive step in the attempts to solve the problems that alcohol and drug abuse present in our society. On behalf of the Government of New South Wales, I am pleased to make that announcement.

FLEMINGTON MARKETS

Mr ROZZOLI: I direct my question without notice to the Minister for Decentralisation and Development and Minister for Primary Industries. Is the Minister aware that approximately 1 000 stalls trading in merchandise other than fresh fruit and vegetables operate at Flemington markets? What is the rental basis for the space used for those stallholders? Is it a fact that many stallholders are compelled to pay an additional 25 per cent of their turnover to maintain their security of tenure? Is the Minister further aware that receipts are not issued for this money? Will the Minister conduct an investigation into the operation of these stalls?

Mr DAY: I am unaware that a sum additional to the rent is being collected for what the honourable member described as security purposes. I shall certainly have the matter examined and make sure that all moneys being received by the authorities are properly accounted for.

FERAL PIGS

Mr LEITCH: My question without notice is directed to the Minister for Lands. Will the Minister take action to rid unoccupied Crown lands of feral pigs, particularly in about 9 000 acres of such land in the Tingha-Wandsworth area adjoining the Single state forest?

Mr CRABTREE: I thank the honourable member for Armidale for asking a question on a problem that exists throughout the State. The fact is that most of these pigs were let loose during the term of office of the former Government. Slowly but surely a feral pigs eradication programme is being introduced. I shall refer the honourable member's query about the area he mentioned to my officers to learn what can be done about it.

HIGH SCHOOL FOR THE CENTRAL BLUE MOUNTAINS

Mr PICKARD: My question without notice is directed to the Minister for Education. Has the Minister received deputations and representations seeking a decision on the site for a high school in the central Blue Mountains? Has it taken the Minister a year to make up his mind which of the proposed sites is to be selected? Will the Minister tell the people of this State the site on which the school will be established? Will he direct his officers to negotiate immediately for the acquisition of the site in order that planning for the school may proceed in the near future?

Mr BEDFORD: It is true that I have received a number of such deputations and representations—all organized no doubt by the honourable member for Blue Mountains, who has been most anxious to ensure that a new high school is established so that pressure for accommodation will be reduced at Katoomba High School. Two sites are being considered for the development of another high school on the Blue

Mountains. One site is at Wentworth Falls and the other is at **Lawson**. In situations of this kind it is not to be unexpected that representations are received from people living at Wentworth Falls and **Lawson** for the new school to be located on the site they feel is the more suitable. The major consideration on which the final decision will be based is that the selected site will be adequate for the establishment of a high school and capable of handling expected future enrolments.

As I have said, two sites are being considered for the proposed school. The **Lawson** site will not present any acquisition problem but arrangements might have to be made with the Department of Lands for an area of Crown land to be set aside for the establishment of the school. A large part of the site available to the Department of Education at Wentworth Falls is Crown land. It is possible that some extra land might have to be acquired in the future. The **Lawson** site appears to be the one most favoured because of its central location. However, as some site problems might have to be overcome, officers of the properties branch of the Department of Education are arranging for engineers' reports to be obtained to make sure that the site would be appropriate for the proposed buildings, the landscaping and the development of playing fields there.

As I said before, the honourable member for Blue Mountains has been most anxious that this project should proceed. As soon as the reports are to hand from the engineers, I shall be in a better position to make an announcement on the site that is to be acquired for the new high school. I am mindful of the fact that as soon as a decision is made on the selection of a site, forward planning will be able to proceed and we can look forward to accelerated development of another high school on the Blue Mountains.

PUBLIC TRANSPORT COMMISSION DEFICIT

Mr **WHELAN**: My question without notice is directed to the Minister for Transport and Minister for Highways. Can the Minister advise me and the House of the extent of the deficit of the Public Transport Commission when he took office as the responsible Minister?

Mr **COX**: I thank the honourable member for **Ashfield** for raising this important question. Upon assuming office as Minister for Transport and Minister for Highways, I examined details of the deficit of the Public Transport Commission. That examination disclosed that on 31st March, 1976, the honourable member for Tenterfield, who was then the responsible Minister —

Mr **Cameron**: On a point of order. The honourable member for **Ashfield** asked a succinct question. He is seeking information on only the amount of the Public Transport Commission deficit when the Minister took office and this is a matter of public record. All precedents suggest that information freely available in public records may not be sought by way of questions without notice.

Mr **SPEAKER**: There is no point of order. The Minister may proceed.

Mr **COX**: I was about to say that the honourable member for **Tenterfield**, who was then Minister for Transport, was advised on 31st March, 1976—and this information is noted on the file—that the deficit at that time was running at \$275 million, and at that stage there were still three months to run to the end of the financial year. On 29th July, nine weeks after I assumed office as Minister, I was advised by the **Public Transport Commission** that the deficit for the following financial year would be \$361.9 million. Consultations took place between myself and the Treasurer and the estimate of the deficit was pruned to \$335 million. In fact, the final deficit was \$334

million. Despite the reduction in the deficit we were able to build up the railway retirement fund by some \$35 million. The former Government made no effort to pour any money into that fund, in spite of the advice it had received from the retirement board that such provision would be needed in the financial year 1978–79. The former Government did not put a cent into that fund. All it did was deliberately to cut back on its responsibilities in relation to it, leaving it for another day and another government to straighten out the position. I am glad to have the opportunity of making clear that at the time this Government came to office in May, 1976, the deficit of the Public Transport Commission was running at \$300 million. The first advice I got from the Public Transport Commission in relation to the estimated total deficit for that financial year was that it would be \$361 million. As a result of action taken by the Government on election to office that figure was pruned to \$334 million. Moreover, the Government has been successful in reducing the tendency for the Public Transport Commission's deficit to gallop apace. At one stage the deficit was increasing at the rate of almost 100 per cent a year. I have all the figures available to me and from them it is clear that it is a disgraceful distortion of the facts for anyone to suggest that the Public Transport Commission's deficit has continued to gallop after this Government's election to office.

FREEWAYS

Mr MUTTON: My question without notice is directed to the Minister for Transport and Minister for Highways. When the Government decided to abolish the inner freeway system did the Minister announce publicly that instead action would be taken to concentrate on removing road bottle-necks, replacing narrow bridges and remedying other strictures on the existing road systems of the metropolitan area? Did the Minister say on 24th February, in answer to a question from the honourable member for Coogee, that Cabinet had adopted in full the report of the Urban Transport Advisory Committee and decided that the committee's recommendation would be implemented as soon as possible? Did he say also that the committee's main recommendations include the extension of the peak-hour system and the introduction of special clearways, in appropriate cases, with twelve-hour, twenty-four hour and weekend restrictions?

Mr F. J. Walker: On a point of order. My point is that the question is not seeking information; it gives it.

Mr SPEAKER: I rule the question out of order.

CAMPBELLTOWN ELECTORATE RAILWAY STATIONS

Mr MALLAM: My question without notice is directed to the Minister for Services and Minister Assisting the Premier. During the eleven years when the former Government was in office, were no improvements introduced in the form of rest centres and parks in proximity to railway stations in the Campbelltown electorate? Will the Minister request the Minister for Planning and Environment to examine this problem with a view to providing the seven or eight railway stations in the Campbelltown area with better amenities, particularly in the form of rest centres and parks so that people can enjoy a moderate degree of comfort while they are waiting for trains?

Mr Lewis: It will be a long wait.

Mr MALLAM: It was a long wait under the Government you supported.

Mr HAIGH: The honourable member for Campbelltown has shown great concern for his constituents. I know that his concern extends to the planning that took place when the former Government was responsible for it and for providing facilities for a rapidly-growing, residential area. I know also that the Minister for Planning and Environment is most concerned that the development of the Campbelltown area took place without the provision of adequate facilities to meet all the needs of that rapidly-growing community. I shall do as the honourable member requests; I shall again bring to the Minister's attention the problems that are being experienced by the citizens of Campbelltown. I am sure that he will consider these matters sympathetically and do whatever he can to correct the inadequate planning of the former Government.

STAFFING IN COUNTRY SCHOOLS

Mr WEST: Will the Minister for Education explain why in a period of high unemployment among teachers he is allowing his department to enforce rigidly the minimum student levels for two-teacher and three-teacher schools in country areas? Is the Minister aware that many of these country schools are having teachers withdrawn as a result of the department's action? In view of the Minister's comments last week about a reduction in class sizes, will he explain why he is allowing class sizes to increase in country schools? Will the Minister, as a matter of urgency, undertake to review and rectify this situation?

Mr BEDFORD: It is true that following the reopening of schools at the beginning of the year, there was some movement of teachers in country schools and city schools. The movement is not based on whether the school is in the country or the city; it is made entirely on the basis of staffing practice that has been followed for many years. I know that there is much heartburning in various sectors of the community, within the Teachers' Federation and certainly within the Department of Education, over the allocation of available staff. The plain fact is that so far nobody has come up with a better system to ensure that staff levels are kept within the limits dictated by availability of funds.

Since coming to office the Government has increased by something like 3 000 the teacher work force in the Department of Education. This has enabled the department to effect certain class-size reductions. Inevitably when there is a fall in enrolments at a particular school, that school will move into the next category of schools, with the result that a teacher may be removed. I emphasize that when a teacher is transferred from a school he fills a vacancy at a school where enrolments have risen. It is not a matter of reducing the total number of teachers. Nevertheless, when such a reduction is to occur, regional directors have the power to consider a school's special needs and, if considered appropriate, to supply that school with additional teachers out of his regional teacher resources. However, if a school can make a submission that has the support of the regional director, and staff resources available permit of it, teachers will be appointed to schools where enrolments are close to the margin drawn on the schedules

Honourable members will be aware that about two or three weeks ago, following a review of staff, and after taking into account the enrolments that occurred at the beginning of the school year, the Department of Education was able to reduce class sizes in years 7 and 8 at high school. To effect this reduction in class sizes the department gave full-time appointments to some 350 reserve teachers. A similar exercise will be carried out in June when some students come out of the middle semester courses at colleges of advanced education and take their place in the teacher work force. At that stage we may be able to effect further class-size reductions. The honourable member for Orange may care to suggest to the principals of the schools

that he has in mind that, if they have not already done so, they should prepare a submission intimating any special needs they have so that the regional director's resources force can be stretched to enable the appointment of an extra teacher.

AUCTIONEERS AND AGENTS (AMENDMENT) BILL

Second Reading

Debate resumed (from 10th March, *vide* page 12930) on motion by Mr Einfeld:

That this bill be now read a second time.

Mr BARRACLOUGH (Bligh) [11.27]: For many years the Council of Auctioneers and Agents has been a great success as an elected body with the council electing its own chairman. The Government proposes virtually to put this great council out of business. In my opinion it is the first move by the Government to destroy the real estate profession in New South Wales; it is a move to destroy real estate agents, stock and station agents, business agents and auctioneers. There is no justification whatever for this bill. The Minister has used some poor and frail examples to substantiate the amendments proposed to the Auctioneers and Agents Act, 1941. The Minister gave no example of the alleged breaches to which he referred. Also, he made no reference to the number of people who were trading as unlicensed auctioneers and agents. As he did not indicate the amount of money that had been misappropriated by the actions of these allegedly unlicensed auctioneers and agents, one must assume that the example is only kite-flying by the Minister, who has embarked on a campaign against the real estate profession.

I hope that every licensed estate agent, auctioneer, stock and state agent and business agent, their sales people and staff realize that the socialistic New South Wales Labor Government is determined to undermine and, if possible to destroy their profession. I know that these men and women will remember the Minister's attitude towards them at the next elections when they will vote for the endorsed Liberal Party or Country Party candidates. The Minister, who proposes to set a retiring age of 70 years for members of the council, should answer the questions that I shall now pose. Having in mind that the duties performed by council members are particular and unusual and also that such council members are not employees or paid servants of the council, what benefit will it derive and to whom will it flow should the introduction of the proposed retirement age be given the force of law? In what way will the public interest be advanced by the introduction of such age restrictions?

From inquiries I have made, it appears that this proposal is advanced because it forms part of the Government's industrial policy. This being the case, the matter of urgency cannot be pleaded, particularly as the amendments are designed to terminate, in mid-term and in an abrupt manner, the services of a substantial number of senior council members, whose only crime is that they have served the people faithfully and well over a considerable number of years as the regularly-elected representatives of all licensed agents in the State.

The proposal is that all present members of the council who do not conform to the suggested age limitation will be deemed to have automatically vacated their office immediately the amendments become law. That proposal can be aimed only at the senior members of the present council and will have no particular value in the future once the prescribed age limits and the proposed nomination restrictions are in

force. The proposal to replace such senior council members with appointees is surely a denial of the basic principle that council members are elected to that office, as has been the case since 1941.

It is considered that the proposed age limitation is a matter of practical public interest and that a more helpful and less disruptive way of amending the Auctioneers and Agents Act to give effect to such age limitations would be to introduce a new section into the Act providing that a retiring age of 70 years be set for members of the council, and that a candidate for election to the council may not have attained the age of 67 years at the day he assumed office following his election; also, that the foregoing should apply to and take effect from the next general election of council members prescribed to be held in May, 1979. It is suggested also that at that and subsequent council elections there should be elected a new division of council membership—namely salesmen—to consist of one real estate salesman and one stock and station salesman. Such salesmen candidates should be required to pass a prescribed examination, should have had a prescribed number of years of practical experience and should otherwise satisfy the council as to their suitability to be licensed. In regard to a salesman's course of instruction and subsequent examination, the council has already approved such a course in principle, to be conducted this year. The duration of the proposed course could no doubt be reduced by adopting a course similar to the stock and station agents' intensive course which was such a success last year.

The programme of action outlined above would enable the Government to introduce its age limitation policy amendments smoothly and with the time available to give thorough attention to the practical side of the introduction of the changes involved. The present proposal to require sitting members to vacate their office in mid-term and be replaced by short-term appointees would not only be upsetting; it would also be quite unnecessary and, therefore, it could be withdrawn. The same comment applies in respect of appointing salesmen to the council in their present unqualified form. At the same time, the present council could use its knowledge and experience to put into effect the educational programme for the guidance of the newly elected council when it takes over as a new organization next year.

In addition, the present list of varied and far-reaching amendments to the Act now about to be introduced could be brought into operation with greater practical effect by the existing experienced council members rather than by a council deprived of some of its experienced senior members and handicapped by their replacement by inexperienced newcomers. It seems ridiculous that, in a profession of more than 6 000 salesmen and women, the Real Estate Salesmen's Association should be represented by three persons of the council, when its membership is less than 200. This membership reveals that the association lacks the support of the vast majority of real estate sales people. In my opinion, it should have no more than one representative on the newly constituted council. The other two salesmen representatives should be representative of the 5 800 sales people who are not members of the Real Estate Salesmen's Association.

As to the licensing of auctioneering business partnerships, many partnerships consist of persons who hold different types of licences. Surely the Minister for Consumer Affairs and Minister for Co-operative Societies is aware that auctioneering is a specialized field and that so long as one member of a partnership holds an auctioneer's licence that should be sufficient. In country areas it is difficult to obtain an auctioneer's licence and the proposed amendment may well end some existing partnerships in the country. From time to time members of the **Labor** Party shed crocodile tears over their alleged concern for country electorates. I know that a number of long-established agents in the country—real estate agents, auctioneers and stock and station agents—consider this provision in the bill to be an attack upon their businesses that may destroy those

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businesses. It may be that that is the Government's intention, for it has little or no appreciation, in my opinion, of country business people. Therefore, the amendment to section 51 in schedule 3 should be deleted and the section allowed to remain unchanged.

I do not disagree with the increase in the maximum claim against the fidelity guarantee fund from \$50,000 to \$200,000 in order to bring that figure into line with the current economic climate. Agents and auctioneers will not disagree with the Minister's move in this matter but they disagree with the other provisions of the bill. I have here seven of the many telegrams from agents that I have received. I trust the Minister has received one. I believe one of these telegrams should be incorporated in *Hansard* and I intend later to read one of them. These seven telegrams are from real estate agents who have been in the profession for many years, men whom I know personally. They fear that if the bill is passed it could mean the end of their profession. As I said, I agree with the proposed increase in the maximum claim upon the fidelity fund, but that is the only thing I can say in support of the bill.

I am sure the Minister accepts that the Council of Auctioneers and Agents is a self-funding body. In the half year ended 31st December, 1976, it collected licence fees from auctioneers, stock and station, real estate and business agents amounting to \$143,617. In the half year ended 31st December, 1977, the fees collected were \$133,657.12. By this bill the Minister proposes to increase the operating costs of the council and create what the Opposition believes will be another bureaucratic department. In his second-reading speech the Minister praised the management of the real estate profession since the inception of the council in 1941, but now he proposes to destroy it. The profession is at a loss to understand why this bill is being introduced. Members of the profession are very concerned that it was only at the end of last month—barely a fortnight ago—that there was any indication that this measure was to be introduced. Why is it being rushed through? What is the Minister's object? I put it to the Minister that he and the Minister for Lands are out to destroy this profession in New South Wales. For some reason the Minister has a down on the real estate profession, and the Opposition cannot understand why.

The honourable member for Ku-ring-gai is present in the Chamber. When my colleague and I were in government he, as Attorney-General and Minister of Justice, did many things to improve the real estate agents' profession. Those moves were welcomed by the profession. But suddenly we find action being initiated by the Minister to destroy that profession, for there is no doubt that this bill, in addition to what he proposes to do in the future, will have a serious effect on its members. As I said, the bill will increase the operating costs of the Council of Auctioneers and Agents, yet the Minister and members of the Government are constantly telling the House that they wish to reduce costs in New South Wales. We on this side want unemployment reduced. The Minister must realize that if the bill is passed it could create unemployment in the real estate agents' profession. It is no use the Minister shaking his head. If he talks to agents they will express that fear. He could be putting out of work men of 40, 45 and 50 years of age who may not be able to get other employment. That should cause concern to the honourable member for Gosford, the honourable member for Hurstville, the honourable member for Coogee and the honourable member for Blue Mountains, who are not present in the House and do not appear to be taking any interest in the debate. All those honourable members represent estate agents.

This morning I received seven telegrams addressed to me at Parliament House and another twenty at my electoral office. I propose to read only one. It reads:

I as a practising real estate agent and resident of your electorate request you to act on my behalf in endeavouring to have Schedule 1 of the Auctioneers and Agents (Amendment) Bill deleted. We are controlled at

present by an elected body of councillors who have done and are doing a magnificent job. I find Schedule 1 to be an unnecessary amendment and beseech you to oppose it, hopefully having it deleted from the amendment bill. Assuring you of our continued support . . . **William Hall, L.R.E.A.**

Mr William Hall is a licensed real estate agent. His message is one of many I have received. Not one member of the Opposition spoke in the debate to support the Minister's second-reading speech. Debates have been taking place here in which the Minister alone speaks for the Government. The same thing happened with the bill to reform the Legislative Council. Nobody from the Government benches but the responsible Minister said a word on the subject. Yet the Government has the gall to say it is representing the interests of the people of New South Wales. The Minister for Consumer Affairs and Minister for Co-operative Societies knows that some 10 000 persons are employed in the real estate agency industry in New South Wales, and they are worried about this bill. They have every right to be worried.

The Government is for ever talking about what it will do for women: the Premier speaks daily on the subject. Yet there is no proposal to appoint a woman to the reconstituted council. There are many distinguished women in the real estate agency profession. They have worked in it for many years, and understand it well. The Minister knows of the large number of persons who have expressed fears about the effects of the legislation. He has not given a reason why he wishes to force the bill through the Parliament. We are left with our belief, which is a firm one, that it is the Minister's intention to destroy the industry. The view expressed repeatedly to members of the Opposition is that the Minister is seeking to take away the personal liberty of real estate agents. That approach runs through all **Labor** legislation. It is not unlikely that the Government will move soon to legislate for the way people may run their own homes. Real estate agents lack confidence as the result of that attitude. **Many** of them are saying, "If this bill goes through Parliament, we may have to reduce staff".

The *Questions and Answers* paper shows that question No. 1241 is addressed by the honourable member for Wagga Wagga to the Minister for Lands. The honourable gentleman asks what plans the Minister has for limiting the commission charged by real estate agents to \$200 a transaction. I am sure the Minister for Consumer Affairs and Minister for Co-operative Societies will correct me if I am wrong, but he has been reported as saying that there is nothing wrong with charging a fee of \$200 a transaction, whether it be in respect of the sale of a block of land worth \$3,500 or a shopping centre complex worth \$3.5 million. These are the sorts of things that are putting fear into real estate agents. I know that the son of one of the Minister's distinguished colleagues played a part in the real estate agency profession. I do not know whether he is still involved in it, but he acquitted himself well, and if he is still engaged in that sort of work I am sure he will share the worries and fears being expressed by other real estate agents today.

The bill is typical of the socialistic thinking of the Government, which is always manifest in its attacks on private enterprise. At question time today the Premier asserted that New South Wales was the best State in the Commonwealth and is doing well. Let me ask whether investors will be interested in spending their money in New South Wales, whether in the cities, the suburbs or the country towns, and in employing more people here, if the Government continues to introduce legislation of this type. Thousands of school-leavers are looking for jobs. I am sure the real estate agency profession would welcome young persons to its ranks, but will the profession take on more employees in the light of this sort of proposal? Of course not.

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I assume that the bill was prepared by the Minister on the basis of some advice he received outside the industry. I am sure that had he consulted those who had been engaged in real estate agency for many years, they would have told him what the profession wanted, and it certainly would not have been legislation of this sort, which has caused so much concern. Has the Minister considered the serious effects of his proposals? Has he given a thought to the need for consultation with the industry? I believe he has not done so.

Speaking for the Opposition—a rigorous Opposition—I am pleased to stand here on behalf of the profession and on behalf of those who work in it and express these views to the Government. Has the Government given a thought to anyone but the partners in real estate agencies? The Government thinks only of what it can do to the 'bosses. It forgets that the bosses employ those in the industry and that any **blow** aimed at a small and efficient profession must affect employment in it. The agents and auctioneers are saying: "Hands off our profession. Leave us alone. We have been running our business effectively for many years". The agents operate under an excellent Act. If there is any malpractice, the person guilty is quickly brought into line, and **as** a result the profession has become a distinguished one. Legislation of this type is likely to be aimed at another profession, that of solicitors, who see the effects of the bill dealing with real estate agents flowing to them eventually.

I take the view that the Government's approach is typical of its totally socialistic programme—its programme for complete socialism. I suggest that the Minister has in mind establishing a real estate bureau and that any person who wants to sell property will have to do it through the Government. The attitude is that the Government knows best, and that has been the attitude of the Government since it took office in May, **1976**. It is part of the Minister's programme to undermine private enterprise somehow, and for reasons that it is difficult to understand. I ask the Minister to withdraw this undemocratic bill. He still has time to do so. We do not know who the chairman of the new council will be. He could be a trade union official or some other person with no knowledge of the industry. What is behind all this?

I regard the Minister as an honest, hard-working and truthful person. He knows that to be my belief. That is why I urge him now to tell the real estate industry the reason for this legislation, that it is certainly not that the Minister has any opposition to real estate agents. The only reason advanced in the second-reading speech was the action of a company or a person who had breached the Act. The Government has already established a land commission and a rental bond board. This line of legislation will result in the destruction of the real estate agency profession.

When that wicked debate was going on about Miss Notaras, who wanted to develop a theatre near the Premier's home, and some shameful things were said about that dear lady, the Premier said that he wanted only to preserve his home. I accept that. When the Premier purchased his home he bought it through a licensed real estate agent and he was satisfied with that transaction. He was happy with the price he paid for his home. No doubt, if he ever sells that property and moves into the Bass Hill electorate at some time in the future, he will use the services of the same real estate agent or another agent. The same practice is adopted by other Government members. I know that the Minister for Planning and Environment bought a property in Wallaroy Road in my electorate. He is another constituent of mine. The Minister bought that property through a licensed real estate agent. I have no doubt that if the Minister for Planning and Environment were asked, he would say that he was perfectly satisfied with the way that transaction was carried out. I am sure he would not approve of this bill.

I wonder whether the Minister for Consumer **Affairs** and Minister for Co-operative Societies, when he **was** in **Albury** yesterday, told the real estate agents and stock and station agents of that city what the Government proposed to do—destroy their profession and put people out of work. The Minister might say that he did meet deputations representing real estate agents and stock and station agents in that city. I am aware that my colleague the honourable member for **Albury** is most concerned about this bill. Real estate agents and stock and station agents have told him of their anxiety over the Government's intentions. It may be that the Minister was too busy yesterday to meet the real estate agents and stock and station agents of that city.

I do not propose to take up more of the time of the House. To the best of my ability I have given the House the views of a great number of members of this profession in which I have been involved for many years. I have held a real estate agent's licence since 1947. I have consulted many of my constituents who are real estate agents, and all these people are proud of their profession. Any member of the profession can hold his head high in the knowledge that he is a member of a proud profession. Yet for some reason the Government has fired the first shot in an attempt to destroy real estate agencies throughout New South Wales. It has adopted an undemocratic attitude. The view of the profession is that the council should be allowed to continue in its present form and control its own affairs, as it has done so **efficiently** for many years and hopes to continue doing so in the future. On behalf of the hundreds of real estate agents within my electorate, I and my colleagues ask the Government to withdraw the bill.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [11.54], in reply: I am grateful to the honourable member for Mount Druitt and the honourable member for **Burrinjuck** for their constructive contributions to this debate. By contrast, in line with their usual form members of the Opposition have adopted a completely one-eyed attitude. However, I am grateful to all honourable members who took part in this debate, even though members of the Opposition have been misguided—which is not unusual for them. The Opposition normally adopts an aggressive, truculent attitude when it is dealing with any measures proposed by the Government, particularly in respect of things that should have been done during the eleven years when the former coalition Government was in office. The Opposition's view seems to be simply—and it is not easy to put its argument in simple terms—that as the council has been in operation for thirty-seven years and some fourteen piecemeal amendments were made to the Act by the former Government, there is no need for any change now. The Government's view is that it is proper to update the Act by a series of amendments that will improve the **council**—and all the amendments except four have been proposed by the council itself.

The honourable member for Bligh suggested that the Government wanted to put out of business real estate agents auctioneers and stock and station agents. That suggestion is completely in line with the honourable member's normally ignorant attitude, though he is not an ignorant person. It is obvious that he has either not read the bill or if he has read it, he has not understood it. The measure contains nothing that would affect the livelihood of real estate agents, stock and station agents or auctioneers, except in so far as it will strengthen the council. Its implementation **will** hurt the few dishonest people who operate in this field. In the past I have paid many tributes to real estate agents, who conduct themselves in a proper way compared with some other people in the various professions and trades. Although I do not object to some members of the real estate business referring to their calling as a profession, I must say that it is really a trade. The members of the real estate business have conducted themselves reasonably well over the years, considering the amount of fraud and misappropriation that has occurred among people in other trades and professions. I pay real estate agents great respect for their record.

The honourable member for Bligh attacked the provision in the bill that would result in the issue of restricted licences. He would be aware that the council itself is anxious that such provision be made; in fact, the council suggested it and I have merely adopted its idea. People operate without a licence in some very small areas in the country and it has been suggested that they should be given a restricted licence. I saw no reason to object to that proposal and when the council asked me to adopt it I agreed. I have never said that I distrusted the council, as was alleged by the Opposition. The fact is that I do not distrust the council. As the honourable member for Ku-ring-gai quite rightly said, the amendments have been introduced in a democratic fashion and for that reason there is nothing wrong with them. Action is being taken merely to bring the council into line with modern conditions by updating its role.

The honourable member for Bligh referred to certain telegrams that he had received. I myself got two telegrams this morning from two real estate agents who, I guarantee, have never read the bill. Both those telegrams were sent from the Sydney General Post Office. One purports to have come from an estate agent at Rose Bay and the other from an agent at Bondi Junction, although both telegrams bore the stamp of the Sydney G.P.O. It seems to be almost too much of a coincidence that both these men happened to be in the city at the same time. Another telegram was sent supposedly from Randwick but it appears that it was lodged in the Sydney General Post Office. It is amazing how everybody happened to be at the Sydney G.P.O., sending telegrams about this bill. It might be that a member of the auctioneers and agents council who had a special interest in this matter—and I shall have something to say about this in a moment—went to the Sydney G.P.O. to send telegrams in the names of other people.

The honourable member for Bligh asked whether I spoke with auctioneers and real estate agents in Albury. I should like to inform the honourable member that on Monday night I had dinner with a number of real estate agents in Albury, including the president of the local branch of the Real Estate Institute. All those gentlemen were fairly critical of the bill before I spoke to them, but by the time we had finished dinner they had little objection to it at all. These people were concerned about the bill because of some wrong information given to them through the honourable member for Kirribilli and others. I had dinner with Mr Michael Lowing, president of the Albury branch of the Real Estate Institution, Mr E. D. Batrouney, who has a real estate business in Albury, was a well known alderman of the council for many years and is still serving on the committee; Mr Graeme Gallus, and Mr Michael Rouse and his wife. None of these people expressed any fear that the Government wanted to put them out of business. Moreover, none expressed any knowledge of the stupid allegation by the Opposition that the Government wanted to make the members of the Real Estate Institute its shooting target.

Despite the fact that I do not distrust the council, it is remarkable that a letter I wrote to the chairman of the institute, Mr Lyle Moore, C.B.E., for his information and that of the council should have been photocopied and distributed to the Opposition. I have no objection to that, for there was nothing secret in the letter. I did not mark the letter confidential. I wrote to the chairman of the council informing him of some important parts of the bill. It is completely untrue to suggest that I did not discuss any of these matters with members of the council. The only thing I did not discuss with it was the intention to appoint a permanent full-time chairman of the council—for obvious reasons. It is another coincidence that for many years Mr Lyle Moore was president of the Liberal Party in New South Wales. It might be interesting to find out how the letter to him got into the hands of members of the Opposition, who were thrilled to the back teeth that the chairman of the council was a former president of the Liberal Party. In their view, I suppose, nothing would go wrong as far as the Liberal Party was concerned with that type of a chairman.

I am not saying that I do not like Mr Lyle **Moore**. He is a fine gentleman. I do not think he is bad because he is a member of the Liberal Party. I do not hate every member of that party—only some. I do not have to love every member of the **Labor** Party, although all of them have my affection, as you well know, Mr Speaker. It is coincidental that I wrote to Mr **Moore** in his position as president. He distributed photostat copies of that letter far and wide, even to the Deputy Leader of the Opposition and other members of the council. The honourable member for Kirribilli, who is the Parliament's prize prestidigitator said, when leading for the Opposition, that the fundamental and paramount reason, to use his words, for rejecting the bill was the proposal to retire six members of the council who will have attained the compulsory retiring age of **70** years. He said also that the Government's proposal was to appoint three representatives from the Real Estate Salesmen's Association, thereby permitting the Minister to control the council. That is absolute rubbish and it is also untrue. Only four members of the council will retire as a result of the passage of the bill, each of them being **70** years of age or older. This is not the first time that **the** honourable member for Kirribilli has had his facts wrong. The retirement rule will affect immediately four members of the council, not six as he claimed. Further, the replacements will have to come from the same areas from which those retiring were elected. There is to be no change in that procedure.

Although the honourable member for Kirribilli referred to the terrible and sinister plot of the Minister to appoint replacements for a temporary period, he did not bother to inform the House that they will come from the same area and the same groups as the four who will retire. The honourable member for Bligh said that it was a socialist plot by the Government to obtain control of the council. He would have the House believe that already the Government had arranged for the new chairman of the council to be flying to New South Wales non-stop from Moscow. This is another of the Opposition's ridiculous suggestions. The honourable gentlemen opposite stated that the chairman should come from the industry. There would not be a Minister worth his salt who would not appoint somebody who knows something about the agency industry. An accountant may know the real estate business inside out as a result of doing the accounts of real estate agents. He should be eligible for appointment as chairman. So should a lawyer be eligible. Surely the Opposition does not suggest that a lawyer could not be chairman of the council merely because he is not a real estate agent. I remind the House that a real estate agent engages in selling and renting property. No honourable member opposite has said that these were only temporary appointments until **1979** and that they will be made from exactly the same groups as those from which the present appointees were drawn. There is to be no change in that procedure. The only change is that the replacements will be appointed on the advice of the Government.

The honourable member for Bligh said that no women will be appointed to the Council of Auctioneers and Agents. How does he know? Did the council ever have any women elected to it? Women estate agents are eligible to be elected to the council. I do not believe in discrimination. Certainly I did not include in the bill an amendment to the Act to provide that one member of the council shall be a woman. It would not matter if they are all women. For that matter, there should not be any women's groups; they are all part of the community. Although the honourable member for Bligh has been a licensed agent since **1947**, he has never nominated or voted for the election of a woman to the council.

Mr Barraclough: The Minister would not know how I voted.

Mr EINFELD: As there were never any **women** candidates, obviously the honourable member did not vote for a woman. The honourable member told the House also that he did not like the idea of licensing individual partners in **auctioneer-**

ing businesses. He said that it was too difficult for country people to obtain an auctioneers's licence. That is absurd. They could undertake a correspondence course if they wished. They have five years in which to obtain a licence. Honourable members may think that what the Government is doing is new. I remind the House that **the** council made the recommendation. The establishment of the Builders Licensing Board by the former Government followed an inquiry by a joint parliamentary committee into the weaknesses in the building trade. The former Government appointed a full-time chairman to that board. That Government proposes to appoint a full-time chairman to the Council of Auctioneers and Agents and he, together with the registrar, will work for many months on a much-needed review of the Auctioneers and Agents Act. The registrar, who is a specialist and has given many years of faithful service, will make recommendations on how the Act should be reviewed.

At my request senior officers of the Council of Auctioneers and Agents **came** to see me when the debacle of the Shamrock real estate agency occurred. I told the chairman and members of the executive of the council, including the full-time member and the registrar, that I thought that the fidelity fund, which had a credit balance of over \$2 million, should be liable for claims against any one licensee up to \$200,000 and that I intended to legislate accordingly. That was during one of the consultations I had with council representatives. Then I read the following statement in the council's annual report:

The Council reviewed the existing individual limit of \$50,000 in respect of individual claims against the fidelity guarantee fund and recommended to the Minister that such limit be raised to \$200,000.

It is completely untrue for the council to state that it recommended that the limit be raised to \$200,000. I told the council that I was proposing to raise the limit. In fact I never received anything in writing from the council after that interview with it. The following statement in the annual report is also worthy of mention:

Council inspections revealed that licensees' trust fund deposits were increasing and at the same time the number of large claims against the council's fidelity guarantee fund were also increasing.

I know that last year the amount claimed was \$24,330. I am aware also that some \$2,300,000 is in the fund. I consider the proposal that I made and discussed with members of the council who saw me to be eminently desirable. Let us see how the council is to be reconstituted, which according to the Opposition will put out of business real estate agents and their employees. The bill provides that all members on official bodies shall retire at age 70. That is not only Government policy; it is also Opposition policy. A full-time chairman is needed to work now with the registrar. There should not be a delay of fifteen months before those aspects of the Act that require review are overhauled. Obviously the chairman will be a person with some knowledge of the agency business. No Minister would accept as chairman a person who was ignorant of the industry. I have referred already to the possibility that an accountant or a lawyer could become the chairman. You, Mr Speaker, have a great deal of knowledge of the real estate industry in Australia and would appreciate that any responsible Minister would be seeking as chairman the most suitable and competent person for the post.

The council issues an appropriate certificate to persons who practise as real estate salesmen and whom it considers to be of good standing and repute. No one will operate **as** a real estate salesman unless he is approved by the council. The honourable member for Kirribilli referred with venom to the Real Estate Salesman's Association as a trade union. Neither he, the honourable member for Ku-ring-gai nor the honourable member

for **Oxley** appreciate that the bill is designed to protect the consumer. It is not designed, as the honourable member for **Bligh** thinks, to help only real estate agents. It is to make certain that the customers of real estate agents are looked after properly.

Mr **Mallam**: The Opposition is not concerned about them.

Mr **EINFELD**: Of course not. The bill seeks to afford a greater right to the council to discipline real estate agents and to make certain that consumers are not disadvantaged. Thank goodness few people have been caught by an unscrupulous agent in recent years, apart from those who lost money in the Shamrock debacle. When I consulted the members of the Council of Auctioneers and Agents about the possibility of appointing real estate salesmen to the council, the chairman informed me that he did not think they were academically qualified. It is interesting to note that the chairman of the Council of Auctioneers and Agents is not academically qualified either. When the requirement of academic qualifications was introduced, those persons who had been in the real estate industry without academic qualifications were allowed to become agents. So what will happen to salesmen if they need academic qualifications later will be what happened when accountants and members of other professions were registered; those who enter the field later will need whatever qualifications are decided upon by the council.

I also told the council that I wanted to bring in legislation that would repeal the proposal that brokers and others would need to have half of their directors licensed. The brokers' representative came to see me. Elder Smith's head office is in Adelaide. The proposal would have meant that half of their directors would have had to become licensed agents. There was such a simple way of getting round this requirement. **All** that company had to do was to establish a subsidiary company and appoint two directors, neither of whom need have shares in the major company, give them licences and the principle company could continue to operate. It was so easy to get round that it was not worth talking about. If we were to repeal that provision a company would need a licence and the manager of every one of its branches would need a licence.

I do not mind reasonable criticism but the honourable member for **Kirribilli**, who is the outstanding equivocator in this Parliament, talked about the code of ethics. I have here the annual report of the council which includes the code of ethics of behaviour necessary for agents. In my speech at the introductory stage I said that not all agents abide by that code. The ethical ones do; the unethical ones do not. I have said clearly that we **will** immediately make it mandatory by regulation for every real estate agent to abide by the code of ethics set by the council. That did not suit the **famous** man from **Kirribilli**, who did not act very ethically when he quickly disposed of the Hon. J. M. Waddy. He sharpened his knife and stabbed him in the back. Now he is shedding copious tears because members of the council will have to retire at age **70**. He spoke about the inclusion in the Act of the code of ethics. The Government has already undertaken that it will be gazetted by regulation. The point is that we will make the code mandatory in the precise form desired by the council. The Opposition failed to do it when it had the chance. The honourable member for **Ku-ring-gai**, who is proud of the legislation that he introduced, did not **worry** about that aspect either.

I have already said that the bill is not designed to change the method of election of members to the council. One would think from statements made by Opposition members that the council is to be controlled in a socialistic way by commissars, by people brought here from peculiar places. The fact is that the council will operate as it has in the past. The groups, one by one, will be able to elect their representatives, except for the four who will retire and will be replaced until May, **1979**, and the three salesmen's representatives. That is four out of a council of seventeen. Opposition members claim that the Minister will get control of the council. If my time is as fully

occupied as it is now, I do not suppose I shall ever attend a meeting of the council. The bill is the result of an objective appraisal of the way the council works. It supplies a basis for a disinterested overhaul of an Act that is nearly forty years old.

I explained to council members, or to senior representatives of the council, everything that is in the bill except the appointment of a full-time chairman. So much for all the poppycock about my failure to consult the council. Its members did not agree with every provision in the bill, but I did not expect them to do so. Would anyone want to retire if he wanted to continue in office? I am admitting that some people at 80 are smarter than others at 50. Conversely some people at 50 are older in outlook than many persons at 80. However, legislation similar in intent to this measure prescribes a retiring age. The retiring age of members of the council is to be 70.

I agree that everything is not perfect. Proposals by the council that seminars be held have not always met with my approval. The Real Estate Institute takes part in and helps to arrange meetings of country agents. The Real Estate Institute listed the overheads of holding these meetings at a loss of thousands of dollars. It is laughable to find such items as telephone calls at about \$20. Who would agree to meeting all the overheads of holding these courses? What self-respecting Minister would agree to that? I know that the Opposition represents here the real estate industry, but we on this side of the House represent the whole community—the consumer, the buyer, the seller and the agent. I have received a telegram from a person who is allegedly a real estate agent, containing this plea, "Please withdraw the bill". He did not even want the \$200,000 alteration in regard to payments out of the fidelity fund. The Government has a much wider responsibility than the protection of the interests of real estate agents. They will not be inconvenienced by this amending legislation. Their profession will be strengthened by it.

Admittedly this is a consumer bill. It is not an agents bill, as the honourable member for Ku-ring-gai and the honourable member for Oxley said. It is in the interests of the consumer and the industry that the self-regulating capacity of the industry be strengthened and widened. The mere **gazetting** as regulations of the code of ethics, sought by the Council of Auctioneers and Agents, will make the industry stronger and will enhance the standing of members of the profession. As I said when I delivered my second-reading speech, the code of ethics will be laid down in regulations and published in the *Government Gazette*. The principal purpose of the bill is to strengthen the council, to make it possible for a full-time chairman to be appointed, and to enable advantage to be taken of the ability and experience of the registrar while a comprehensive review of the Act is being made over probably the next twelve months. Real estate agents and the community at large will benefit. This is an undisguised consumer bill presented to the Parliament in good faith. Nearly all the amendments that have been opposed by the Opposition were suggested by the Council of Auctioneers and Agents. As I said, everything in the bill has been discussed with the Council of Auctioneers and Agents, except the appointment of a full-time chairman and there is an obvious reason why that was not raised. I ask for support of the bill.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Page 4

10 (b) Section 8 (2) (b) (iv)—

Omit "agents.", insert instead :—
'agents;

(v) three ~~shall~~ be real estate salesmen.

Mr McDONALD (Kirribilli) [12.22]: Members of the Opposition have distributed a number of amendments that they propose to move to schedule 1. They are the amendments that we foreshadowed at the second-reading stage. The first of them relates to the proposal to appoint three real estate salesmen to the new council. I move:

That at page 4, line 13, the words "(v) three shall be real estate salesmen" be left out and there be inserted in lieu thereof the words "(v) two shall be real estate salesmen and one a stock and station salesman".

As we explained at the second-reading stage, the reason for the amendment is our belief that the proposal to appoint three real estate salesmen to the reconstituted council is too restrictive. We do not oppose the inclusion of salesmen, but believe that only two should be members of the council to allow for the membership of a representative of stock and station salesmen. That would give a proper balance.

Amendment negatived.

Page 4

(C) Section 8 (2A)—

15 After section 8 (2), insert :—

(2A) Each of the elected members referred to in subsection (2) (v) shall be a holder of a certificate of registration as a real estate salesman elected by the members of the Real Estate Salesmen's Association of New South Wales and certified by that Association to have been so elected.

20

Mr McDONALD (Kirribilli) [12.23]: The next amendment flows from the first and is concerned with the proposal that the elected members of the council shall be elected by the members of the Real Estate Salesmen's Association of New South Wales. For the reasons given at the second-reading stage I move:

That at page 4, all words after "salesman" on line 18 down to and including "elected" on line 21 be left out.

We are fundamentally opposed to the proposal to allow the Real Estate Salesmen's Association of New South Wales alone to elect members of the council in the manner provided for in the bill. We understand that the association has no more than 200 members, and probably only 100, out of the 9 994 real estate salesmen registered as at June, 1974. In accordance with the provisions of schedule 4 the Minister will have power to appoint three salesmen from that association. That will lead to a lack of balance on the council. Such salesmen would not be representative of all salesmen working professionally in this field. Consequently members of the Opposition find the Government's proposal unacceptable.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [12.24]: My figures are quite different from those given by members of the Opposition, which is not unusual. In any event, salesmen registered with the Real Estate Salesmen's Association of New South Wales are persons who want to observe the rules devised for the best interests of all concerned. I am certain that the membership of the association will swell considerably following the passage of this bill when those who are not members of it learn that members of the association will have the right to elect the representatives of salesmen on the council.

Finally I inform honourable members—I hope for the last time—that the appointments I make will be effective only until the end **of** the term of the **first** council, as set out in the bill. I have said that half a dozen times. The honourable member for Kirribilli has failed to understand it either through ignorance or blindness. He might well be suffering from astigmatism, and need glasses. I shall appoint the first three representatives to avoid a costly election at the beginning, and they will sit until the council completes its present term in May, 1979, after which time the representatives of the salesmen will be elected, as will representatives of the other groups.

Question—That the words stand—put.

The Committee divided.

Ayes, 49

Mr Akister	Mr Haigh	Mr Petersen
Mr Bannon	Mr Hatton	Mr Quinn
Mr Barnier	Mr Hills	Mr Ramsay
Mr Bedford	Mr Hunter	Mr Renshaw
Mr Booth	Mr Jackson	Mr Rogan
Mr Brereton	Mr Jensen	Mr Ryan
Mr R. J. Clough	Mr Johnson	Mr Sheahan
Mr Cox	Mr Johnstone	Mr Stewart
Mr Crabtree	Mr Jones	Mr Wade
Mr Day	Mr Keane	Mr F. J. Walker
Mr Degen	Mr Kearns	Mr Whelan
Mr Durick	Mr L. B. Kelly	Mr Wilde
Mr Einfeld	Mr Maher	Mr Wran
Mr Face	Mr Mallam	
Mr Ferguson	Mr Mulock	<i>Tellers,</i>
Mr Flaherty	Mr O'Connell	Mr Cleary
Mr Gordon	Mr Paciullo	Mr McGowan

Noes, 47

Mr Arblaster	Mr Griffith	Mr Pickard
Mr Barraclough	Mr Healey	Mr Punch
Mr Boyd	Mr Jackett	Mr Rofe
Mr Brewer	Mr Leitch	Mr Rozzoli
Mr Bruxner	Mr Lewis	Mr Schipp
Mr Cameron	Mr McDonald	Mr Singleton
Mr J. A. Clough	Mr McGinty	Mr Taylor
Mr Coleman	Mr Mackie	Mr Viney
Mr Cowan	Mr Maddison	Mr N. D. Walker
Mr Darby	Mr Mason	Mr Webster
Mr Dowd	Mrs Meillon	Mr West
Mr Doyle	Mr Moore	Sir Eric Willis
Mr Duncan	Mr Morris	Mr Wotton
Mr Fischer	Mr Murray	<i>Tellers,</i>
Mr Fisher	Mr Mutton	Mr Caterson
Mr Freudenstein	Mr Osborne	Mr Park

Question so resolved in the affirmative.

Amendment negatived.

Mr McDONALD (Kirribilli) [12.32]: I move:

That at page 4, all words on and from line 23 down to and including line 20 on page 6 be left out and there be inserted in lieu thereof the words

(8) A person is not eligible for appointment as Chairman or official member or for election as a member, as for appointment under section 11, 12 or 13 if he has attained the age of 72 years or if he would attain that age before the expiration of the term of office for which, but for this subsection, he could be appointed or elected.

(9) Subsection (8) shall only apply to and take effect from the general election of Council members prescribed to be held in the month of May, 1979.

As the Opposition indicated in the debate at the second-reading stage, concern is felt about the proposed provisions concerning the appointment of a permanent chairman. The Opposition regards as paramount the fact that the council has operated most successfully as a self-regulatory body. The intention now is that the chairman will be a full-time appointee selected by the Minister. The Opposition regards this provision as totally unacceptable and contrary to the whole spirit of the council. As a result, all references to the chairman, the method of selection and terms of remuneration, et cetera, should be omitted from the bill. Though there has been some argument about whether any age limitation should be imposed upon the members of the council or the chairman, on balance it is considered best that a limitation be imposed. Accordingly, the proposed amendment that the age limit of 72 years is designed to conform with the provisions of the Companies Act.

Proposed subparagraph (9) as proposed is to ensure that those members of the existing council who, by reason of age, will have to stand down will be required to do so only if their age were to be 69 years at the time of the next prescribed elections to be held in May, 1979. The amendment will ensure at least a continuity of the council with all its experience and knowledge, and thus make for a satisfactory transition for the incoming council members.

Question—That the words stand—put.

The Committee divided.

Ayes, 49

Mr Akister	Mr Haigh	Mr Paciullo
Mr Bannon	Mr Hatton	Mr Petersen
Mr Bedford	Mr Hills	Mr Ramsay
Mr Booth	Mr Hunter	Mr Renshaw
Mr Brereton	Mr Jackson	Mr Rogan
Mr Cleary	Mr Jensen	Mr Ryan
Mr R. J. Clough	Mr Johnson	Mr Sheahan
Mr Cox	Mr Johnstone	Mr Stewart
Mr Crabtree	Mr Jones	Mr Wade
Mr Day	Mr Keane	Mr F. J. Walker
Mr Degen	Mr Kearns	Mr Whelan
Mr Durick	Mr L. B. Kelly	Mr Wilde
Mr Einfeld	Mr McGowan	Mr Wran
Mr Face	Mr Maher	
Mr Ferguson	Mr Mallam	<i>Tellers,</i>
Mr Flaherty	Mr Mulock	Mr Barnier
Mr Gordon	Mr O'Connell	Mr Quinn

Noes, 47

Mr Arblaster	Mr Freudenstein	Mr Park
Mr Barraclough	Mr Griffith	Mr Pickard
Mr Boyd	Mr Healey	Mr Punch
Mr Brewer	Mr Jackett	Mr Rofe
Mr Bruxner	Mr Leitch	Mr Rozzoli
Mr Cameron	Mr Lewis	Mr Singleton
Mr Caterson	Mr McDonald	Mr Taylor
Mr J. A. Clough	Mr McGinty	Mr Viney
Mr Coleman	Mr Mackie	Mr N. D. Walker
Mr Cowan	Mr Maddison	Mr Webster
Mr Darby	Mr Mason	Mr West
Mr Dowd	Mrs Meillon	Sir Eric Willis
Mr Doyle	Mr Moore	Mr Wotton
Mr Duncan	Mr Morris	Tellers,
Mr Fischer	Mr Murray	Mr Osborne
Mr Fisher	Mr Mutton	Mr Schipp

Question so resolved in the affirmative.

Amendment negatived.

[The Chairman left the chair at 12.39 p.m. The Committee resumed at 2.15 p.m.]

Page 6

(6) (a) Section 11—

- 25 Omit "council", insert instead "Governor on the recommendation of the Minister".

Mr McDONALD (Kirribilli) [2.15]: I move:

That at page 6, all words on lines 24 to 26 be left out.

At the second-reading stage I made particular reference to the Government's intention to have the council elected by the Governor on the recommendation of the Minister. The Opposition maintains that it is the Government's intention to obtain complete control of the council by the Minister having the opportunity to select the three representatives of the salesmen's trade union. The same opportunity presents itself in respect of the current members of the council who have either attained age 70 years or are approaching that age. I accept the point made by the Minister that when one studies item 5 of schedule 4 only four and not six members of the council would be required, if the measure is passed, to stand down immediately. However, the Opposition insists that the provisions of section 11 of the principal Act should be retained to permit the Council of Auctioneers and Agents to determine and reappoint in respect of any vacancies that may occur. Section 11 provides:

Where a vacancy occurs in the office of an elected member, the vacancy shall be filled by appointment by the council of a person whose name is on the same roll as the person in whose office the vacancy occurs.

Any person appointed to fill a vacancy shall hold office for the residue of the term for which his predecessor was elected and shall, for the purpose of this Act, be deemed to be an elected member.

The Opposition maintains that provision should be retained.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.17]: The members to be appointed by the Minister must come from the same roll and the same group, and they will hold office only to the end of the period for which the person whom they replace was originally elected. There is no sinister intent on the part of the Government. There is **no** possibility of a Minister, whoever he may be—and it could be the honourable member for Kur-ring-gai——

Mr Maddison: I did not enter into this matter.

Mr EINFELD: And I would not bring you into it. When the matter **was** last before the House I said that the honourable member **could** be chairman. There is nothing sinister or unusual about the Government's proposal. It is quite proper. The people to be appointed will be from the same roll, from the same group, and **will** be appointed by the Governor on the recommendation of the Minister. There will be no opportunity for any Minister to control the council. In fact, the honourable member is belittling the members of **the** council by making such a ridiculous statement.

Question—That the words stand—put.

The Committee divided.

Ayes, 49

Mr Akister	Mr Gordon	Mr Paciullo
Mr Bannon	Mr Haigh	Mr Petersen
Mr Barnier	Mr Hatton	Mr Quinn
Mr Bedford	Mr Hills	Mr Ramsay
Mr Booth	Mr Hunter	Mr Renshaw
Mr Breton	Mr Jackson	Mr Ryan
Mr Cleary	Mr Jensen	Mr Sheahan
Mr R. J. Clough	Mr Johnson	Mr Stewart
Mr Cox	Mr Johnstone	Mr Wade
Mr Crabtree	Mr Jones	Mr F. J. Walker
Mr Day	Mr Kearns	Mr Whelan
Mr Degen	Mr L. B. Kelly	Mr Wilde
Mr Durick	Mr McGowan	Mr Wran
Mr Einfeld	Mr Maher	
Mr Face	Mr Mallam	<i>Tellers,</i>
Mr Ferguson	Mr Mulock	Mr Keane
Mr Flaherty	Mr O'Connell	Mr Rogan

Noes, 44

Mr Arblaster	Mr Griffith	Mr Osborne
Mr Barraclough	Mr Healey	Mr Park
Mr Boyd	Mr Jackett	Mr Pickard
Mr Brewer	Mr Leitch	Mr Rofe
Mr Bruxner	Mr Lewis	Mr Schipp
Mr Cameron	Mr McDonald	Mr Singleton
Mr Caterson	Mr McGinty	Mr Taylor
Mr J. A. Clough	Mr Mackie	Mr Viney
Mr Coleman	Mr Maddison	Mr N. D. Walker
Mr Cowan	Mr Mason	Mr Webster
Mr Darby	Mrs Meillon	Mr West
Mr Duncan	Mr Moore	Sir Eric Willis
Mr Fischer	Mr Morris	<i>Tellers,</i>
Mr Fisher	Mr Murray	Mr Dowd
Mr Freudenstein	Mr Mutton	Mr Wotton

Question so resolved in the **affirmative**.

Amendment negatived.

Page 7

(b) Section 11 (2), (3)—

5 At the end of section 11, insert :—

(2) Where a vacancy occurs in the office of the Chairman or the official member, the vacancy shall be filled—

10 (a) in the case of the Chairman—by a person appointed to the vacancy by the Governor on the recommendation of the Minister; or

15 (b) in the case of the official member—by a practising solicitor of the Supreme Court of New South Wales appointed to the vacancy by the Governor.

(3) A person appointed to an office under subsection (2) holds the office for the residue of the term of office of his predecessor.

Mr McDONALD (Kirribilli) [2.25]: Prior to the luncheon adjournment the Opposition reaffirmed its objection to the proposal for the appointment of a full-time chairman of the Council of Auctioneers and Agents, as was stated quite clearly **by** me and all other members of the Opposition who spoke in the second-reading debate. Accordingly, and in order to remain consistent with that position, I move that the amendments standing in my name, listed as numbers 5 and 6—

The CHAIRMAN: Order! The honourable member may deal with only one amendment at a time.

Mr McDONALD: I move:

That at page 7, all words on lines 4 to 18 be left out.

The reason for the amendment is obvious. The Opposition maintains that there is **no** justification for the position of a full-time chairman of the council.

Mr EINFELD (Waverley), Minister for Consumer **Affairs** and Minister for Co-operative Societies [2.26]: When honourable members opposite were in government—I say this for the benefit of those who can remember that bad time in the history of the State—they agreed to set up an all-party committee to consider the position of builders and it was decided by that committee that there should be a builders' licensing board. The government of the day—sad and bad as it was—set up a board that contained no elected members at all. That Government appointed a full-time chairman, because that **was** the policy of honourable members opposite when they were in government.

Here we have an Act that is almost forty years old and has been amended fourteen times in a piecemeal way. A general review of that Act is badly needed. In order that it shall take place the Government has decided that there ought to be a full-time chairman, in line with the practice established by the former coalition government. That full-time chairman, together with the registrar, will work **for** those things that need review in the Act, which is nearly forty years old. If they were at all consistent, how could members of the Opposition be saying that a full-time chairman of this council is not needed when the Builders' Licensing Board contains no elected

members at all and has a full-time chairman? Every one of its members is appointed by the Government. Now the Government has determined that, because of its policy, the Act should be reviewed and because the council's activities have embraced so many more agents than ~~they~~ did originally, it is proper to appoint a full-time **chairman**. Accordingly, the Government does not agree to the amendment.

Amendment negated.

Page 7

14. (1) A member of the council other than the Chairman is entitled to be paid such remuneration and such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

25 **(2)** The office of a member of the council other than the Chairman shall, for the purposes of the Constitution Act, 1902, be deemed not to be an office or place of profit under the Crown.

Mr McDONALD (Kirribilli) [2.28]: I move:

That at page 7, all words on lines **21** to **28** be left out and there be inserted in lieu thereof the words

14 (1) A member of the Council including the Chairman is entitled to be paid such remuneration and such travelling and subsistence allowance as the Minister may from time to time determine.

(2) The office of Chairman or other member of the Council shall not, for the purposes of the Constitution Act, **1902**, be deemed to be an office or place of profit under the Crown.

This amendment flows ~~from~~ the previous one. It is moved by the Opposition in order to be consistent with its stand in relation to the question of a full-time chairman and to ensure that all members of the council, including the chairman, will be entitled to remuneration, travelling and subsistence allowances, as the Minister may determine. We accept the Minister's earlier statements that the Act, after having had some fourteen amendments since it was enacted, should be updated to provide for the value of remuneration and expenses, provided that the determination of such remuneration is by the Governor and not the Minister. Accordingly, the Opposition maintains that the amendment should be agreed to.

Amendment negated.

Page 8

(9) Section 16 **(2)**—

5 Omit "the members present shall elect one of their number to", insert instead "a Deputy Chairman appointed under section 8A (4) shall".

Mr McDONALD (Kirribilli) [2.29]: I move:

That at page 8, all words on lines 4 to 7 be left out.

This amendment, of which the Opposition has given notice, relates to the appointment of a deputy-chairman. It flows from the previous one, and is designed to ensure that the Minister does not have power to appoint a deputy chairman at the council. Members of the Opposition maintain that the provisions of section 16 **(2)** of the principal Act

should continue in force so that members of the council may appoint their own deputy chairman. It is intolerable and unacceptable that the Minister should have the right to appoint as deputy chairman any person he chooses from the public service. That would deny the council the opportunity of having continuity of any sort in its deliberations. There is no certainty that the person so appointed could make any contribution to the deliberations of the council. The proposal in the bill will establish an undesirable precedent. Our amendment is fundamental to the proper functioning of the council, which should have the right to elect its own deputy chairman.

Mr **MADDISON** (Ku-ring-gai) [2.31]: The clause suggests that the Minister and the Government of which he is a member do not trust the new council to conduct its own affairs. The amendment seeks to provide that the deputy chairman, who will be a member of the public service, will be appointed by the Minister and will, in the absence of the full-time chairman, preside at meetings of the council. I have never heard anything so ridiculous as a proposal to set up a body which is to make important decisions that will not have its own deputy chairman, or deputy chairmen, who will act in the absence of the chairman. The Government's proposal is tantamount to saying to the board of directors of a club or of a company that when the chairman is not present at a meeting some person who is not a member of the board will preside. That is preposterous.

Continuity of experience from meeting to meeting is an important element in the functioning of any government-appointed body. The proposal is unacceptable that if the chairman is not present at a meeting, the Minister will appoint a deputy chairman. Even though the person appointed might have had no previous experience of what had happened at council meetings, he will take over the reins as chairman and preside. That is in line with the Minister's distrust of the board of the N.S.W. Permanent Building Society, to the meetings of which he sends the Registrar of Co-operative Societies. The same sort of point arises here. Obviously the Minister does not trust the Council of Auctioneers and Agents to appoint a deputy chairman from its ranks to preside at meetings when the chairman is unavoidably absent. The Minister's nominee will preside, even though he has no knowledge of any prior discussion.

Mr **EINFELD** (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.34]: The proposal for the appointment of a deputy chairman is in line with normal practice. I should not have replied but for the comment by the honourable member for Ku-ring-gai about the N.S.W. Permanent Building Society. His comment was stupid, and disclosed that the honourable member knows nothing about what happens. A former president of the Liberal Party is a member of that board. It is amazing how members of the Opposition jump every time something is done that **affects** a former president of the Liberal Party. Most former holders of that office are in profitable enterprises and organizations. The honourable member should not be so obvious. The N.S.W. Permanent Building Society is in a **different** position from that of the Council of Auctioneers and Agents, and the directors of the society, having much more sense than the honourable member for Ku-ring-gai, would not raise such a point. The honourable gentleman ought to ask the advice of members of the board. He would be told that the registrar does not have a vote, but merely attends meetings.

Mr Maddison: To spy on them.

The **CHAIRMAN**: Order!

Mr **EINFELD**: He attends meetings because the money being dealt with belongs to investors among the people of New South Wales. His task is to ensure that money is not wasted or spent without good reason.

Amendment negatived.

Schedule agreed to.

Schedule 3

Page 12

(2) Section 20 (1)—

10 Omit the subsection, insert instead :—

(1) Subject to **this** Act, no person shall act as or **carry**
on or advertise, notify or state that he acts as or carries
on or is willing to act as or carry on the business of **an**
15 auctioneer unless he is the holder of **an** auctioneer's
license.

Mr McDONALD (Kirribilli) [2.36]: I move:

That at page 12, all words on lines 9 to 15 be left out.

The object of the amendment is to delete the proposal to change subsection (1) of section 20 of the Act. Many partnerships consist of persons who hold different licences. Auctioneering is a specialized field and so long as one member of the partnership holds an auctioneer's licence, that should suffice. As I said at the second-reading stage, there are difficulties in obtaining an auctioneer's licence in country areas, and the proposal in the bill may well end some existing partnerships. Accordingly, members of the Opposition believe their amendment should be agreed to.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.37]: I merely remind the House that the proposal in the bill is the result of a definite recommendation by the Council of Auctioneers and Agents. The honourable member for Kirribilli must have lost his brief. Section 20 of the Auctioneers and Agents Act, 1941, provides that no person, either by himself or as a member of a partnership, shall carry on the business of stock and station agent or business agent or real estate agent, unless he is the holder of the appropriate class of licence. In the case of a partnership carrying on business as auctioneers, there is a proviso that "it shall be a sufficient compliance with the provisions of this section if one member of such partnership is the holder of an auctioneer's licence."

The object is to rectify an anomalous situation in that if two persons in partnership carry on business as real estate agents, both are required to hold real estate agents licences, but if two persons carry on the business of auctioneers, only one of them is required to be the holder of an auctioneer's licence. Normally he would be the person who conducted the auction sales. In 1941 the Crown Solicitor gave an advising that partners who were not active in the control and management of a partnership were not required to hold a licence, and the present Council of Auctioneers and Agents made a recommendation that the legislation be amended accordingly. The Government has acted in accordance with that request.

Mr MADDISON (Ku-ring-gai) [2.40]: It may well be that the Council of Auctioneers and Agents made recommendations along the lines indicated by the Minister. But by the same token it is my understanding that the council did not submit any recommended amendments to the bill to provide that in respect of corporations holding licences, it would no longer be necessary for 50 per cent of their directors to hold licences. It is a strange anomaly that the bill seeks to require all auctioneers in partnership to hold licences, but where corporate licences are concerned the reverse situation is suggested. In that reverse situation it would not matter whether the directors of a corporation held licences. The Minister cannot have it both ways. If he

suggests that all auctioneer firms with any number of auctioneers should be licensed, he should also be advocating that all directors of corporations should hold licences.

Mr McDONALD (Kirribilli) [2.42]: The Minister accused me of having lost my brief. The fact is that all seven of the recommendations of the Council of Auctioneers and Agents were submitted to the Minister before he took office in March of last year. Those recommendations were as follows:

1. All partnership members be licensed.
2. Regional or Restricted Licences be introduced.
3. Licensees' advertisements be required to state the occupation or calling of the advertiser in regard thereto.
4. Section 84A (False or misleading representation) extended to include premises for lease.
5. Council to be authorised to invest up to 60% of Fidelity Guarantee Fund in selected Building Societies.
6. Approval to be given to the use of alternative methods for accounting records as complying with the Act and Regulations.
7. Rules of professional conduct to be prescribed by Regulation.

Mr Einfeld: What was the first recommendation?

Mr McDONALD: That all partnership members be licensed. It does not mention auctioneers in particular.

Amendment negatived.

Page 12

(3) Section 23 (9A), (9B)—

Omit the subsections.

Mr McDONALD (Kirribilli) [2.43]: I move:

That at page 12, all words on lines 16 and 17 be left out.

This amendment relates to corporation licences. At the second-reading stage I said that the Opposition proposed to move this amendment. Its purpose is to ensure that the provisions of existing subsections (9A) and (9B) of section 23 are retained. These provisions cover the granting of corporation licences and require that half of the directors shall hold a licence. I understand that the Minister has been under some pressure from the Sydney Wool Selling Brokers Association and firms such as Elder Smith Goldsbrough Mort Limited, to delete subsections (9A) and (9B) of section 23, which were included in the Act when it was last amended, in 1975. I understand, also, that both the Council of Auctioneers and Agents and the Real Estate Institute are very much in favour of the continuation of the existing provisions for the holding of a corporation licence.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.44]: The Act provides that 50 per cent of the members of a corporation shall be licensed. The honourable member for Kirribilli mentioned one company that is stationed in Adelaide and has been occupying an honourable place, as far as I am aware, in New South Wales for a considerable time. Such a company would find it impossible—as some companies do—to have half of its members licensed. All they have to do—and this is the ridiculous part of it, and it shows the typical attitude of the Opposition—is to form a subsidiary company and appoint two directors who need have no shares in the main company.

Mr **McDonald**: Then why amend the Act?

Mr EINFELD: The honourable member for Kirribilli has raised a ridiculous, stupid and absurd problem which can be solved simply. If the **firm** forms a subsidiary company and it appoints two directors, who need not have shares in the major company, only one of them needs to be licensed. If the provision is repealed the situation arises that the company itself needs a licence and the manager of each branch needs a licence. If it has ten branches in New South Wales, the manager of each branch as well as the company needs a licence. If that does not cover the licensing requirements, I do not know what could.

Mr **COWAN** (Oxley) [2.46]: There is another reason behind the provision that 50 per cent of the directors of the corporation need to be licensees. The Minister might have overlooked this fact. Originally the Act was amended because groups of people, particularly in the metropolitan area, were forming a corporation, putting a licensee in charge of it and taking advantage of being an agency. The result was that the council was forced to approach the Government and ask that a number of these corporations be licensed. I believe that eventually there will have to be a return to the present situation. I do not think that agencies or corporations will be able to operate properly without such a regulation. A wool firm might encounter problems. Some major firms certainly have encountered problems. Surely these people can be exempted by the council with the approval of the Minister. There is no reason why that cannot be done.

I wish to put on record that the real reason behind the introduction of this provision in the Act was to overcome problems that confronted the council as a result of unscrupulous people forming a corporation. Those people might have been businessmen, lawyers, agents—or even farmers, if you like. When a corporation was formed with a licensee in charge, it could deal in property. Many of these people did not conduct themselves properly. I am sorry to see that this provision is to be deleted from the Act. The Minister is making an honest attempt to assist some larger wool firms, particularly in country areas, that might be out of step. I warn the Minister that he will be faced with problems of the sort to which I have referred.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.47]: I never ignore the advice of the honourable member for Oxley, who is a dignified and honourable person and a former member of the council. I give the honourable member an undertaking that if, between now and when the Parliament resumes after the recess, the problems he has spoken of arise, I shall introduce an appropriate amending bill.

Amendment negatived.

Page 17

(2b) A provision of the regulations requiring the keeping of any accounting or other records in the form of a book shall be deemed to have been complied with if those accounting or other records are kept in another form approved by the registrar.

25

Mr **McDONALD** (Kirribilli) [2.48]: I move:

That at page 17, **all** words on lines 22 to 26 be left out and there be inserted in lieu thereof the words

provided that the rules of conduct shall be the rules as set out in schedule 5 or until such time as they may be varied by regulation.

This amendment refers to the rules of conduct. Under the legislation regulations may be prescribed in respect of rules of conduct. I remind the Minister that at the

second-reading stage he did not make it clear that the rules of conduct to be prescribed would be the rules of practice as set out by the Council of Auctioneers and Agents. The Minister said in his second reading speech:

In 1974 this code was reviewed and substantially improved in a set of rules of conduct. Without statutory endorsement, these rules have found favour only with the more ethically minded. The proposed amendments will enable legislative recognition of these rules to be made. Rules of conduct may now be prescribed by regulation. Failure to observe these rules will leave the offender liable to a penalty.

If the Minister will give the Opposition a clear assurance that the rules of practice as set out by the Council of Auctioneers and Agents will become the rules of conduct, the Opposition will be delighted to withdraw the amendment.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.52]: The only wise thing that the honourable member for Kirribilli has done has been to read excerpts from my second-reading speech, in which I said, "these rules", referring to the rules of conduct, which will be ~~the~~ subject of regulations.

Mr McDONALD (Kirribilli) [2.53]: Without wishing to be pedantic, I remind the Minister that the reference is to rules of practice, not to rules of conduct. The Minister made no reference at all in his second-reading speech to the annual report, to which the Opposition referred. I seek a clear assurance that the rules of practice as set out by the Council of Auctioneers and Agents in its last annual report will be the rules of **conduct** to be prescribed.

Amendment negatived.

Schedule agreed to.

Schedule 4

Page 18

4. Notwithstanding anything in the Principal Act, as amended by **this** Act, the Governor may, on the recommendation of the Minister, **appoint** as members of the council 3 persons registered under that Act as real estate salesmen who are members of the Real Estate Salesmen's Association 20 of New South Wales and the persons so **appointed**—

- (a) shall assume **office** on the commencement of Schedule 1;
- (b) on assuming office shall be deemed to be the elected members referred to in section 8 (2) (b) (v) of that Act, as so amended;
- 25 (c) subject to paragraph (d), shall not hold office beyond the expiration of the term of office for which the elected members holding office immediately before that commencement were elected; and
- (d) if qualified, shall be eligible for election or **appointment** as members of the council.

Mr McDONALD (Kirribilli) [2.54]: I move:

That at page 18, all words on lines 16 to 29 be left out.

This provision would give the Minister power to appoint whom he likes as the three representatives of the salesmen's union. The Opposition has expressed its repulsion at the fact that the Minister will select trade union representatives who are singularly non-representative of real estate salesmen in New South Wales.

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [2.55]: I shall appoint the three representatives until the council's term expires on 6th May, **1979**. They must hold a licence and be members of the association. In May, **1979**, a democratic election of all other members will take place. To avoid an early election and its attendant cost I shall make what have been described by the Opposition as sinister appointments. The honourable member for Kirribilli has expressed his horror at the fact that these dreadful trade-union representatives will be appointed as members of the council. He overlooks the fact that he has been in Brisbane doing all sorts of dreadful things. I prophesize that all persons who are not now members of the Real Estate Salemen's Association will rush to join it when they realize that its members will be able to vote for those who will be appointed to the council.

Question—That the words stand—put.

The Committee divided.

Ayes, **49**

Mr Akister
Mr **Bannon**
Mr **Barnier**
Mr Bedford
Mr Booth
Mr Brereton
Mr **Cleary**
Mr **R. J. Clough**
Mr Cox
Mr **Crabtree**
Mr Day
Mr Degen
Mr Durick
Mr **Einfeld**
Mr Face
Mr Ferguson
Mr Flaherty

Mr Gordon
Mr Haigh
Mr **Hatton**
Mr Hills
Mr Hunter
Mr Jackson
Mr **Jensen**
Mr **Johnson**
Mr Keane
Mr Kearns
Mr L. B. Kelly
Mr McGowan
Mr **Maher**
Mr **Mallam**
Mr Mulock
Mr O'Connell
Mr **Paciullo**

Mr Petersen
Mr **Quinn**
Mr **Ramsay**
Mr Renshaw
Mr Rogan
Mr Ryan
Mr Sheahan
Mr **Stewart**
Mr Wade
Mr F. J. Walker
Mr **Whelan**
Mr **Wilde**
Mr Wran

Tellers,
Mr Johnstone
Mr **Jones**

Noes, **45**

Mr **Arblaster**
Mr Barraclough
Mr Boyd
Mr Brewer
Mr **Bruxner**
Mr **Cameron**
Mr **Caterson**
Mr **J. A. Clough**
Mr **Cowan**
Mr Dowd
Mr **Doyle**
Mr **Duncan**
Mr **Fischer**
Mr Fisher
Mr Freudenstein
Mr **Griffith**

Mr Healey
Mr Leitch
Mr **Lewis**
Mr **McDonald**
Mr **McGinty**
Mr Mackie
Mr **Maddison**
Mr **Mason**
Mrs **Meillon**
Mr **Moore**
Mr Morris
Mr Murray
Mr Mutton
Mr Osborne
Mr Park
Mr Pickard

Mr Rofe
Mr **Rozzoli**
Mr **Schipp**
Mr Singleton
Mr Taylor
Mr Viney
Mr N. D. Walker
Mr Webster
Mr West
Sir **Eric Willis**
Mr Wotton

Tellers,
Mr Darby
Mr Jackett

Question so **resolved** in the affirmative.

Amendment negatived.

Schedule agreed to.

Adoption of Report

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

Third Reading

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

STATUTORY AND OTHER OFFICES REMUNERATION (COUNCIL OF AUCTIONEERS AND AGENTS) AMENDMENT BILL

Second Reading

Mr EINFELD (Waverley), Minister for Consumer Affairs and Minister for Co-operative Societies [3.4]: I move:

That this bill be now read a second time.

The bill will amend the Statutory and Other Offices Remuneration Act, 1976, so as to provide for the remuneration of the chairman of the Council of Auctioneers and Agents. The bill is consequential on an amendment proposed in the Auctioneers and Agents (Amendment) Bill, 1978, relating to the appointment of a full-time chairman to the Council of Auctioneers and Agents. The measure will ensure that the chairman's remuneration is regulated in the same manner as the holders of other public offices. I commend the bill to the House.

Mr McDONALD (Kirribilli) [3.5]: This bill is cognate with the preceding measure. In my opinion, it is not worth speaking about in view of the non-conciliatory attitude of the Government towards our proposals for not having a full-time chairman of the council. Accordingly, the Opposition retains its position adopted in the previous legislation.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Einfeld.

REGISTERED CLUBS (AMENDMENT) BILL

Second Reading

Mr MULOCK (Penrith), Minister of Justice and Minister for Housing [3.6]: I move:

That this bill be now read a second time.

As honourable members will be aware, the Registered Clubs Act, 1976, was assented to on 1st April, 1976, but the Act has not yet been proclaimed to commence. Because of the disquiet that the new Act was causing throughout the club industry, the Government, upon assuming office, gave an undertaking to the industry that the Act would not be proclaimed to commence until such time as it had been completely reviewed. To assist the Government in this review, the Registered Clubs Advisory Council was requested, as its initial task, to consider the Act and to make recommendations for its amendment.

The advisory council is a body that was established by this Government to give advice to the Government on problems which confront the industry from time to time. Representatives of the Registered Clubs' Association, the Licensed Clubs Association of Australia, the N.S.W. Golf Association, the N.S.W. R.S.L. Clubs' Association, the Royal N.S.W. Bowling Association, the Federation of Community Sporting and Workers' Clubs, the Ex-servicemen's Registered Clubs' Association, the Registered Leagues Clubs' Association, the Club Managers' Association, the Federated Liquor and Allied Industries Employees Union, the superintendent of licences as well as departmental representatives, are members of the advisory council. The **chairman** is Mr R. Pearson, president of the Registered Clubs Association and, as honourable members can see, he is assisted by people who have an immense amount of experience in all facets of club administration. Also on the **committee** is Mr D. Walker, who is a personal nominee of myself.

Mr Maddison: Who is he?

Mr MULOCK: Mr Don Walker, M.B.E. I might say that this council is performing the most valuable task of providing a direct link between the club movement and the Government, something that has never existed before. I realize that in the past *ad hoc* committees have been established to look at a particular problem, but this council provides a permanent pipeline from the club movement direct to the Minister, and I believe that through it many problems will be solved and many situations prevented from developing into problems. This measure is, in part, a result of the recommendations that were made by the advisory council.

Honourable members may recall that my opening remarks in the **second**-reading debate on the Registered Clubs Bill were to the effect **that my colleagues and I**, then in opposition, did not oppose the bill but, in fact, supported it because of the need to overcome many deficiencies which had been shown to exist in the registered clubs movement. We did, however, at the Committee stage of the bill, move certain amendments that we considered would improve the measure. Those amendments, which, upon proper reflection, are still considered appropriate, are included in this measure. Honourable members may further recall that the Liquor (Further Amendment) Act, 1976, made a number of substantial amendments to the Liquor Act in relation to the payment of fees by instalments, among other things, by all licensed premises including registered clubs. As a result of these amendments, part X of the Liquor Act, which is the part that applies to registered clubs, was considerably altered. It is now necessary to bring the Registered Clubs Act into accord with part X as it currently stands, and this measure is designed to do that.

As will be seen, the Parliamentary Counsel has dealt with the concepts involved in these amendments by way of separate schedules. Schedule 1 relates to functions held on the premises of registered clubs. Two basic alterations to **the** principal Act are proposed in this schedule. The first relates to a clarification of the Act in so far as persons under the age of 18 years are permitted to attend functions held on the club premises. At present there is some doubt whether persons under the age of 18 can attend a variety of functions on club premises. The Act will be amended to make it clear that persons under 18 years may attend functions of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature. This will include, of course, functions such as balls, where young ladies under the age of 18 years may make their debut, and celebrations conducted by ethnic groups. There will be an ancillary amendment to the Act to permit the sale of liquor to and consumption by persons over the age of 18 years at functions of this nature whether those persons are members or not.

The second alteration relates to persons under the age of 18 years being permitted on club premises for the purpose of attending a wedding reception to which they have been invited. In many instances a registered club is the only suitable premises within an area in which wedding receptions can be held and at present, if guests of the bride and groom under the age of 18 attend a wedding reception on club premises, the young person and the club are breaking the law. On occasions people are disappointed that they cannot attend a reception held on club premises because they have children who are under 18 years and those children are not permitted to be on the premises.

An example of such an occasion arose recently when officers of my department were contacted by a person from Melbourne who had received an invitation to attend the wedding of his nephew, the reception for which was to be held at a registered club in Gilgandra. The person explained that he had two young children and although they had been invited to the wedding he did not know whether it would be legal for the children to attend the reception. He pointed out that it would not be possible to get babysitters in Gilgandra and that if the children were not permitted to go to the reception he and his wife would not be able to attend the wedding. Unfortunately, my officers had to advise him that the law as it then stood did not permit children to be on club premises.

The Government considers that no harm would be occasioned by permitting a club to allow guests on the premises for the purpose of attending the reception, even though those guests were under 18 years of age. I emphasize that existing penalties relating to the supply of liquor to persons under 18 years will remain. So, too, will the embargo on poker machines being located in that part of the club where the young persons are present. I should also point out that, except where a wedding reception is being held, it **will** be necessary for a club that intends to hold a function at which persons under the age of 18 years are to be present, to apply to the licensing court for an authority to conduct that function. Of course, certain safeguards must be imposed to prevent indiscriminate use of these facilities and to protect independent caterers from unfair competition. I am confident that the necessity for an application to be made to the court will operate as a brake on any indiscriminate use of the amended provision.

In so far as wedding receptions are concerned, there is a provision in the Act that an objection may be taken to the grant or renewal of a certificate of registration on the grounds of undue competition and economic waste, and the Act also sets out the persons entitled to take the objection. They include any person who alleges that his interests, financial or other, are likely to be adversely affected by the granting of the application. The combination of these provisions would enable any caterer in the area who is suffering because of the club's conduct of wedding receptions to take the objection. I point out that the wedding reception must be that of a member of the club, or of a person who is a child or parent of a member of the club or for whose maintenance a member of the club is or has been responsible.

The second schedule relates to shifting the burden of proof where an objection is taken to the renewal of a certificate of registration on the ground that the club is not required to meet a genuine and substantial need. As the Act stands, the burden of proving that the club is required to meet a genuine and substantial need lies on the club when it makes its initial application for a certificate of registration, and it lies on the club also where an objection on this ground is taken to the renewal of its certificate. The Government is of the opinion that once a club has proved it is required to meet the need it should not be required to bear the onus at some later stage.

Perhaps the most important amendment in the measure, at least from the viewpoint of a large number of clubs, is the abolition of proxy voting. It is in the third schedule. As the Act was originally drafted, the use of proxy voting was, in effect, limited to three proxies a member, unless the club imposed stricter conditions. Although this was a step in the right direction, the Government feels—and I should say that this is borne out by the recommendations of the advisory council—that proxy voting should be abolished in registered clubs. The abuse of the proxy voting provisions that has occurred over the years, especially in the past few years, justifies the stance the Government is taking in this matter. I reiterate what I said at the Committee stage of the Registered Clubs Bill—we believe that the only way to show the club movement that the operation of a club should be in the hands of the members is to delete all reference to proxies.

The fourth schedule relates to the commission of offences by secretaries of registered clubs. During the deliberations on the Registered Clubs Act by the advisory council it was pointed out that a large number of smaller clubs that have retired persons who act as honorary secretaries would face difficulties by having their secretaries resign because of the penalties imposed by part VI of the Act on secretaries who were deemed to be in breach of the Act. In view of the difficulties that these clubs would face the Government has decided to include in the Act a defence to a prosecution under the provisions of part VI of the Act or under section 23 (5) for a person who is a bona fide honorary secretary of a club. It should be noted that the penalty provisions will still apply to the club itself and that it will be necessary, where a prosecution is launched against a secretary, for that secretary to prove that he was in fact acting only in an honorary capacity.

Schedules 5, 6 and 7 are designed to bring the Registered Clubs Act into line with part X of the Liquor Act as that part now stands. Schedule 5 relates to the calculation of fees and the payment of fees by instalments. Schedule 6 relates to procedural matters pertaining to applications for certificates of registration. Schedule 7 relates to applications for an increase in the maximum number of members that a registered club is permitted to have. All these schedules are in identical terms, except for necessary alterations to the provisions of the Liquor (Further Amendment) Act, 1976, and I do not think any benefit would be gained by elaborating on them.

Schedule 8 contains miscellaneous amendments to the Act mainly of an ancillary or consequential nature. I should mention at least two of the matters contained in this schedule, namely, the provision relating to visitors' registers and also the requirement that persons under 18 years must have their particulars entered in the register. Because of the outcry that arose over the inclusion in the Registered Clubs Act of a provision requiring the compulsory keeping of a visitors' register, the Government has decided to amend the section so that it will be necessary only for a club, which as at 1st July, 1977, had a provision within its articles of association or rules requiring a visitor's register to be maintained, to maintain that register.

The provision will apply also to any clubs that have been granted a certificate of registration after 1st July, 1977, or any club which since that date incorporates into its articles or rules a rule to the effect that such a register will be maintained. As persons under the age of 18 years will be permitted on club premises for very restricted functions or meals, the Government is of the opinion that the particulars of such persons need not be entered in the visitors' register maintained by a club. This exception will relieve the club from the duty of registering the particulars of children who are attending an approved function held on club premises, or who are attending the club with their parents for the purpose of partaking of a meal. Of course, the restrictions relating to the sale and supply of liquor to persons under 18 and the location of poker machines in areas in which they are permitted still apply.

Mr Mulock]

The remaining amendments pertain to procedural aspects or matters of a consequential or ancillary nature and I do not feel that it is necessary to delve into these matters. It would be the Government's intention to proclaim the Registered Clubs Act to commence as soon as these amendments have been incorporated and as soon as suitable regulations have been drafted. I assure the House that this will be in the very near future. I commend the bill.

Mr MADDISON (Ku-ring-gai) [3.18]: The members of the Opposition support the bill. In brief, the bill will widen the use of club premises for community functions and provide the necessary safeguards, in my view, to ensure that some of the basic principles found in the Registered Clubs Act continue to apply. I shall comment further on that aspect later in my remarks. Second, the bill will abolish voting by proxy. In future it will not be possible in any circumstances for a member of a club to grant another member of that club the right to vote for him by proxy at a general meeting of the club. Over the years arguments have occurred about proxy voting in the registered club movement.

The legislation being amended today was introduced by me and passed by Parliament early in 1976. It provided for no member attending a club meeting to hold more than three proxies. The government of the day considered that it was a reasonable compromise between proxies as an open slather and no proxies at all. This Government has now indicated that because of the unsatisfactory campaigning and canvassing for votes in some clubs, which has enabled pressure groups to gain control of the committee or directorate of a club, it is far better to put the onus squarely on members of the club to take command of their own situation and be present at meetings to exercise their right to vote in person, and **not** by proxy.

The third matter that the bill covers relates to the renewal of club certificates of registration. If an objection is taken to the renewal of a registration of a club on the basis that it is not required to meet a genuine and substantial need, the onus of proving the validity of the objection must lie with the objector. The Act at present requires the club itself to justify that it was fulfilling a genuine and substantial need, if an objection was lodged. I can see no objection to the proposed provision, which clearly places the onus on an objector who objects to a renewal on that basis to make **out** his or her case that the club is already **fulfilling** a genuine and substantial need.

The fourth matter covered by the bill is that the secretary of a club acting in an honorary capacity avoids certain offences committed by **a** paid secretary by virtue of these amendments. When we are talking about registered clubs we tend to **pay** too much attention to the large clubs which have secretaries, managers, assistant managers and other permanent employees, who are paid and work on a daily or weekly **basis**. **As** a result of our concentration on the larger clubs, we tend to forget the small **clubs** such as bowling clubs and other sporting clubs, which do not have substantial **funds** coming in and have to rely on honorary secretaries, who quite clearly have **not** the full-time capacity to devote to their duties, as the paid secretary-managers **of larger** clubs would have. In my view it is right and proper that the bill should provide **some** less stringent penalties for honorary secretaries in charge of club operations and **respon-**sible for the registration which is given to the club.

The Minister said that the bill also incorporates the amendments made to **the** Liquor Act by reason of the Liquor (Further Amendment) Bill, which was introduced in 1976. I am referring, of course, to the amendments that applied to registered **clubs**. These amendments covered a number of matters, the most **important** of which was to enable a club **in** special circumstances to apply to a court for **an** increase in the **ceiling** of its membership. Another amendment was designed to allow clubs—and

incidentally other licensees—to pay their licence fees by instalments. Other matters were covered by that measure but those appear to me to be the most important of the provisions of the Liquor (Further Amendment) **Bill** as they apply to clubs.

The next matter covered by the bill under consideration is the requirement for the keeping of visitors registers. This has been a contentious matter for many years. It is true to say that most registered clubs find it convenient to keep a register of visitors. Certainly, if one is to give any teeth to the registered clubs legislation, it is important that the administrators of a club—the office-bearers, committeemen, directors and secretary-managers—should know at any particular time the name of the person who has introduced a visitor to the club premises. That was the whole basis for the provision dealing with a visitors register. It was also necessary, if offences were to be created in respect of, for example, people under age who were drinking or playing poker-machines on club premises—that the licensing police on entering club premises should be aware who introduced such a person to a club and under whose supervision that person was supposed to be while on the club premises.

The Registered Clubs Act makes it compulsory for clubs to keep a visitors register. At the time this compulsion was provided it was suggested that the former Government was making it easier for the Commissioner for Taxation to be able to check records on whether clubs were paying enough income tax in respect of the profits made from the introduction of visitors to their premises. I must confess that, having no great love for the Commissioner for Taxation myself, such a thought was farthest from my mind. I did not seek to have written into the Act provisions that would make it easier for the commissioner to charge an impost on clubs in regard to the profit they may make from visitors on their premises. The basis for requiring a register of visitors to be kept compulsorily was the need to know who was on club premises at any particular time and who was the member who introduced the visitor into the club.

The Government has now introduced a provision which, as I understand it, requires that where a club has provision in its articles of association or rules for the keeping of a register, it must maintain that register. Any club incorporated prior to 1st July, 1977, that has no such provision in its articles of association or rules or has not made any amendment or alteration to those articles or rules since that time so as to provide for a register is not required to keep such a register. I do not intend to argue the point between the middle course that the Government has taken and the course of that the former Government took when the Act was introduced.

In 1966 I sought to amend the Liquor Act to provide for a compulsory visitors register. At that time the former Government had its course forced upon it by the **Labor** Party which had a majority in the Legislative Council. By using the weight of numbers—which the **Labor** Party now attacks because it does not have a majority in the upper House—that Labor-dominated Council threw out the provision regarding a compulsory visitors register. The **Labor** Party has now reached a compromise that is midway between the point of view it held at that time and the view held by the former Government in 1976. The Opposition does not intend to argue that issue now. It seems to me that under the bill the provisions I have just been dealing with in terms of this register which enable the policing of people on club premises still to apply—and I hope they will be applied effectively—following the relaxation of the requirements as to the visitors register. As I understand it, a club committeeman or director seeing somebody in the club whom he does not recognize as a member, can approach that person and require him to disclose his identity and the name of the person who introduced him to the club. There is an obligation on that person to respond truthfully to that inquiry. Obviously that sort of provision is necessary when there is no compulsory requirement for a visitors register to be kept recording the names of every visitor who enters the club.

Mr Maddison]

It is still the law that a visitor to a club must be introduced by a club member. A person cannot enter club premises and expect to be welcomed with open arms. I appreciate that many clubs may like to welcome such a person with open arms if he has a pocketful of money and is willing to spend it on the poker machines or at the bar. However, the law does not allow that. The law provides that liquor may be sold to a visitor on club premises only if he is there at the invitation of the member who introduces him and in the presence or the company of the member. These various changes that I have outlined do not cause me to become particularly excited. The Registered Clubs Act, which was introduced by the former Government of which I was a member, remains basically untouched notwithstanding that we have been waiting for two years for the Government to bring forward the amendments about which they felt so passionately that they could not permit the Governor to proclaim the legislation then agreed to by the Parliament.

I wish to refer now to the widened facilities that will be available to the community as a result of the amending legislation. When the bill becomes law it will be possible for a wedding reception of a member of a club, or for a child or a parent of a member, to be held on club premises. In these circumstances guests at the wedding reception can be under 18 years of age. I know this aspect has caused a problem. In some cases in the past this provision has been honoured more in the breach than in the observance. I see no problem about widening the opportunities for people under the legal age to be on club premises while attending a wedding reception. It is clear that the bill maintains the requirement that no poker machines will be permitted in the part of the club premises used for the reception or on the part of the premises through which access to the reception area is gained. I note that the bill provides that for any breach of that provision the club is liable to a penalty of **\$500** and the secretary of the club to a penalty of **\$200**. The serving of liquor at the wedding reception is not precluded. I suggest that it would be a funny wedding reception if liquor were not available at it. Nevertheless, it still remains an offence for a person under 18 years of age to be served or supplied with liquor on that part of the club premises where the wedding reception is held, and penalties are provided for that offence.

I refer now to the other functions that are catered for by the bill. Section 23 of the Registered Clubs Act provides that an authority may be issued by the licensing court for persons other than members to attend a function of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature. The importance of the proposed amendment is that a court will be able to entertain an authority for that **kind** of function to include persons **under** the age of 18, again provided there are no poker machines in the area where those functions are held. Indeed, it will still be an offence to serve a person under 18 years of age with liquor where those functions are held. Also the means of access to that part of the club premises where the function is being held must be clear of all poker machine operations. The bill will add flexibility to the ability of clubs to meet in special circumstances the requirements that the community often places upon them. Section 23 of the Registered Clubs Act enables objections to be taken.

Frankly, it is not the end of the world for the opportunity to be given to clubs to move out and meet the community needs about which I have spoken. To sum up, the Opposition does not oppose the bill. I accept the Minister's assurance that the proposed amendments to the Act will be brought into operation as quickly as possible. Time and again the former Government was castigated for moving slowly to implement many of the recommendations of the Moffitt Royal commission. It is a matter of history that work began on writing the Registered Clubs Act while that Royal commission was holding its sittings. The former Government certainly did not wait for the report of that Royal commission to emerge before it began to draw up a

piece of legislation considered generally desirable in the interests of registered clubs. I had the hope, which was not fulfilled, that the Registered Clubs Act would contain the complete legal charter for registered clubs, that is, that it would include all the legal provisions in regard to poker machines and the offences relating to them. Unfortunately, that did not prove to be possible.

Perhaps the Minister might have greater success than I had in prevailing upon those who will approach the problem in a professional way to overcome the disability that flows from the fact that several Ministers are responsible for the various aspects of club management. The Minister of Justice looks after the implementation of the Liquor Act. The Minister who is from time to time in charge of the police force has a responsibility for the policing of the provisions of the Liquor Act, and the Treasurer polices the poker machine legislation. I had a feeling that the Minister for Services was also involved, but that may not be so. A multiplicity of Ministers have responsibility for the total club movement. It is not always easy to pinpoint where ministerial responsibility lies. Perhaps it is impossible for the Government to cover the several areas of responsibility in one piece of legislation.

Certainly it would be a tremendous advantage for people in charge of clubs, whether members of committees or boards of directors who are not necessarily professionals in the field, to have at their disposal a complete charter of their obligations and responsibilities. Unfortunately, under the present Minister, that might remain a pious hope. My hopes were also pious for I failed in what I set out to achieve. The Opposition supports the bill.

Mr MULOCK (Penrith), Minister of Justice and Minister for Housing [3.41], in reply: I shall deal with a few of the matters raised by the honourable member for Ku-ring-gai. I am publicly on record as supporting the concept of a complete charter for club managements. That will appear from the record of the debate in 1976 when the parent legislation was before the House. I then advocated bringing all aspects of the registered clubs movement under the one umbrella. I then posed this question to the Registered Clubs Advisory Council—that perhaps by the establishment of a clubs commission, the poker machine and liquor aspects of the club movement, currently under my administration, could be linked. We shall continue to seek to move towards that goal. Hopefully it will become more than a pious hope, and the honourable member for Ku-ring-gai will be able to endorse it in the same way as he has endorsed this piece of legislation.

It is true that the Registered Clubs Act remains basically undisturbed—I think that was the term used by the honourable member for Ku-ring-gai—but the matters we are now introducing go to the very heart of the dissatisfaction with the legislation that was introduced in 1976. I make no apology for having set up the Registered Clubs Advisory Council and for awaiting its deliberations on the various matters referred to it. That committee went through this bill clause by clause at a series of meetings, and then submitted its report. I did not accept all the committee's recommendations, but substantially what is in this bill represents a fair approach to the matters that the committee considered were of vital concern to it. The registered clubs movement has been quite satisfied to be involved to that extent and to await the amending legislation. However, I inform the House that I shall certainly move to have the new regulations drafted and introduced as early as possible. During my second-reading speech the honourable member for Ku-ring-gai asked by interjection who was Mr Walker. I had stated that he was my personal nominee.

Mr Maddison: It is not Mr F. J. Walker?

Mr MULOCK: No, it is Mr Don Walker, M.B.E., the general manager of Millers Hotel Pty Limited and the present secretary-manager of South Sydney Leagues Club Limited. He was also a key figure, in conjunction with the honourable member

for Coogee, in re-establishing that club, and also the Cronulla Leagues Club after it had some financial difficulties. Mr Walker is a vice-president of the Registered Clubs Association, having been appointed to that position following the death of Mr Arthur Day, the former president of Coogee—Randwick RSL Club. I felt that Mr Walker, as general manager of the Millers Hotel organization, could bring a wealth of experience to bear on the deliberations of the Registered Clubs Advisory Council. I am sure the honourable members for Ku-ring-gai will recall the great links between the Millers Hotel group and the registered clubs movement when it was taking on an expansive role in this State.

The honourable member for Ku-ring-gai said that in his view the Government tends to pay too much attention to large clubs. I refute that suggestion. In 1976 I intimated, when **speaking** on the question of visitors to clubs, that an attempt should be made to meet the objections being expressed at that time by the smaller clubs, particularly the bowling clubs. I then said that there was a strong case for the smaller clubs. That is still my view. When the Liquor (Further Amendment) Bill was introduced in 1976 it was stated that a large proportion of the registered clubs had fewer than 300 members. This Government will certainly never forget that the club movement is made up basically of many small clubs and a few large clubs. Although the large ones are sometimes seen as the flagships of the club movement, often they do not reflect what is **taking** place in the movement throughout New South Wales. I commend the **bill**.

Motion agreed to.

Bill read a second time.

Third Reading

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

DENTAL TECHNICIANS REGISTRATION (AMENDMENT) BILL

In Committee

Consideration of Legislative Council's amendments.

Schedule of Amendments referred to in Legislative Council's Message of 10 November, 1977.

- No. 1.—Pages 2 and 3, clause 5. **Omit** the clause.
- No. 2.—Page 7, Schedule 1, lines 3 to 23 inclusive. **Omit** all words on these lines.
- No. 3.—Page 10, Schedule 1, lines 3 to 17 inclusive. **Omit** all words on these lines, **insert**—
 - 18B. (1) A person who makes application for a practising certificate in the prescribed manner is entitled to be granted a practising certificate if—
 - (a) not being a dental technician on the date of commencement of Schedule 1 to the Dental Technicians Registration (Amendment) Act, 1977, he subsequently becomes a dental technician and completes a full-time course of at least two years' duration, in biological sciences and clinical training, at an institution approved by the board and satisfactorily completes an examination fitting him to engage in the practice of dental prosthetics; or

- (b) being a dental technician on the date of commencement of Schedule 1 to the Dental Technicians Registration (Amendment) Act, 1977, he, within three years from that date, in the opinion of the board, satisfactorily completes a course of instruction part-time for a period of twelve months, in a clinical training institution approved by the board, and satisfactorily completes an examination relating to the practice of dental prosthetics, approved by ~~the~~ board; or
- (c) being a dental technician ~~he~~—
 - (i) has biological and clinical qualifications which, with or without additional studies at an institution referred to in paragraph (a), are certified by such an institution as being equivalent to the qualifications required under paragraph (a); and
 - (ii) completes to the satisfaction of the board, any examination that may be required by the board, and is approved by the board as a person fitted to be engaged in the practice of dental prosthetics.

No. 4.—Page 23, Schedule 1, lines 21 to 23 inclusive. *Omit* all words on these lines, *insert*—

- (h) regulating advertising by dental ~~technicians~~, whether or not they are dental prosthetists, in the same manner and form as any regulations regulating advertising by dentists, pursuant to the Dentists Act, 1934; **and**

No. 5.—Page 1, Title. *Omit*—

"so as to alter the constitution of the Dental Technicians Registration Board and".

Mr STEWART (Canterbury), Minister for Health [3.48]: I move:

That the Committee agree to the Legislative Council's amendments Nos 1, 2 and 5.

I should like to refresh the memory of honourable members about some of the history of the dental technicians legislation. It has been returned on two occasions from the Legislative Council with amendments. On the second occasion it contained amendments by the Legislative Council to its own amendments, which makes it rather a confusing bill. During the Christmas vacation officers of the Health Commission held discussions with the Dental Technicians Association and Opposition members of both the lower House and the upper House, in an attempt to achieve a compromise and amend the bill to the mutual satisfaction of the Government, the Opposition and the Dental Technicians Association. The Government has with some reluctance agreed to amendments Nos 1, 2 and 5 made by the Legislative Council. I point out to the Committee that we have agreed to compromise and to accept these amendments because we believe it is vitally important, and just, that the bill to register dental technicians and to give them chairside status be passed by the Parliament.

The Legislative Council's amendments Nos 1 and 2 deal with the composition of the Dental Technicians' Registration Board. Originally the Government intended to provide for a majority of technicians on the board because that would have fulfilled a promise made to the dental technicians when the Labor Party was in Opposition. The Government has decided to leave unchanged the composition of the Dental Technicians' Registration Board. The dental technicians will not have a majority on it, but it is always the Government's wish in respect of this or other legislation affecting professional bodies, that there should be a majority of members of the profession on such boards.

The Legislative Council's amendment No. 5 deals with advertising. I gave assurances that the regulations affecting advertising would certainly be strict and in accordance with regulations governing professional bodies. However, members of the Opposition seem to have some concern about the matter, and the Government has decided to allow the regulations to be made on the recommendation of the Dental Board rather than the Dental Technicians' Registration Board. The Government does so reluctantly because it feels that the Dental Technicians' Registration Board is an ethical body on whose integrity the Government can rely, and a body that can be expected to govern advertising by dental technicians in the same professional, ethical way as other registration boards govern advertising by their members. For those reasons, and in a spirit of co-operation in an endeavour to resolve an impasse, the Government accepts the Legislative Council's amendments Nos 1, 2 and 5.

Mr HEALEY (Davidson) [3.52]: Members of the Opposition understand the Government's problem in relation to this legislation. We have no quarrel with the Legislative Council's amendments Nos 1, 2 and 5, which the Minister has said he is willing to adopt. What I am concerned about is the extraordinary experience of the past couple of weeks in which I have received four copies of amendments proposed to the Legislative Council's amendments in the bill. The last three of them are dated 1st, 6th and 7th March. They have been peddled to me by representatives of the dental technicians as purporting to come from Parliamentary Counsel, and as proposals the Government would accept. In my sixteen years in Parliament I have never known that to happen.

Honourable members have been lobbied one by one in this Chamber and in another place and asked to agree to amendments ostensibly put forward by Parliamentary Counsel. I do not know whether they came from the Minister, from his legal adviser, or from Parliamentary Counsel. It seems to me that we have seen an exercise in trying to play one member off against another, and members of this Chamber off against members of the upper House, with members of this Chamber being told that members of another place would agree to the amendments if the members of this Chamber agreed to them, and *vice versa*. That is not the way to produce legislation.

I had hoped that because we had reached some sort of an impasse on this legislation the Minister might have seen fit to invite me or members of the Opposition's health committee to discuss the matter with him privately with a view to determining whether we could come to some arrangement. We are aware of the difficulties. However, I have been amazed at the number of drafting errors that occurred in the various amendments put forward. A glaring error was made on 6th March when it was proposed that certain persons be admitted under the provisions of proposed section 15B, even though the proposal omitted completely dental technicians who were registered under proposed section 15A. Those in the first category were to be required to complete a course much longer than was originally intended, even by the upper House. In the proposals of 7th March there are some glaring omissions also. Reference is made in proposed section 18B to the clinical training and instruction in biological sciences in a course for new dental technicians. There is no mention of biological sciences for persons who are already registered as dental technicians under the principal Act. The reference is to clinical training and dental prosthetics only. That omission ought to be made good.

The suggestion that courses of training be conducted by universities, colleges of advanced education, and the Department of Technical and Further Education is acceptable, but the provision goes on to refer to any instruction controlled by the Department of Education. That department controls primary and secondary schools, and members of the Opposition cannot think of any tertiary institution under the

control of the Department of Education in which courses of his sort might be conducted. What is an institution controlled by the Department of Education which might have courses in clinical training and biological sciences for the purposes of enabling these people to complete a course?

I am told that Parliamentary Counsel and the legal officer of the Health Commission could not define a full-time course. I can understand their **difficulties**. Any course could be full-time if it were organized in such a way that it occupied for only one hour on one night each week during the academic year. It could also be full-time if it required attendance for three hours a day, four days a week during the academic year.

We notice a reference in proposed section **18B** (1) to the granting of a certificate to a person who has completed to the satisfaction of the board a part-time course in clinical training. If it is difficult to define a full-time course, it is equally difficult to define a part-time course in clinical **training**. The one other matter on which we have not been able to agree with the Government concerns the duration of the course for only six months. The upper House suggested that it should be a course of twelve months. These are only passing comments. In the interests of getting the legislation through this place and elsewhere as quickly as possible, we do not intend to divide the House. I merely mention these matters so that the Minister will be aware of our views.

At this stage I withdraw my comment about the biological sciences. These difficulties will have to be dealt with elsewhere, as they were previously. I merely raise them with the Minister to show that we do not intend to vote against the motion. I do not wish to belabour the points already made in the second-reading debate.

Mr **STEWART** (Canterbury), Minister for Health [4.1]: I wish to clarify one point because I misled **the** House in my original remarks. At that time I said that amendments Nos 1 and 2 concerned the composition of the Dental Technicians Registration Board and No. 5 concerned advertising. The fact is that it does not concern advertising; it is consequential to amendments Nos 1 and 2. Amendment No. 4 concerns advertising.

The **CHAIRMAN**: **Order!** The Committee is dealing with the questions relating to amendments Nos 1, **2** and 5.

Mr **HEALEY** (**Davidson**) [4.2]: Just to make the position clear, the Opposition accepts the change to which the Minister has just referred. I did not hear what the Minister said at the commencement of his remarks but amendments Nos 1, 2 and 5 are acceptable to the **Opposition**.

Motion agreed to.

Legislative Council amendments Nos 1, **2** and 5 agreed to.

Mr **STEWART** (Canterbury), Minister for Health [4.3]: I move:

That the Committee disagree with the Legislative Council's amendment No. **3** but **proposes—**

- (a) that the words on lines 25–29 inclusive of page **7** be omitted and that the following words be inserted instead:

Omit the paragraphs.

- (b) that the words on lines 1–8 inclusive of page 8 be omitted;

- (c) that the words on lines 18–35 inclusive of page 10 and lines 1–24 inclusive on page 11 be omitted and that the following words be inserted instead:

18B. (1) A person who has made application for a practising certificate in the prescribed manner and who is a dental technician is entitled to be granted a practising **certificate—**

- (a) where he became registered as a dental technician at any **time—if** he has completed, to the satisfaction of the board, a course or combination of courses, being a course or combination approved by the board and comprised of clinical training in dental prosthetics and instruction in the biological sciences, **and—**
 - (i) in the case of a course approved by the board—being a course that was conducted by a university or college of advanced education in New South Wales, an institution controlled by the Department of Education or the Department of Technical and Further Education or any other prescribed institution, whether or not it is in New South Wales; or
 - (ii) in the case of a combination approved by the **board—**being a combination of courses the separate courses of which were conducted by any one or more of the institutions prescribed by or under subparagraph (i); or
 - (b) where he became registered as a dental technician before the commencement of Schedule 1 to the Dental Technicians Registration (Amendment) Act, 1978—if, within **6** years after that commencement, **he—**
 - (i) attends, to the satisfaction of the board, a part-time course of clinical training in dental prosthetics and instruction in the biological sciences of not less than **6** months' duration; **and**
 - (ii) passes, to the satisfaction of the board, an examination relating to the practice of dental prosthetics,
- that have been approved by the board.

They are the amendments that the Government now seeks to have inserted in response to the message from the Legislative Council. The honourable member for Davidson has complained somewhat about confusion arising out of the various conferences that were held. I did not participate in any of the conferences. However, I asked the Dental Technicians Association to see whether it could achieve any agreement with the members of the upper House who had moved amendments quite different, in some instances, from the amendments moved here by the Opposition. As Minister, I saw that our compromise, if it was to be reached, would have to be reached with the Opposition majority in the upper House. As a result, a great number of discussions were held.

Any of the numerous papers that the honourable member for Davidson would have acquired would have arisen from the fact that from time to time various amendments were made arising out of the discussions that took place. I feel that in no

circumstances would we have indicated that we were sending on **parliamentary-drafted** amendments for consideration. What we did was ask the Parliamentary Counsel to write in the amendments, using his language. The first part of the amendment I have read out refers to a course conducted by a university or college of advanced education and so on, concluding with the words "or any other prescribed institution whether or not it is in New South Wales."

In the original bill and in the amendments there was mention of a time set for the course. A great deal of argument took place in this Chamber over whether dental technicians should do a course of four years or six years. During the second-reading debate and the Committee stage of the bill I indicated that the Opposition was asking dental technicians to do a course as long as—if not longer—than dentists. I felt that was an unreal proposition. After taking advice what the Government did was to take out the time limit and put in a provisions referring to a course that would be determined by the Department of Education. I should think that members of the Opposition would repose confidence in the Department of Education if that department were asked to provide a course of instruction for training for dental technicians or in dental prosthetics. The course must be approved by the board. That was the Government's compromise offer.

The bill will now provide that the Minister of Education is given the right to determine the curriculum and the course to be undertaken—whether it be a clinical course or a combination of courses—and it has then to be approved by the Dental Technicians Registration Board. I do not think anything could be fairer. No mention was made of a period of four, five or six years. There is provision for a restructured course in order to provide for training of dental technicians and for their further training in dental prosthetics. If it were thought that dental technicians might go off and set up their own sort of training college, as so many of the fringe medical associations have done in the past, I should imagine that this amendment would obviate that, because the course has to be approved by the Minister for Education and the Dental Technicians Registration Board. I feel that provision gives all the protection that was ever asked for in this Chamber during the earlier consideration of the bill.

The honourable member for Davidson has complained about it being a course of six months that dental technicians must complete to the satisfaction of the board before being allowed to practice in dental prosthetics. Again I point out to honourable members that some dental mechanics and dental technicians have been practising illegally by dealing directly with the public for up to thirty-five years, if not longer. Yet they have all given an assurance that they will undertake a further course of training in chairside status and chairside practice. This amendment will protect the dental health of the people of New South Wales.

The honourable member for Davidson has complained also about the lack of communication with him. When it was suggested that we should speak to him, the comment was made by the members of the Legislative Council with whom we were conferring that the honourable member for Davidson had no input in these discussions and that the matter would be determined by them in the upper House. The honourable member for Davidson is the shadow minister for health and I should expect him to have the greatest input in this matter. I hope the Committee is not going to divide on this matter and the the Committee will indicate to honourable members in the other place that these amendments have our mutual support.

Mr Stewart

Mr HEALEY (Davidson) [4.10]: I must have had your indulgence earlier, Mr Chairman, as I did not appreciate the manner in which the bill has been presented to the **Committee**. I have said previously most of what I wish to say. The Opposition accepts the compromise in relation to the board. The Opposition appreciates that instead of including a period of time in relation to the courses, the Minister has designated that the courses will be conducted by a university, a college of advanced education or an institution controlled by the Department of Technical and Further Education. We accept that they are academic bodies appropriate to determine in a professional way the nature of a course, its length and curriculum.

The one question I ask the Minister is what institution controlled by the Department of Education might approve a course. That department controls principally primary and secondary schools, and to my knowledge controls no other institution. My advice is that the inclusion of that provision is to cover the possibility of the Department of Education establishing some institution in the future. It is not usual for legislation to look that far ahead. The suggestion that a course ought to be set up and controlled by the Minister for Education is not quite the same thing as providing that courses may be conducted by an institution **controlled** by the Department of Education. I note the reference in the last part of the measure to "any other prescribed institution whether or not in New South Wales." I am aware that the prescription would have to be done by the Minister for Health, that it would be provided for by way of regulations and that the Minister would examine any course or institution so prescribed and ensure that it fitted into the standard already established by universities, colleges of advanced education or the Department of Technical and Further Education. The Opposition does not disagree with that concept. However, I query the reference to an institution controlled by the Department of Education.

Unless there is some qualification the Opposition cannot agree to the period of six months referred to in paragraph (a) (i) of section 18B. Frankly, the upper House members of my health committee have a particular view and as it is a matter for their determination I do not propose to divide the Committee on this matter. I thank the Minister for informing me that it was suggested that I was not the major input into that committee. That is certainly true so far as the upper House is concerned, as its members had their own views. Although one is talking about the past, it might have been helpful if I, in my capacity as shadow minister for health, had been able to get together with the Minister and with the members of the upper House. Unfortunately, that did not happen and there is no need for me to press the point. Generally speaking, the Opposition supports new section 18B with the proviso in relation to six months. I should be happy to hear the Minister's explanation about the reference to an institution controlled by the Department of Education.

Mr STEWART (Canterbury), Minister for Health [4.15]: The words "an institution controlled by the Department of Education" are merely a broad phrase. Education has a changing pattern. At the moment there is a sort of embargo on any new initiatives by colleges of advanced education. Because of all sorts of educational moves being undertaken by the federal Government, the Parliamentary Counsel considered that we should include in the bill provision for any institution that is not expressly defined in the Act. I remind the honourable member for Wakehurst that colleges of advanced education came into existence about 1967. Had some Acts had terminology similar to that proposed, those Acts may not have required amendment. The words are included as a protection against any alteration that may otherwise be

necessary to the Act. I know that the honourable member does **not** consider that the Department of Education should conduct courses in dental prosthetics in primary or secondary schools; they would remain always in the realm of tertiary education.

Mr HEALEY (Davidson) [4.16]: Although the Minister's explanation is clear, it is not one that I can accept. It is strange to include the words to which I have referred when we are talking about universities, colleges of advanced education and the Department of Technical and Further Education. I should hope that those institutions would represent the highest standards of education provided in New South Wales. I should hope, also, that any course suited for dental technicians or **dental** prosthetists would not be conducted in any lower institution, if I may use that term, than the Department of Technical and Further Education.

Motion agreed to.

Legislative Council's amendment disagreed with, and schedule further amended.

Mr STEWART (Canterbury), Minister for Health [4.18]: I move:

That the Committee disagree with the Legislative Council's amendment No. 4 but proposes **that**—

(a) the words on lines 24–29 inclusive of page 23 be omitted and that the following words be inserted instead:—

(h) regulating advertising by dental technicians, whether or not they are dental prosthetists; and

(b) the following words be inserted after line 9 of page 24:—

After section 35 (3), insert:—

(i) Section 35 (3A)—

(3A) A regulation may only be made under sub-section (2) (h) upon the recommendation of the Dental Board referred to in section 4 of the Dentists Act, 1934.

I have already given the Committee an explanation why the amendments are moved. I understand that they are acceptable to everybody.

Mr HEALEY (Davidson) [4.19]: I am sure the Minister appreciates that it would be quite ridiculous for dental technicians and dental prosthetists to be able to advertise their skills or businesses in circumstances different from dentists. One could have the ludicrous situation of a dental technician or a dental prosthetist conducting his business in the same building as a dentist and having a large neon sign advertising himself on the top of the building. The amendment is in line with the Opposition's earlier suggestion, except for the change of a word, and we agree with it.

Mr STEWART (Canterbury), Minister for Health [4.20]: All regulations made under Acts of Parliament require the approval of the Minister. During the time I have been Minister I have tried to maintain consistency and in no circumstances would I permit regulations to apply to dental technicians if they were not exactly in line with the regulations concerning advertising made under all other professional regulating Acts.

Motion agreed to.

Legislative Council's amendment disagreed with, and schedule further amended.

Adoption of Report

Resolution reported, and report adopted on motion by Mr Stewart.

Message

Motion (by Mr Stewart) agreed to:

That the following message be sent to the Legislative Council:

The Legislative Assembly having had under consideration the Legislative Council's Messages dated 10 November, 1977, and 29 November, 1977, requesting the concurrence of the Legislative Assembly with certain amendments to the Dental Technicians Registration (Amendment) Bill set forth in the Schedules to those Messages, acquaints the Legislative Council as follows:

Amendment No. 1: The Assembly agrees with the proposed amendment.

Amendment No. 2: The Assembly agrees with the proposed amendment.

Amendment No. 3: The Assembly disagrees with the proposed amendments but **proposes—**

- (a) that the words on lines 25–29 inclusive of page 7 be omitted and that the following words be inserted instead:

Omit the paragraphs.

- (b) that the words on lines 1–8 inclusive of page 8 be omitted;
- (c) that the words on lines 18–35 inclusive of page 10 and lines 1–24 inclusive of page 11 be omitted and that the following words be inserted instead:

18B. (1) A person who has made application for a practising certificate in the prescribed manner and who is a dental technician is entitled to be granted a practising **certificate—**

- (a) where he became registered as a dental technician at **any time—**if he has completed, to the satisfaction of the board, a course or combination of courses, being a course or combination approved by the board and comprised of clinical training in dental prosthetics and instruction in the biological sciences, **and—**
 - (i) in the case of a course approved by the board—being a course that was conducted by a university or **college** of advanced education in New South Wales, an institution controlled by the Department of Education or the Department of Technical and Further **Educa-**tion or any other prescribed institution, whether or not it is in New South Wales; or

- (ii) in the case of a combination approved by the **board**—
being a combination of courses the separate courses
of which were conducted by any one or more of the
institutions prescribed by or under subparagraph (i);
or
- (b) where he became registered as a dental technician before the
commencement of Schedule 1 to the Dental Technicians
Registration (Amendment) Act, 1978—if, within 6 years
after that commencement, **he**—
 - (i) attends, to the satisfaction of the board, a part-time
course of clinical training in dental prosthetics and
instruction in the biological sciences of not less than
6 months' duration; and
 - (ii) passes, to the satisfaction of the board, an examina-
tion relating to the practice of dental prosthetics,
that have been approved by the board.

Amendment No. 4: The Assembly disagrees with the proposed amendment
but proposes **that**—

- (a) the words on lines 24–29 inclusive of page 23 be omitted and that
the following words be inserted instead:
 - (h) regulating advertising by dental technicians, whether or not
they are dental prosthetists; and
- (b) the following words be inserted after line 9 of page 24:
 - (i) Section 35 **(3A)**—
After section 35 **(3)**, insert:
(3A) A regulation may only be made under subsec-
tion (2) (h) upon the recommendation of the Dental Board
referred to in section 4 of the Dentists Act, 1934.

Amendment No. 5: The Assembly agrees with the proposed amendment.

And the Assembly requests the concurrence of the Legislative Council
in its disagreements from and its amendments upon the Council's amendments
in the Bill.

LOCAL GOVERNMENT (AMENDMENT) BILL

In Committee

Consideration of Legislative Council's amendments.

Schedule of Amendments referred to in Legislative Council's Message of 2 March, 1978.

No. 1.—Page 4, Schedule 1, line 22. Omit "and".

No. 2.—Page 5, Schedule 1, lines 7 to 12 inclusive. Omit all words on these
lines, **insert**—

- (iii) one member who shall be selected by the Governor from three
persons who are, or have been, associated with local government

in New South Wales, whether as a member of a council or otherwise, and who have been nominated as prescribed by the governing body of the Local Government Association of New South Wales; and

- (iv) one member who shall be selected by the Governor from three persons who are, or have been, associated with local government in New South Wales, whether as a member of a council or otherwise, and who have been nominated as prescribed by the governing body of the Shires Association of New South Wales.

No. 3.—Page 5, Schedule 1, lines 26 and 27. Omit all words on these lines.

No. 4.—Page 6, Schedule 1, lines 7 to 9. Omit "having the qualification referred to in that subparagraph", insert "who is, or has been, associated with local government in New South Wales, whether as a member of a council or otherwise".

No. 5.—Page 7, Schedule 1, lines 5 and 6. Omit all words on these lines, insert—

(5) (a) Section 218c (1)—

Omit "and of the members of the panel".

(b) Section 218c (1)—

Omit "and the panel".

No. 6.—Page 9, Schedule 1, lines 8 to 11 inclusive. Omit all words on **these** lines, insert—

Omit "or acting member nominated or selected in the same manner as his predecessor shall be appointed by the Governor", insert " , having the same qualification, and being nominated in the same manner, as his predecessor or, as the case may be, a new acting member, having the same qualification as his predecessor, shall be".

Mr JENSEN (Munmorah) Minister for Local Government [4.25]: I move:

That the Committee disagree with the Legislative Council's amendments.

In informing the Committee that the Government cannot accept the amendments I do not propose to repeat the reasons. They have already been canvassed by me at some length in the House at the second-reading stage and by all Government spokesmen in the other place. I do not propose to weary honourable members by a lengthy repetition of all those reasons. I point out that it is my intention to move for **the** deletion of schedules 1 and 2. I am aware that the practice of this Chamber does not permit a motion for the omission of a clause or schedule, the same result being gained by voting against such clause or schedule. In view of the importance of the remaining provisions of the bill, of which honourable members are well aware, and the necessity for it to come into operation as soon as possible, I would ask the leave of the Committee for the Chairman to propose that schedules 1 and 2 stand part of the bill. In the event of this question being negatived there will be a number of consequential amendments to be made in other clauses of the bill. I am advised that it would be preferable for four of these amendments, in clauses 2 and 5 and the long title, to be moved and agreed to by the Committee rather than inserted in the normal way.

Mr FISHER (Upper Hunter) [4.26]: It might sound confusing, but my colleagues and I do not agree to allow the Minister to remove the amendments moved by the Legislative Council. I point out that though we shall not oppose the Minister's

proposal and shall, in fact, approve of the proposal to remove schedules 1 and 2 for the reasons outlined by the Minister, the occasion should not pass without my drawing to the Minister's attention the result of allowing the bill to be dealt with in this way. It should be noted, first of all, that in his second-reading speech the Minister made it clear to honourable members that schedules 1 and 2 were necessary to comply with Commonwealth legislation. Although the Opposition agrees in principle to the withdrawal of these schedules, as now proposed, their withdrawal confirms our opposition to these schedules at the second-reading stage. It is still a requirement of the Commonwealth that the Act in this State should comply with its legislation so as not to debar this State from receiving benefits under the Commonwealth Grants Commission Act. I point out to the Committee that it is important that the Minister give an assurance that treating the bill in his way, by withdrawing schedules 1 and 2, will not debar New South Wales from receiving the benefit of Grants Commission funds made available by the Commonwealth, in the light of the requirement of the Commonwealth Act that local government be represented on the commission. This was pointed out by me and the honourable member for The Hills. I do not wish to delay the Committee but I believe it is important to draw the Minister's attention to the point at this stage.

Mr JENSEN (Munmorah), Minister for Local Government [4.29]: The position is that grants under the Grants Commission, as the bill will operate with the amendments that I have now foreshadowed, will not be rendered unacceptable or inconsistent with the fundamental requirements of the Commonwealth legislation. The position will remain as it is for the time being, administratively operable but lacking in full legislative authority that proposals in the original bill would have provided.

Motion agreed to.

Legislative Council's amendments disagreed with.

Schedules 1 and 2

The CHAIRMAN: Order! With the consent of the Committee I shall now propose the question, That schedules 1 and 2 stand part of the bill.

Motion negatived.

Schedules 1 and 2 negatived.

Clause 2

Page 2

10 (2) Section 5 (1) shall, in its application to—

- (a) Schedule 1, commence on the day on which that Schedule commences; or**
- (b) Schedule 3, commence on the day on which that Schedule commences.**

15 (3) Schedules 1 and 3 shall commence on such day as may be appointed by the Governor in respect of each of them (whether or not it is the same day) and as may be notified by proclamation published in the Gazette.

Mr JENSEN (Munmorah), Minister for Local Government [4.32]: Consequent upon the deletion from the bill of schedules 1 and 2, I move:

That at page 2, **all words on lines 10 to 18** be left out and there be inserted in lieu thereof the words

- (2) Section 5 (1) shall, in its application to Schedule 1, commence on the day on which that Schedule commences.
- (3) Schedule 1 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment agreed to.

Clause as amended agreed to.

Clause 5

Page 3

5. (1) The Principal Act is amended in the manner set forth in Schedules 1, 3, 5, 6 and 7.

(2) Schedules 2 and 4 have effect.

Amendments (by Mr Jensen) agreed to:

That at page 3, line 25, "5, 6 and 7" be left out and there be inserted in lieu thereof "4 and 5".

That at page 3, all words on line 26 be left out and there be inserted in lieu thereof the words "(2) Schedule 2 has effect".

Clause as amended agreed to.

Title

A . Act to amend the Local Government **Act**, 1919, with respect to the constitution and functions of the Local Government Grants Commission, rights to possession or occupation of land in certain public reserves and certain other matters.

Amendment (by Mr Jensen) agreed to:

That in the long title the words "the constitution and functions of the Local Government Grants Commission," be left out.

Title as amended agreed to.

Adoption of Report

Resolution and amendments, including an amendment in the title, reported, and report adopted on motion by Mr Jensen.

Message

Mr JENSEN (Munmorah), Minister for Local Government [4.35]: I express my appreciation to members of **the** Opposition for the way in which they have **co-**operated in **making** it possible for the House to consider the bill in its amended **form**. I move:

That the following message be sent to the Legislative Council:

The Legislative Assembly having had under consideration the Legislative Council's Message, dated 2 March, 1978, requesting its concurrence in certain amendments made by the Council in the **Local**

Government (Amendment) Bill, **acquaints** the Legislative Council as follows—

Disagrees with the amendments because the original provisions for two members of the Local Government Grants Commission to be persons nominated by the Minister, who are or have been associated with local government, instead of persons selected from nominees of the Local Government and Shires Associations, are in no way in derogation of local government; and proposes to amend the Bill as follows:

Amendment No. 1—

Page 2, clause 2, lines 10–18 inclusive. *Leave out* all words on these lines, *insert*:

(2) Section 5 (1) shall, in its application to Schedule 1, commence on the day on which that Schedule commences.

(3) Schedule 1 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment No. 2—

Page 3, clause 5, line 25. *Leave out* “5, 6 and 7”, *insert* “4 and 5”.

Amendment No. 3—

Page 3, clause 5, line 26. *Leave out* all words on this line, *insert*:
“(2) Schedule 2 has effect”.

Amendment No. 4—

Pages 4–19, inclusive, Schedules 1 and 2. *Leave out* these Schedules.

Amendment No. 5—

Page 1, long title. *Leave out* “the constitution and functions of the Local Government Grants Commission,”.

And the Legislative Assembly requests the concurrence of the Legislative Council in its disagreement from the Council's amendments, and its further amendments in the Bill.

EGG INDUSTRY STABILISATION (AMENDMENT) BILL

Second Reading

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [4.38]: I move:

That this bill be now read a second time.

The objects of this bill are, **first**, to provide that where a person is fined under the **Act**, that **person** shall not be liable to imprisonment in default of payment, but the amount shall be recoverable as a debt in a court of petty sessions. Second, the bill **will** enable inspectors to obtain a **warrant** in **support** of their existing powers to enter premises for the purposes of carrying out their functions. Third, the bill will increase the maximum penalties under the **Act**.

It has become apparent that a small number of egg producers are unwilling to accept the principle of orderly marketing. They have flouted the legislation and have endeavoured to profit at the expense of other producers. By acting contrary to

the legislation they are putting at risk the Australia-wide organized marketing system in the egg industry. It is the Government's intention to ensure that this marketing system is protected. Other States are participating in the egg stabilization scheme on the basis that all States abide by a State hen quota. If some egg producers keep hens above their quota, the whole scheme is in jeopardy. A few egg producers who have been prosecuted for keeping over-quota hens have preferred to go to gaol rather than pay the fine. Also, they still keep their over-quota hens. It is proposed in this amendment to increase substantially the fines and in addition to convert any unpaid fine into a debt recoverable as a civil debt. This means that action can be taken against a convicted person's property to satisfy the debt.

I now turn to the clauses of the bill. Clause 1 is the short title. Clause 2 contains three schedules. Schedule 1 converts a default in payment of any fine or costs into a judgment of a court of petty sessions under the **Courts of Petty Sessions (Civil Claims) Act, 1970**. Schedule 2 contains a provision whereby an inspector, after satisfying a justice that he has been delayed, obstructed, hindered or impeded in performing his duties, may obtain a warrant authorizing him, and any member of the police force accompanying him, to enter land, premises or places named in the warrant, using such force as is reasonably necessary. This does not apply to premises used for residential purposes. The reason for this provision is to overcome the present situation where some producers are refusing entry to inspectors by locking their gates and preventing the counting of their hens.

The schedule will insert also a new subclause (6) in section 12 of the Act to restrict an inspector's right to exercise his powers only between 7 a.m. and 7 p.m. Schedule 3 will increase substantially the maximum penalties under the Act. For example, the penalty for keeping over-quota hens is to be increased from a maximum of \$500 to a maximum of **\$2,000**. In addition, the maximum daily penalty is to be increased from \$50 to \$500 a day. I have informed the industry that I will do whatever is appropriate to keep the over-production of eggs to a minimum. This measure is designed to honour that undertaking. I commend the bill to honourable members.

Mr PARK (Tamworth) [4.42]: As I said at the introductory stage, the bill has been made necessary for two reasons. The first is because of the illegal operations of a small number of members of the poultry farmers defence committee and their resistance to the law. The second reason is the action taken by the Premier on 6th March in ordering the release from gaol of four members of that committee. I appreciate that the Premier's action was authorized by the Executive Council, but it had the effect of overruling the authority of the court and the law of the land. Moreover, it could lead to a breakdown of law and order. The Government might have created a dangerous precedent. I should like to know whether a person who is imprisoned for non-payment of road maintenance tax will be pardoned and released from gaol. I should like to know, also, whether people who breach any of the provisions of the recently-introduced meat industry legislation will be exempt from the provisions of the law. Will the Government take similar action in the event of violent reaction from any minority group in the community? One wonders whether the Government intends to enforce all the laws of the land.

Schedule 1 will provide a new method for the collection of fines, and that method has been outlined by the Minister. I am concerned at the time that may be taken to collect fines. I am concerned also whether an offender against the provisions of the Act will be able to continue to break the law. It might take months, and even years, to resolve legal processes. Schedule 2 will provide inspectors with greater powers and protection. I agree with this provision and I propose to say more

about it later. Schedule 3 seeks to increase certain penalties. I do not propose to debate the merit of those increases. I wish to say **only** that penalties are useless unless they are enforced.

All States have comparable schemes regulating the egg industry though the provisions of each scheme are not exactly the same. If the provisions of the New South Wales scheme are not adhered to, the egg industry throughout Australia could be seriously affected. One result of the Premier's action on 6th March is that the egg industry has virtually no **stabilization** scheme. For that reason it is urgent that the bill should come into effect as soon as possible. The Opposition does not propose to move any amendments to this bill. The Egg Industry Stabilisation Act received Royal assent on 21st December, 1971. Basically that Act provided for a scheme of hen quotas. In August, 1972, a poll of producers was held. In that poll 95.3 per cent of eligible voters cast a valid vote. Of that number 93.2 per cent voted in favour of an egg stabilization scheme. Later the former Government introduced an amending bill which dealt with responsibilities in respect of the allotment of base quotas, and it received Royal assent on 4th December, 1972. In 1974 the former Government proposed that hen quotas should apply from 1st August of that year.

As a result of representations from a number of producers on the basis of hardship a moratorium was introduced, to take effect until 1st December of that year. The quota system came into effect from that date. Some time prior to 1st December, 1974, the poultry farmers defence committee was established. That committee **originally** had a membership of about 100. When the aims and intentions of a few militant members of that committee became known to other members, most of them withdrew from the organization. This left the committee with a hard core of eight to ten farmers or families. Since 1st December, 1974, these few rebels have constantly and consistently flouted the law, and all efforts to reason with them have been to no avail. This resulted in fairly protracted legal moves. It then became apparent that further amendments were necessary to strengthen the Act.

Prior to the last State elections the former Government took action to introduce amendments to the Act. Perhaps it should be said that it was a bit slow in doing so. Though the Government was aware of these problems, it took ten months before introducing those important amendments. That bill received Royal assent on 22nd April, 1977. Since December, 1974, the rebels to whom I have referred have produced 2 million dozen eggs annually from over-quota hens or on unlicensed farms. This unlawful operation has cost the egg producers of New South Wales who have operated within the law approximately 3c a dozen for all eggs produced on their farms. Present total annual egg production in New South Wales is approximately 82 million dozen. The market supply is currently running at the rate of 66 million. Therefore, over-production is approximately 16 million dozens eggs a year, or 24 per cent of the current market supply. The optimum for over-production is about 9 per cent of the supply.

Producers in Australia pay approximately 5c a dozen as a hen levy equalization charge in respect of all eggs produced under the agreement with the Commonwealth. If over-production were running at about 9 per cent, little, if any, State levy would be necessary. With an over-production rate of 24 per cent, the State has to impose an equalization charge which at present is between 6c and 7c a dozen. If the rebels were obeying the law, that charge would be about 3c or 4c a dozen. There are several reasons why there must be some degree of over-production. The first reason is that producers have a responsibility to supply the New South Wales market at all times. The second reason is that at times New South Wales, the largest egg producing State, is asked to meet a shortfall in certain lines of eggs in other States.

Mr Park]

The third aspect is that hens, notwithstanding genetic breeding, lay a percentage of small eggs, which are less saleable. The 60-gramme egg is most popular in the metropolitan area but in country areas the 55-gramme egg is in greatest demand. I cannot account for the difference in demand. The 45-gramme to 50-gramme egg is used mostly in the food trade. Also it is the more popular egg with pensioners and senior citizens. Eggs have virtually no **oversea** market and the surplus has to be manufactured into egg pulp or powder. The manufactured product is sold overseas at the equivalent of about 20c a dozen, which represents a substantial loss. Current egg board charges for handling and administration absorb 9.5c a dozen. These charges are quite distinct from the equalization charges that I have mentioned.

One might well ask why it is necessary to have an egg board. The board is responsible for the collection, receipt, inspection, grading, packing, storage and distribution of eggs. The board is a big operation. Surely no one, even the editor of the *Sydney Morning Herald*, could imagine that every market outlet in New South Wales could be constantly supplied other than by an authority or a market organization. On 9th March the *Sydney Morning Herald* in an editorial suggested, among other things, that a drastic restructuring of the industry should have begun years ago. That is a lot of rubbish. It is a pity that those who write these articles do not take the trouble **first** to check their subject. On 10th March the *Sydney Morning Herald* published a letter from Mr **Albert** Perish, who was one of the members of the poultry farmers defence committee. He said that no one needs to apologize for breaking unjust laws. This is the sort of approach that has been adopted throughout. Yesterday in the *Sun* an advertisement paid for by the defence committee, authorized by Dr **A. G. Galea** and couched in the same terms as all their advertisements that have appeared over the years, sought a petition from members of the public in support of that committee's disruptive tactics. Today's *Sun* contained an article under the heading "Egg Men Trying to Force Inquiry". The only thing that those people are trying to do is to wreck an orderly marketing system.

The egg board consists of seven members, five of whom are producers and two of whom are appointed by the Government. That board is a most effective organization. The industry is totally financed by producers; there is no government subsidy whatever. The licensing committee consists of the same people as the egg board but they wear a different hat. They are concerned with all matters relating to licensing. The base quota system has caused a lot of argument, advanced particularly by the rebels and by the news media, which cannot understand what the industry is all about. Base quotas were determined in two categories. The base quota of 99 per cent of all producers was determined during a qualifying period, which I shall explain later. The second category represented 1 per cent of producers who entered the industry after the qualifying period. The base quotas were not calculated but were determined according to this formula: for 99 per cent of producers the base quota was the highest number of hens shown by them on twenty-seven fortnightly returns covering the period between 27th November, 1969, and 26th November, 1970.

The base quota of the 1 per cent of producers was determined as the highest of at least ten fortnightly returns in a 6-monthly period prior to the date of assent of the Act, which was 21st December, 1971. Perhaps Mr Perish and others who have written to newspapers and made statements to the news media do not realize that **the** base quota is calculated on the highest return recorded by individual producers for the number of hens held over either period. **The** figures are calculated on the maximum return, not the average return. The method of assessing the base quotas was as fair as one could devise. In addition, in 1977, the Government set up **an** inquiry under Mr Harry **Berman**. His report was released in June, 1977. As a result of the adoption of his recommendations, some producers had their quotas increased. Mr **Berman** carried out an extremely fair inquiry.

I do not agree that the rebels have been unfairly treated. The board polices the Act through its inspectors. One inspector resigned two weeks ago, leaving eleven to police the Act. I understand that the morale of those inspectors could not be lower. Since Royal assent to the Act and during the time after quotas came into effect, the inspectors have been generally well received by all producers who have been complying with the Act. The farms of the rebels have been converted into virtual forts. Some are surrounded by high fences and others are in barbed wire enclosures. The gates are kept locked; savage dogs are kept on the loose and the producers carry lumps of wood that they throw at the inspectors. Attempts have been made to ram inspectors' cars or to run down inspectors by driving recklessly at them. Generally the whole story is one of assault or intimidation. It is a shame and a pity that even the children of these people are taught to hurl insults at the inspectors by referring to them as the Gestapo and that sort of thing. The inspectors have been held up to public ridicule. I do not know whether the Minister is aware of all these things. It is high time that action was taken to provide more protection for the inspectors and to increase their powers.

If the Government does not enforce the provisions of the Egg Industry Stabilisation Act it might as well throw the Act out the window. Why should all law-abiding producers pay 3c a dozen for all the eggs they produce simply because of the actions of a few rebels who have continually ignored and flouted the law? The 3c a dozen, like the other equalization charges for over-production, must ultimately be reflected in the price of eggs to the consumers. Over the past few years 99 per cent of the 956 poultry farmers in New South Wales have shown that they are willing to abide by the law and by the provisions of the Act.

Costs to the Egg Marketing Board mean, of course, costs to the producers. The legal costs involved in securing a conviction against the four persons who were let out of gaol on Monday, 6th March, have run into ten of thousands of dollars. There are other charges pending but apparently now they have been laid aside and it would appear that the four people concerned have been pardoned. The board has to start again. This has had a demoralizing effect on all the law-abiding farmers in the industry. The board ensures that all marketing outlets are constantly supplied with quality eggs at a reasonable price. That is most important. The actions of these few rebels has meant ultimately that the consumer is having to pay more for eggs.

Governments of this State over the years have made the laws and it is up to this Government to uphold them. The Tarnworth district, which I represent, accounts for approximately 23 per cent of the State's egg production. In the past few days I have received about forty telegrams, and I know that the Opposition has received many more. Law-abiding poultry-farmers want to know that the provisions of the Act are in operation and that the rebels will be quickly stopped from breaking the law and putting the future of their industry in jeopardy.

The amendments to this legislation that were debated in this House at the end of March last year and assented to on 27th April, 1977, included provisions to exempt from quota reduction those farmers with 5 000 hens or less. In my speech in this House on 30th March I advised the Minister that the industry was not in favour of this amendment, that though it might have been in favour of increasing the limit from 1 000 to 2 000 or even 3 000, it thought that a figure of 5 000 was going too far. At that time there were 1 042 poultry-farmers; today there are only 956. This reduction indicates **some** restructuring of the industry. Of course, that goes on **all** the time, but the largest reduction in any category in the number of producers has occurred among farmers with 5 000 hens or more. Whereas twelve months ago there were 312 farmers in New South Wales with more than 5 000 hens, now there are only 275. I think this means that an increasingly **smaller** number of farmers have to bear

Mr Park]

the burden of quota reductions. In view of the overproduction at the present time which, leaving aside the rebels, is about 21 per cent, it would seem that a further quota reduction may soon be necessary. I ask the Minister to bear these facts in relation to the 5 000 limit in mind if and when a quota reduction again comes up for his consideration.

Mr CATERSON (The Hills) [5.5]: As I mentioned at the introductory stage, the great bulk of egg producers in New South Wales—and there are close to on 1 000 of them—obey the provisions of the Egg Industry Stabilisation Act. Whether or not they now favour completely the present method of marketing, at least they observe the law as it stands. As the honourable member for Tamworth has already said, some six families only are refusing to accept the rules of the industry and are creating a great deal of consternation and confusion. Normally I should admire enterprise and individualism, but there can be no saving grace at all in the actions of a very small number of dissidents who, first and foremost, are blatantly breaking the law, and second, are working against the interests of a great number of hard-working and law-abiding egg producers in an industry that is not the most lucrative today.

It ought to be said that last year a special inquiry was set up by the Minister to look into the complaints and objections of the dissident producers, and as a result some adjustments were made to their quotas. They may well argue that the benefits that they were given as a result of the inquiry did not satisfy them, but there is no gain-saying the fact that an independent magistrate did look at their problem and some benefit was given to them as a result. They did not observe the law and they were fined for breaking it. They did not pay their fines and were committed to prison.

As the honourable member for Tamworth has said, the events of 6th March have been much publicized. The Premier had these offenders released from prison, much to the disappointment of the great bulk of the egg-producing community. I do not want to dwell on the Government's actions on that day, except to say that this Government has a record for making ill-considered, *ad hoc* decisions when it is pushed into a corner by a pressure group. The Premier tries to be all things to all men. His ego is such that his personal popularity seems to be all that counts in his life and in the government of this State. The immediate reaction of the industry has forced the Government to bring forward its hastily prepared bill. Now the Government has been inundated with telegrams of protest. As the honourable member for Tamworth said, the Opposition parties have received similar telegrams.

Will the bill cure the problem? The procedures outlined in schedule 1 to recover fines by civil action will be a long and tedious process which will prolong the time taken to ensure that the law is observed. I bet my boots on the possibility of the illegal egg producers making sure that they have no property to attach; they will transfer items so that they will not be the owners, or sole owners, of property to be sold up. I believe the prospects of recovering fines will be small indeed, either by way of attaching property or, as the Minister pointed out, by other means of getting it from income. Consumers should realize that the promise by the illegal egg producers to sell cheap eggs to the community is not the truth. The honourable member for Tamworth pointed that out. The advertisements of the New South Wales Poultry Farmers Defence Committee, which appeared in the press yesterday and in the Mirror today, do not indicate how they will do this. At present surplus production under quotas is processed and sold mainly overseas to developing countries at a cheap rate. The return to the producers is small, so the consumer is subsidizing the overseas market, just as it would be necessary for the consumers to subsidize cheap eggs if these eggs would be sold by the illegal producers. It is obvious that they will be sold if these

people are allowed to continue in the way that they have over a period of time. The public should know that consumers will have to pay, and the Minister has a responsibility to let the public know that.

Schedule 2 is necessary to protect the present demoralized inspectors of the Egg Marketing Board who have been subject to threats, harassment and indignities by many illegal egg producers. I have been told by my constituents of this harassment of the inspectors over a long period of time. The inspectors have been without support from the Government by whom they are employed and whose laws they have been attempting to uphold. The honourable member for Tamworth spoke about schedule 3 and I do not want to dwell on the increases in penalties proposed, except to comment that though I do not want to be pessimistic I do not believe that any figures put into the Act for breaches will be of any value unless the Government can come up with some better and faster means of enforcement than the bill now provides.

Mr FREUDENSTEIN (Young) [5.12]: I wish to speak briefly on the bill for I have given an undertaking to my constituents, particularly egg producers and consumers, that the bill will have a quick passage through this House. I speak now lest the action of a few rebel farmers return this industry to the bad old days of the 1920's, 1930's and early 1940's, when the Sussex Street merchants virtually controlled all industries of this nature and we witnessed great fluctuations in price that benefited them but not producers or consumers. We do not want to see a breaking-down of the system and a return to those bad old days. Having been a producer, not of eggs but of other commodities formerly controlled by the Sussex Street merchants, I fear a return to that era by any industry.

I support the comments of the honourable member for Tamworth and the honourable member for The Hills about the Premier's action on 6th March which was, I suppose, a carefully orchestrated act to draw the attention of the farmers in the industry and some consumers to himself and to a bill that he proposed to bring into this House. It has denied justice to those who have charge of prosecuting these farmers and it has frustrated the inspectors and allowed to go free men who were breaking the law. That is because the fines imposed on them were less than \$500 and it is not possible to pursue sums less than \$500 in the bankruptcy court or in civil action to bankrupt people. So these people have virtually gone free for their past offences and the Egg Marketing Board now has to institute new prosecutions against them.

I emphasize that New South Wales consumers have enjoyed the cheapest eggs in the Commonwealth. They get their eggs cheaper than people in any other State. Had the price of eggs followed the Sydney food retail price index, the price of standard hen eggs today would be \$1.58c a dozen. In fact, the price is considerably less. The rebel group of people who are breaking the law today would have endangered the price stability of eggs and increased the price considerably. It has been pointed out that the production of eggs in New South Wales is 81 million dozen a year. Local sales of fresh eggs amount to 56 million dozen. Some 8 million dozen are processed locally. That leaves 17 million dozen, of which 10 per cent has to be retained as an excess in order to cover fluctuations in production so that fresh eggs are always available to the housewife. About 17 million dozen eggs are being processed, either dried or pulped, for export, for which the producer gets some 20c a dozen, though the cost of production is between 50c and 60c a dozen.

That 20c a dozen has to be financed either from profits to the producer or by an extra charge on the housewife, so the greater overproduction we have, the greater the cost to the producer and to the housewife. This fact should be borne in mind when one sees ridiculous requests in the press addressed to persons in the street, who do not understand the industry at all, to sign petitions protesting to the Government.

Another advertisement suggests that it is a crime to sell eggs direct from the **farm** to the consumer. This is not so. Over one-third of the eggs produced in New South Wales are sold direct, either to the consumer or through a retail agency. They go direct from the farm. All that is required of the producer is the keeping of a record so that the Egg Marketing Board has that much control over the eggs that are being produced. These people on the fringe of the industry are costing the industry and the housewife a great deal of money.

I speak at this stage to urge that this bill be passed quickly through the House. It provides for increased fines. I am pleased to note that they are considerably increased—for example, from \$500 to \$2,000 in one instance and from \$100 to \$500 in another. I presume that this is to fit in with sections of the Bankruptcy Act. It will now be possible to pursue these people in the civil courts. This part of the bill deals with the matter of fines and eliminates imprisonment, which was a bad provision in the Act. When a fine is not paid, henceforth it will be possible to pursue the debt in a court of petty sessions and to recover it. The rest of the bill contains the schedules which provide for increased fines. The measure has the strongest support of my colleagues and myself, and we shall assist in its speedy passage.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [5.18], in reply: I want to deal with some of the matters that were raised by honourable members opposite. The first is the question of precedent that was raised by the honourable member for Tamworth who led for the Opposition. He mentioned the road maintenance tax as one example, and also the new meat industry authority legislation. I point out to the honourable member and the House that, as was stated by the Premier, this matter has been before Cabinet for its consideration for some time. Also being considered is the general question that he raised. I believe the public generally considers that gaol sentences should not be imposed for offences of this sort, even when they are sought by the offender to gain some public **support** for an action that would otherwise be completely barren and have no public support whatever. Those matters about which there may be some concern as to precedent are being examined actively and I expect that this sort of provision may extend into other legislation.

The Premier's action has come under some criticism, and some stupid motives have been attributed to him this afternoon. Irrespective of what members of the Opposition might think the Premier's motives were, the fact is that the Government, the Premier, and I as the responsible Minister will not be seen to be arrogant in relation to the affairs of the people of New South Wales. We listen to the voice of those that we as the Government represent. It is obvious that a large number of people in this State think that gaol should not be the end result of failure to pay fines for this class of offence. The Government believes that the proposed amendment will be effective in the enforcement of the law, despite the fears expressed by the honourable member for The Hills. There is not much news value in the issue of a garnishee order. I cannot imagine television cameras being focused on that sort of event. Persons who produce eggs illegally are getting a significant income from doing so. A garnishee order will be sought in relation to that income for the recovery of fines not paid for an offence under the Act or under the Marketing of Primary Products Act, which honourable members will be asked to consider later this afternoon.

For the benefit of the news media and those who consider there is some merit in the argument of these farmers, I point out that the matter was considered and dealt with in the **Berman** committee report. Mr **Berman**, S.M., examine the position of Mr and Mrs Galea and others. After looking at all these cases, Mr **Berman** said that no increase should be granted in their quotas. Mr Tebbutt was one of those dealt with in the report, and a recommendation **was** made for some increase in his quota. The

increase was made as recommended. Other persons have been given some publicity in connection with this matter. I refer particularly to Mr Perish. He made a lot of allegations to me about maladministration, and worse, by the Egg Marketing Board, and about matters associated with the industry. I have gone to a great deal of trouble to refer to the Auditor-General and to other public officials as a result of those allegations, and have found them to be without substance. Mr **Berman** made the following statement about A. and F. Perish and Son:

Allegations were made in Mr Perish's submissions of malpractice, the issue of bogus quotas by a **corrupt** administration, fraud, embezzlement and fabrication. There is no evidence to support these assertions. The base quota of the partnership was fixed in accordance with section **23** and no application for a review was made to the Review Committee on the basis of incorrect calculation or any other ground.

It should be clearly understood that the Government and I have made every effort to give all those associated with the industry a fair and impartial hearing on **their** claims. Despite that fact, a handful of people remain who can be described only as fanatics. The Government will not allow them to bring down the Egg Industry Stabilisation Act in this State and in every other State of the Commonwealth. The legislation is important to the industry and to consumers. We should not lose sight of the fact that consumers benefit from orderly marketing, just as producers do. I do not believe that any rational man or woman, any consumer, any housewife, or any ordinary working person who is paid under an award fixed by a court, expects a farmer to supply his labour and investment for less than a fair return, provided he is efficient. If he is efficient, we as a Government and, I am sure, every member of the community would **want** him to make a reasonable living from his endeavours. That is all that is proposed in this and other measures concerned with orderly marketing.

Some unconscionable attempts have been made to intimidate inspectors who are trying to do a job in accordance with an Act passed by this Parliament. I regret very much that threatening telephone calls should have been made, **muffled** revolver shots simulated—and much worse. I describe some people as animals in their resistance to this law. I for one will not countenance such behaviour and intend to ensure that inspectors in the execution of their proper duties are given the protection of the police force of this State through the obtaining of a warrant, if that is necessary. I say to honourable members opposite who are sceptical about the practicality of the bill that it will work effectively, and with public support will work more effectively than would otherwise have been the **case**.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Day.

MARKETING OF PRIMARY PRODUCTS (AMENDMENT) BILL

Second Reading

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [5.27]: I move:

That this bill be now read a second **time**.

The objects of this bill are, first, to provide that where a person is **fined** under the Act he shall not be liable to imprisonment in default of payment, but the amount shall be recoverable as a debt in a court of petty sessions. Second, the bill will increase the maximum penalties **under** the Act. The New South Wales Egg Marketing Board was established under **the** Marketing of Primary Products Act to control the orderly marketing of eggs. Eggs are vested in the board in a manner similar to other primary produce vested in marketing boards. The board is charged with the responsibility of marketing the vested product and the purpose of the Act is to ensure orderly marketing. Some producers who have been convicted of offences under the Act have elected to go to gaol rather than pay the fines and costs imposed by the court. This amendment will convert any unpaid fines and costs into a civil debt recoverable in a court of petty sessions.

I now turn to the clauses of the bill. Clause 1 is the short title. Clause 2 contains two schedules. Schedule 1 will convert a default in payment of any fines or costs into a judgment of a court of petty sessions under the Courts of Petty Sessions (Civil Claims) Act, **1970**. Schedule 2 will increase substantially the maximum **penal-**ties under the Act. For example, the penalty for obstructing an authorized person inspecting records is to be increased from a **maximum** of **\$100** to **\$1,000**. This bill, together with the amendment to the Egg Industry **Stabilisation** Act will ensure that the board, which has been elected by producers, can carry out the duties that the legislation has imposed on it. I commend the bill, which is really cognate with the measure previously before honourable members.

Mr PARK (Tamworth) [5.28]: Schedule 1 contains amendments to the Marketing of Primary Products Act, **1927**, relating to the enforcement of conditions and orders. Again I express concern about the possibility of the process of enforcement being a bit too slow. Schedule 2 sets out the increased penalties in line with the amendments made to the Egg Stabilization Act. Again, I say that the penalties will be no more effective than the means taken to recover them. The Marketing of Primary Products Act and this amending bill affect thirteen boards in this State—if we include the sheep meats board, which has been in recess **since** December, **1975**. Currently twelve boards are functioning efficiently in New South Wales. The Act is designed to promote primary production by means of the operations of marketing boards which represent consumers and producers of certain products. Directly or indirectly, the Act affects producers, manufacturers, processors, retailers and consumers. Also, it affects people engaged in some commercial enterprises, for example, those engaged in the breeding and production of various seeds for use for commercial purposes. Also, it affects enterprises engaged in the supply and marketing of seed to primary producers.

The people engaged in commercial enterprises of this type are part of an efficient organization. Many commercial enterprises of this type conduct their operations in a scientific manner and they impart much scientific knowledge to the primary producers who use their seeds. Some commercial enterprises are engaged in purchasing seed from primary producers. They clean the seed, grade it and then market it to other growers. They are also involved in the production of stock feed for consumption by poultry, pigs and other animals. Many of these enterprises are members of the Rural Marketing and Supply Organization, which is a well-respected body whose members operate in a highly efficient manner. In dealing with this measure we must ensure that private enterprise, as it operates in our great primary industries, is able to function and prosper.

Our primary producers, manufacturers, processors and commercial undertakings should be able to trade freely with each other. Though the provisions of the Act must be enforced, we must ensure that these new amendments will not obstruct or

impede orderly marketing. That is regulated by the twelve important boards I have mentioned already. I am concerned about the time it might take to enforce the new provisions of the Act. It is useless to impose fines and threaten people unless positive action is taken. The Marketing of Primary Products Act is an important piece of legislation. It is absolutely vital that private enterprise should be preserved within our system of primary industries.

Primary producers should be able to carry out their responsibility to feed the people of this nation and supply an expanding export market as the world **population**—particularly in South-East Asia—increases. At the same time we must ensure that the provisions of that Act, particularly those that regulate grower boards and production outlets, are enforced. I expect that further comprehensive amendments will need to be made to the Act. I hope that the Minister and the Government will bear in mind what I have said about the bill. The Opposition will certainly be watching the position closely.

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [5.35], in reply: I propose to deal with only two of the matters raised by the honourable member for Tamworth. The first concerns the time taken to enforce the provisions of this measure. It will not take any longer to go through the new system than it takes to go through the gaoling procedure. Once non-payment of a fine is established, it will not take any longer to obtain judgment under the civil procedure and for a garnishee order or a writ of execution to issue than to follow through the gaoling procedure. There will be little difference in the time factors of the two procedures. I do not expect any problem to be encountered in this respect.

The honourable member for Tamworth mentioned in general terms the Marketing of Primary Products Act. At present, with the officers of my department, I am having a look at certain proposals that will be put before primary producer organizations initially and then before bodies such as the Rural Marketing and Supply Organization for consideration. I emphasize that those proposed changes, which are the result of twelve months investigation and consideration by the department, will not be part of Government policy until they are embodied in a bill. Any suggestions will be circulated to primary producer organizations and other bodies for their comment. It is the policy of the Government to obtain information and reaction to measures as important as the Marketing of Primary Products Act before legislative action is taken. I assure the honourable member for Tamworth that he and the other people involved in the industry will be given the opportunity to comment upon any proposals before they **are put** into legislative **form**.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, **bill** read a third time, on motion by Mr Day.

MAIN ROADS (VEHICLES) AMENDMENT BILL LOCAL GOVERNMENT (VEHICLES) AMENDMENT BILL

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would preclude the Main Roads (Vehicles) Amendment Bill and the Local Government (Vehicles) Amendment **Bill** being treated as **cognate** bill and (a) one question

being put in regard to, respectively, the second readings, the Committee's report stage, and the third readings of the bills together, and (b) the consideration of the bills in one Committee of the Whole.

Second Readings

Mr COX (Auburn), Minister for Transport and Minister for Highways [5.38]:
I move:

That these bills be now read a second time.

The bills, which are being treated as cognate bills, make a number of amendments to the Main Roads Act, 1924, and Local Government Act, 1919, in order to introduce several of the recommendations of the Study of the Economics of Road Vehicle Limits which was published in 1975 by the National Association of Australian State Road Authorities, or NAASRA as it is commonly referred to. NAASRA is made up of the heads of all State road authorities and representatives of the Commonwealth. New South Wales is represented by the Commissioner for Main Roads. The NAASRA study was commissioned in an attempt to work out a basis for the rationalization of widely differing State standards.

The main concern of the study was the relationship between the dimensions, load and design of buses and trucks, and road damage. It was concerned also with methods of policing overloading in order to reduce road and bridge damage, to improve road safety and for other aspects of vehicle operation. I must say at the outset that I am pleased to be the Minister responsible for introducing this important step towards nationwide uniformity. In a way, it ranks with the moves towards rail gauge standardization as a major advance in improving the efficiency of the whole transport system.

The NAASRA study was conducted by a large team of engineers, economists and other professionals. Although it was not perfect, it provided a valuable basis for interstate discussion. The study report is a public document, which has had wide circulation. I am sure that many honourable members have examined it in detail. The report contains some sixty specific recommendations. However, it would be quite impracticable for me to deal with each recommendation individually. In broad terms, the recommendations centre on the vehicle mass and dimension limits that should apply nationally, and on a range of complementary measures. As honourable members know, the road freight and road passenger industries have been disadvantaged by past interstate variations. Similarly, governments and local communities have experienced severe difficulties from overloading and, in some cases, from the use of inadequately designed vehicles.

Recognizing the advantages of the NAASRA study and the importance of such problems, the **Ministers** for Transport of all States adopted the **recommendations** of the study at the February, 1977, meeting of the Australian Transport Advisory Council. This was an intergovernmental and cross-party consensus and I would expect that members of the Opposition would recognize the importance of the proposals and support the provisions of the bills. On 28th December, 1977, I announced that the New South Wales Government supported the implementation of the NAASRA principles. In addition to these bills, implementation of the NAASRA recommendations **will** require amendments to the motor traffic regulations and to ordinances under the Main Roads Act and the Local Government Act to provide for the specific vehicle dimension **and** load limits. I shall make further mention of these later. I must add that I have discussed the proposals with all sectors of the road transport industry and have received many representations from local councils, interested groups and many **honourable** members.

The proposals have strong support. The industry in particular is keen to have the new arrangements implemented, although it is also accepted that the benefits of the NAASRA package to the operators must be balanced by better regulation, especially increased and wider penalties. It should be noted also that the Government supports the concept of a balanced transport system. Its policies are aimed at achieving a fair and effective balance between rail and road use. The Government is of the view that maximum efficiency in transport can be accomplished only by the transport task being undertaken by the best mode in the particular circumstance. Furthermore, co-ordination should occur with transport in all its forms and not just for particular purposes.

Although the road freight industry will benefit from the NAASRA recommendations, suitable steps have already been taken to improve the operating basis of the railways, including track, locomotive and rollingstock upgrading and the establishment of regional freight centres. The NAASRA recommendations relating to buses have already been implemented. These did not require legislative action but rather were effected through amendments to ordinances. These bills deal with the two recommendations which require amendments to the respective principal Acts. For the purposes of explanation, I shall refer now to the Main Roads (Vehicles) Amendment Bill, 1978, and make appropriate comments on the Local Government (Vehicles) Amendment Bill later.

The first object of the bill is to increase substantially the existing **maximum** penalty which may be imposed in any ordinance made under the authority of the Act. The main purpose behind this **proposal** is to provide a more realistic penalty for a breach of ordinance No. 30c. The ordinance in question **defines** load limits for vehicles using main roads with the object of preventing damage to such roads caused by heavy vehicles. The present maximum penalty of \$400 for offences relating to overloading was set down in 1957. During the year ending 30th June, 1977, 61 857 vehicles were stopped by road authorities in this State and were checked. As a result, there were during this period 10 032 convictions for overloading offences. The average penalty imposed in respect of each conviction was \$105.61, including court costs.

The authorities have noted that the proportion of convictions which involve grossly excessive overloading has steadily increased over recent years. In fact, the number of convictions involving an overload in excess of 3 tonnes has risen by 14 per cent in four years. It has become apparent that the penalties being imposed upon detection and conviction are no longer sufficient deterrent to some unscrupulous vehicle operators. These operators consistently breach the prescribed load limits simply because it is economically advantageous to regard the fine—if they are detected—as a relatively minor operational cost which is more than justified by increased revenue. Reputable operators rightly complain that they are at a competitive disadvantage. The low level of penalty at present incurred contributes in no small way to this situation. The community costs in terms of road damage, safety, air pollution, noise and the like require effective action.

The NAASRA report highlighted the serious damage that road pavements and bridges are liable to suffer, in addition to safety problems, as a result of the activities of overloaded vehicles. The report emphasized that the damage caused is much dependent on the amount of the overload. It recommended that the **scale** of fines in all States be directly related to the amount of the overload; that the level of fines be reviewed so they are at least comparable with the current levels in South Australia; and that the levels of fines be reviewed at least every five years to ensure that fines are a sufficient deterrent. Although the Government agrees with the spirit of these recommendations, it is not generally in favour of *pro rata* fines for offences as these could be seen as depriving magistrates of discretionary powers in imposing penalties

Mr Cox]

for offences. Accordingly, the increase in the level of fines proposed, that is, to a maximum of \$1,000 for a first offence and a maximum of \$2,000 for a subsequent offence, is considered realistic at this time. Such an increase is also consistent with the NAASRA report's recommendation, without restricting magisterial discretion in imposing a penalty.

The second object of the bill is to provide for a power to require an operator of a vehicle which is checked and found to be heavily overloaded in respect of either the axle or axle group weight or the gross vehicle weight, to reduce or adjust the load before he continues his journey. This type of provision is commonly referred to as an off-loading provision. It may assist honourable members if I relate some of the history and background of the proposal.

In a State the size of New South Wales, it has not yet proved feasible to set up a system which would ensure that every overloaded vehicle is detected. In addition, at present, even after a vehicle has been weighed by the authorities and found to exceed the prescribed load limits, the driver cannot be prevented from continuing his journey with that overloaded vehicle even though he may intend travelling great distances and may cause severe road and bridge damage. Other States and other countries have already recognized the weakness of the type of situation which exists in New South Wales and have found it necessary to provide legislation for off-loading of overloaded vehicles. New South Wales is the only Australian State without off-loading legislation.

In 1974, detailed discussions were held by the Department of Main Roads with the former Master Carriers Association of New South Wales, which is now called the New South Wales Road Transport Association, concerning the introduction of off-loading provisions in this State. Sir Charles Cutler, a former Minister for Highways, was in agreement with the proposal. The association agreed generally with the department's proposal, provided that the level of overload beyond which the off-loading provisions could be implemented would be at least 10 per cent. **This** has been included in the present proposal and protects the rights of owners and drivers who have accidentally overloaded to a relatively minor degree. In addition to the above matters, the NAASRA study referred to earlier in my speech recommended that:

Off-loading of heavily overloaded vehicles be made mandatory and the necessary steps taken to see that such instructions are actually **carried** out.

I have endeavoured to put before honourable members some of the facts relating to the history of the proposal so that they may understand the serious problems which the provisions of the bills are designed to overcome.

I shall now explain in some detail the main provisions of the bills, referring first to the Main Roads (Vehicles) Amendment Bill. Clauses 1 and 2 of the bill deal with machinery matters. Clause 3 contains the two substantial matters I have already referred to, namely, increasing the penalty limit and providing for off-loading **and** related matters. Subclause 3 (a) (i) is a machinery matter. Subclause 3 (a) (ii) replaces the present maximum penalty of \$400 with \$1,000 for a first offence and \$2,000 for a subsequent offence. Subclause 3 (b) contains the wording of a new section 51A to be inserted into the Main Roads Act, 1924, as amended. This new section deals with off-loading and consists of fourteen subsections, which I shall now explain. I remind the House that the corresponding new section in the Local Government Act is section 277B.

Subsection (1) of proposed new section 51A is a machinery matter. Subsection (2) provides for a situation when a vehicle using a main road has been found to be more than 10 per cent over the prescribed road limits. In such a circumstance, an authorized servant of a council, a servant of the Commissioner for Main Roads or a

police officer may give the driver or person in charge of the vehicle one or more of the following directions: that he shall within a specified time reduce or adjust the load to within the prescribed road limits; that he shall drive the vehicle to a designated place within a distance of 20 kilometres or within such distance as is reasonable in the circumstances; that the vehicle shall not be driven on any road until the load is reduced or adjusted to within the prescribed load limits; and that he shall not leave any part of the load at a place other than one approved by the authorized officers. This last provision is aimed at preventing the dumping of loads.

Subsection (3) of new section 51A provides that a person shall obey any of the above directions and provides that failure to do so makes him liable to a maximum penalty of \$1,000 for a first offence or a maximum of \$2,000 for a subsequent offence. Subsection (4) provides that, when a person fails to obey any of the above directions, either or both of the following powers may be exercised: any member of the police force or special constable may drive the vehicle or arrange for it to be driven to a place designated by him; and the vehicle and the load on it may be impounded by any member of the police force or special constable and retained at a designated place until the load is reduced or adjusted to come within the prescribed load limits.

I assure honourable members that only experienced and specially selected weight-of-loads inspectors of the Department of Main Roads will be appointed special constables to exercise the powers of this provision. These powers are considered to be reasonable and consistent with the usual abilities of authorities of the Crown in protecting and preserving public rights and facilities. The Department of Main Roads already has certain officers empowered as special constables under the Police Offences Act, as have other departments and statutory authorities, to assist with the execution of their duties. Subsection (5) of new section 51A provides for the circumstances where the driver or person in charge of a vehicle fails to obey a direction to weigh his vehicle. In such a circumstance, either or both of the following powers may be exercised: any member of the police force or special constable may drive the vehicle to a designated place and weigh it; and the vehicle and the load may be impounded by any member of the police force or special constable at a designated place. Where the vehicle is impounded and it is found that the load does not exceed the relevant load limit by more than 10 per cent, the vehicle and load will be released to a person apparently authorized to claim them.

Alternatively, where the vehicle is impounded and the load is found to exceed the relevant load limit by more than the prescribed proportion, the vehicle will not be released until the load is reduced or adjusted so as to come within the prescribed limits. It has been the experience in other States that often vehicle operators would prefer to be fined for refusing to obey a direction than to interrupt their journey by being forced to off-load. Subsection (5) is designed to avoid such a deficiency. Subsections (6) and (7) will empower a court to order a defendant in proceedings for an offence under the section to pay costs associated with the exercise of the powers under the section.

Subsection (8) provides that a person shall not be convicted of the offence of not obeying a direction to reduce or adjust his load in accordance with subsection (2) if he can show it was impossible for him to comply with or to arrange compliance with the direction. Subsection (9) provides that a person shall not be unreasonably denied access to an impounded vehicle for the purpose of reducing or adjusting the load. The subsection provides also that it is the duty of the impounding police officer or special constable to take all reasonable steps to arrange for the driver or person in charge and other appropriate persons to be promptly informed of the location of the vehicle.

Mr Cox]

Subsection (10) of new section 51A will make it an offence for a person to remove an impounded vehicle without the authority of a police officer or special constable. It is considered essential that this subsection be included because it is quite likely that vehicles may be impounded in isolated locations where constant supervision is not possible. Subsection (10) provides for a maximum penalty of \$1,000 for a first offence and a maximum of \$2,000 for a subsequent offence. Subsection (11) provides that no person shall assault, resist or hinder a member of the police force or special constable in the exercise of any power under section 51A. Maximum penalties of \$1,000 for a first offence and \$2,000 for a subsequent offence are provided. Subsection (12) provides that the Crown or any other person is not liable to the driver or person in charge of a vehicle, or to any person, for any loss or damage caused by or arising out of the exercise or purported exercise in good faith of any power conferred by the section. I might point out to honourable members that the subsection is not intended to protect the Crown or any person against negligence. Subsections (13) and (14) deal with machinery matters.

The provisions of the Local Government (Vehicles) Amendment Bill, 1978, are identical with those of the Main Roads (Vehicles) Amendment Bill except that new section 277B provides that off-loading powers will apply to public roads other than main roads, and will be exercised by any proper servant of a council or any member of the police force. The increased penalties for overloading and the new off-loading powers are major elements in the NAASRA study's general package for an improved regulatory framework for the road-freight industry. Other important elements will be introduced through amendments to the regulations made under the Motor Traffic Act and to ordinances made under the Main Roads Act and the Local Government Act. These amendments have been drafted and their introduction will be expedited.

Such changes include a requirement for new vehicles to have approved suspension systems, and increased maximum dimensions, and in approved cases, increased maximum load limits. At present a new maximum gross vehicle weight limit of 36 tonnes is being adopted. Western Australia has adopted a limit of 38 tonnes. New South Wales and other States are following the NAASRA recommendation that consideration be given to 38 tonnes only when experience with the new regulation is properly assessable. This would take up to three years. I emphasize that the dimension and load increases are designed to balance the need for technological change with improved truck design standards. Thus road protection, road safety and other aspects affecting the community will not be compromised. It is intended, nonetheless, that a most careful watch will be kept on the effects of the new policies on both new and existing vehicles, and to this end community attitudes on this matter will be as carefully evaluated as they have been in the past. The NAASRA study in this regard was comprehensive and I assure honourable members that every effort has been made to devise policies that will satisfactorily meet the special requirements of this State. It is clear from the discussions that I have had with the relevant trucking associations and the Transport Workers Union that we have their total support for these measures, which I commend to honourable members.

[Mr Speaker left the chair at 5.57 p.m. The House resumed at 7.30 p.m.]

Mr VINEY (Wakehurst) [7.30]: First I want to record my thanks to the Minister for his courtesy in making a copy of his second-reading speech available to me. As he said, there are certain technicalities in the legislation. There is unanimity between the Government and the Opposition in ensuring that these bills go through without delay. I make it clear now that the Opposition is not opposing the legislation and will not be seeking to make any amendments. Nevertheless, I intend to take

certain points briefly in regard to these two cognate bills. What I am about to say is not a criticism of the Minister but an illustration of the truth of the statement that though the mills of God grind slowly, yet they grind exceeding small.

When one considers the economic future of this country, the dedication of experienced officers and the recommendations that they should make, and the time that elapses before those recommendations can be put into action, what is revealed is a great condemnation of the whole political system of this State. The Minister said that the purpose of the bill was basically to allow the implementation of the NAASRA recommendations with a view to bringing about greater uniformity in road transport vehicle standards, loads, specifications and the like. The NAASRA recommendations fall into two parts. The first part relates to new regulations and ordinances to bring about uniformity. Those necessary administrative actions could have been taken and will still be taken under existing legislation. They will be taken under the Motor Traffic Act, the Department of Main Roads Act and the Local Government Act—in particular section 277A which provides for the making of ordinances in regard to the weights of vehicles using roads other than main roads. What I am saying is that all that could have been done from the time the NAASRA recommendations were first brought to the public gaze in October, 1975.

In July, 1976, at a meeting of ATAC Ministers, there were moves to have those recommendations adopted. I am not critical of the Minister, who played it cool on that occasion because he had been the Minister for only a short time and sought time to consider the matter. I simply say that what is to be done in regard to new regulations and ordinances to bring about uniformity between the States and to overcome discrepancies between the States in vehicle loads, weights, widths and other things will be done in this State under Acts already in existence.

The second part of the NAASRA recommendations relates to new penalties for overloading and the provision for off-loading. These provisions were necessary even before NAASRA brought down its recommendations. I have said that I am not attempting to be critical of the Minister. In his second-reading speech he intimated that the transport operators talked to Sir Charles Cutler in 1974 and Sir Charles agreed that there ought to be a tightening-up of penalties for overloading and provision for off-loading. It is now 1978. The significance of that delay I shall bring out by reference to some technical papers dealing with the damaging effect of overloading.

I do not know whether the Minister is aware of Datex Co-operative Limited, a research organization functioning in the Hunter Valley. The credentials of the study group members responsible for the treatise *Trucks in Suburbs* are quite good. One gentleman is from the department of economics of the University of Newcastle, one from the department of mechanical engineering, one from the department of civil engineering and another from the department of civil engineering of the same university. The two remaining members are research officers from Datex Co-operative Limited. All these people are graduates in their disciplines and are Master of Economics, Master of Science, Master of Engineering, Member of the Institute of Engineers, Member of the Chartered Institute of Transport, and so on.

Dealing with the subject of overloading, these people have produced technical evidence. As a specific example, they quote the case of a dual-wheeled 8.2-tonne axle vehicle. A 10 per cent overload, bringing it up to 9 tonnes, causes 40 per cent more damage to the road surface than if it were operating at the legal weight. A 20 per cent overload causes 100 per cent more damage. A 30 per cent overload causes 175 per cent more damage and a 40 per cent overload causes 270 per cent more damage. I make those points because it is most important that everyone should understand that the delays in implementation of recommendations that have been agreed on by Ministers and based on scientific findings are costing the community money.

Mr Viney]

When one sees figures of this sort about road damage and takes into account the Minister's statement about the number of people who are overloading, one can understand that this is a good case of the mills of the gods grinding slowly and costing the community dearly. I sometimes feel that the people responsible for drafting new regulations should be financially accountable for the consequences to the community of any delay. They should be made to realize that their procrastination and resultant delays are costing the community dearly. It may be that a penalty should be imposed on them.

I turn to the NAASRA recommendations, which called for a review of penalties for overloading. They particularly commented that the level of fines should be urgently reviewed in all cases so that they would be at least comparable with current levels in South Australia. I have talked to people in the trucking industry, as I know the Minister has also. They may not have told him the same story as they told me. I understand from them that in South Australia there is a fixed scale of penalties. If a vehicle exceeds the prescribed weight by a certain amount, a fine is specified and it escalates according to the amount by which the overloading increases. There is no argument about it: an arbitrary penalty is fixed and must be applied by the magistrate. I am told that reputable people in the trucking industry want this sort of provision here. They say that in South Australia it has reduced the overloading of vehicles to a dramatic degree. Reputable truck operators want this sort of discipline because they are sick and tired of the fringe operator—the lurk merchant who overloads his truck and is an accident risk if he is encountered on the road.

The Minister in his second-reading speech confirmed that it is not much use merely increasing maximum penalties. He quoted the case of an offence for which the maximum penalty was \$400 though the average penalty imposed was \$105.61. Over and over again in this Parliament in a whole host of social matters we have heard statements made about what is the use of increasing the penalty if magistrates will not take cognizance of the Government's desire that the matter be treated more seriously. I quote from the authoritative document *Trucks in Suburbs*:

Since the potential costs of road damage caused by overloading are of such significance, it is in the interests of both local and State authorities to police the maximum axle loading regulations. Any fines collected through court action are returned to the policing body to be offset against the costs incurred. However, as fines tend to be low, direct costs of policing are never covered, constituting a deterrent to local councils in pursuing a vigorous load policing policy.

As an example, in a six-months period in 1976, Lake Macquarie Shire incurred direct costs of \$6,060 in policing load limits. Fines received amounted to \$3,100, resulting in a net loss of \$2,960.

Parliament increases penalties, but magistrates must exercise their discretion to give effect to the expressed will of the representatives of the people. Let me be blunt. Everyone knows of the practice whereby the person who is on certain charges looks for a sympathetic magistrate and manoeuvres in an effort to put the case in the best possible light when it goes to court. Magistrates have been shown in many cases and on all sorts of issues as tending to act irresponsibly in giving effect to the will of the Parliament.

The Minister, who I suppose has been advised by the Chief Stipendiary Magistrate or somebody else on this point, has been met with the response, "You cannot interfere with our discretion in relation to penalties". The record shows that to be the fact in many cases. It is obvious from the average penalty that magistrates do not understand their function in properly enforcing the provisions of the Act as a deterrent.

The Minister said that a truck driver would find it convenient to pay a fine if he were apprehended. That is why the off-loading provisions were introduced. I agree entirely with them, and so do responsible persons in the trucking industry. At the conclusion of his second-reading speech the Minister said the unions, truck operators and others were fully in support of the bill. I have no doubt that, in desperation, they were.

In July, 1976, the question of adopting the NAASRA recommendations was raised at a meeting of the Australian Transport Advisory Council. In November, 1976, I raised in this Parliament the fact that the Victorian Government had said it could not wait and that it would introduce the NAASRA recommendations by way of permit pending the introduction of the necessary regulations or ordinances in that State. The New South Wales Minister for Transport refused to follow that lead. A company was involved in bringing wine tankers into New South Wales. For the carriage of wine compartments must be totally filled and air excluded, otherwise the wine will oxidize. The vehicles in question could not operate efficiently under the existing regulations. They were compelled to run with less than a full load. It is a tragedy that the Minister for Transport and Minister for Highways did not follow the lead of his Victorian counterpart and use his discretion. I have here copies of the correspondence between the Minister and the Long Distance Road Transport Association. The Minister wrote in **October, 1976**:

While preliminary work is being done by Victorian departmental officials, I have been told that there is no intention of making any changes in the legislation before the Australian Transport Advisory Council makes a determination in relation to the matter in **February, 1977**.

It is now March, 1978, and we still do not have regulations or ordinances. **Subsequently** the Long Distance Road Transport Association wrote back to the Minister and said it expected that certain things **would** happen in Victoria. On 22nd November, 1976, the Minister again wrote to the association after I had raised the matter in this House. The Minister said:

I take your point about Victoria implementing the new limits from 4th November on a permit basis. However, I am disappointed that such has been taken before ATAC had considered the matter on a national level.

That is not true. ATAC had considered the matter on a national level in July, 1976. The Minister said he was unwilling to go along with the regulations at that time. I am not critical of him in that respect. He was new to his portfolio, he was a new Minister, and his hesitation does not suggest inefficiency. If I had been in his position, I too should have walked slowly.

The fact was that the road operators in New South Wales were being disadvantaged. Although the Queensland Government had not moved to introduce the regulations, it told the commercial vehicle industry that it could expect the national recommendations to be adopted in Queensland. There is an important lead time in ordering new equipment. The Queensland Government said to the industry, "If you have to place orders overseas for expensive equipment for which there is a lead time, place your order on the basis that the NAASRA recommendations will become part of the law of Queensland." The operators in New South Wales could not get a similar undertaking until December, 1977. The commercial vehicle people in this State, truck operators, the industry, and those who provide vehicles were left in a quandary about whether this State would go along with the recommendations.

We have reached the stage where the Minister has said that an ordinance will be introduced under section 277A of the Local Government Act. Why has it taken so long? Regulations under the Motor Traffic Act will be introduced, as I understand it. Within the past week the Department of Motor Transport has been consulting the industry to

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make sure that the regulations are framed correctly. Already some minor errors have been detected. Is it common sense to talk about these matters before promulgating the regulations and then having to correct them? Why has the New South Wales truck industry been so disadvantaged? These are some questions the Minister should answer. First, what vehicles will be excluded from the regulations because they do not comply? What tolerance will be allowed? In this respect I refer particularly to retractable axles and to the strong NAASRA recommendation that a retractable axle should not be included in the assessment of the maximum permissible load of a group that includes this configuration. NAASRA is quite adamant that the retractable axle does not conform in terms of equal load-sharing over all axles and all wheels.

When I visited the Wollongong area recently I saw heavily laden coal trucks belting down the main road. I shall give the operators the benefit of the doubt and assume that the trucks were loaded within the legal limits. On that occasion I observed some of these vehicles with their retractable axles in the air. It may be that the operators forgot to press the button and put the unit on the road. Perhaps the system was malfunctioning. The fact is that these heavily laden vehicles are destroying the roads on the South Coast. Honourable members need not take my word for it. I invite them to go to that area and observe for themselves the flagrant breaches that are taking place there. If they go to the Newcastle area they will see the same flagrant breaches being committed. NAASRA said that with retractable axles there is no way in which one can guarantee an equal spread of load over all wheels on the ground. The breaches to which I have referred are continuing to take place.

Some horrid people suggest that the delay in implementing the NAASRA recommendation was supported by groups that were operating vehicles with retractable axles, whose load-carrying capacity will be severely reduced. I understand that the proposed regulations contained an exemption provision in respect of that matter. Many people want to know whether the non-conforming vehicles that come here from interstate will be allowed to operate on our roads when the new regulations and amendments to the ordinances are in operation. A number of reputable operators are hoping that the non-conforming vehicles owned by companies based at Naracoote will suddenly find that they cannot cross the border. What happens in that respect will depend on whether enough inspectors are used to detect the breaches being committed by these people.

The Minister has said that not enough facilities are available to ensure that all people who overload their vehicles can be detected. The Minister has raised a relevant point because it seems that we are again entering into another demarcation-type dispute. Inspectors from the Department of Motor Transport operate radio-controlled vehicles. The sole function of many of these inspectors is to observe whether a person is driving on a prescribed route. Another function is to fix his position at a particular time to determine whether he is guilty of an offence under the provisions of the road maintenance tax legislation. Inspectors from the Department of Main Roads police the weight regulations in respect of our main roads. Local government inspectors have the job of policing that situation in regard to roads other than main roads.

If we look into the future, we must agree that there is a need to get rid of this demarcation nonsense. Everything must be done to try to bring together people whose functions are now separated. We do not want to see the continuation of the situation where a highway safety-patrol man, who functions in a particular area, may observe a vehicle travelling at an excessive speed but lacks the power to do anything about the fact that it may be overloaded. Nor do we want to see inspectors from the Department of Motor Transport waiting only to observe people travelling on a route which is not shown on the road maintenance returns.

There is a need for the community to get together and face up to the present disjointed position. The reputable people in the transport industry want overloading policed. They want compulsory off-loading where people are in breach of the regulations. These reputable operators know that the fringe operator is the accident hazard who can easily wipe out one of their own vehicles. I ask the Minister to give a great deal of consideration to framing the regulations. I know that he has received representations to take the limit up to 38 tonnes, as Western Australia has done. I believe that the Minister has seen a film demonstration showing that the six-axle rig with its braking capacity has a better stopping capacity with a 38-tonne load than a five-axle rig with a 36-tonne load.

The NAASRA recommendations were cautious in respect of this issue. Those recommendations stated that a provision in respect of 38 tonnes ought to come after the evaluation of the current regulations. I go along on the side of conservatism, although I have always thought that Sir Charles Court and the Government of Western Australia were conservative enough. May I suggest that the Minister look seriously at the road tax maintenance charges and not assess a vehicle on the basis of a 38-tonne capacity when it cannot legally carry that load. Let us not put a six-axle rig with a capacity of 38 tonnes into a road maintenance charge classification for a load that it cannot carry. If the vehicle is confined to 36 tonnes, let us keep it to 36 tonnes in respect of road maintenance charges, that is assuming that the Minister will not talk to the industry and find new solutions to these nonsensical road maintenance charge situations which exist today and certainly favour illegal operators.

I want to make but one final suggestion to the Minister. The two bills before the House make provision for vehicles to be driven by an officer of the Department of Main Roads or a special constable to a place for off-loading. Both measures state clearly that nothing in this provision authorizes people to drive a vehicle unless they are authorized under the regulations made under the Motor Traffic Act to drive vehicles of the class to which the vehicle belongs. I doubt whether there are many police officers and special constables from the Department of Main Roads who hold a class-5 licence, which is necessary for a driver to operate one of these big, interstate rigs and to take it to a compound for unloading.

The bill provides that people carrying out this operation are not protected from the result of their negligence. For that reason it is essential that people who are empowered to drive a vehicle in these circumstances should be properly licensed. One can envisage a situation where a driver may refuse to take a vehicle to a compound for unloading. In such circumstances the responsible officer himself would have to move the vehicle. For that reason, officers charged with the responsibility of moving a vehicle in these circumstances will need to hold a class-S licence. It may be that incentives will have to be provided for police officers or special constables to obtain such a licence.

The Opposition does not oppose the bills and it does not propose to move any amendments. It realizes that the provisions of these measures are vital to the industry. I hope the Minister in his reply will give some sort of a firm timetable for the introduction of the ordinances and regulations, which will be the subject of scrutiny by this Parliament after they have been gazetted. I sincerely hope that any anomalies will be corrected. The Minister undertook to my colleague the honourable member for Tamworth that if any regulation or ordinance were found to be ineffective or wrongly drafted, it would be amended immediately. The last thing I should like to say to the Minister is that, in the light of what I have said about penalties, I hope we still do not find magistrates handing out Mickey Mouse badges or granting a bond under the provisions of section 556A of the Crimes Act after the new regulations and ordinances come into force. The Minister should give serious consideration to ensuring

Mr Viney]

that magistrates impose the sort of penalties recommended by NAASRA. In that way we shall obviate the practice of people **looking** for a friendly magistrate **who** they think may let them off lightly after committing a serious offence. I remind the Attorney-General that recent press reports have indicated that he has been critical of magistrates' sentences.

Mr F. J. Walker: That is insulting to magistrates.

Mr VINEY: I invite the Attorney-General to read the Hansard report of what he has said in this respect in regard to penalties imposed for the commission of serious crime.

Mr FACE (Charlestown) [8.0]: I wish to congratulate the Minister for Transport and Minister for Highways on the introduction of the bill, which will assist in bringing to an end many of the problems that have occurred in the transport industry. Further, it will assist in bringing nation-wide uniformity to that industry. There is a need for the bill as in the past the many laws affecting the road haulage industry have differed in each State. One instance is the difference in laws in regard to the keeping of log books. They have now been made uniform in each State. I understand that the bill has wide support. I know that in the Newcastle area the Transport Workers Union supports the provisions of the bill. Contrary to the views of some people, that union is a responsible body, as are most owner organizations.

The measure will go a long way towards ensuring that the weight carried by vehicles is more evenly distributed over the axles. This should assist in preventing wear of main roads and roads controlled by various councils. For some time suburban roads, especially in Newcastle, have suffered great damage as a consequence of inadequate regulations. The cost of maintaining roads has reached tremendous proportions and has become a major problem for councils. To some extent the bill should overcome that problem. The comment of the honourable member for Wakehurst about Lake Macquarie shire is a good example. Although the cost of supervising road laws has been extensive, it has been offset by the fact that less has had to be spent on maintaining those roads as a result of the deterrent effect of the supervision.

Many urban roads were so constructed that they could not withstand the vehicular demands made upon them even ten years ago. The coal stabilization haulage rate, which was negotiated by the Transport Workers Union in Newcastle and the colliery proprietors, has had the effect of reducing road maintenance. This is one of the greatest achievements in recent years. It has benefited the community of Newcastle. Over the years drivers and owners of coal trucks have attracted a considerable amount of criticism. The stabilization haulage rate brought an end to the use by owner-operators of vehicles that were in disrepair, a practice that was common in the late 1960's and early 1970's. Owner-operators were inclined to ignore the law because of the low returns they were receiving.

The stabilization haulage rate has also resulted in properly-designed routes for the haulage of coal. It has brought some degree of control to the industry. More important, it has enabled operators to buy trucks that are properly equipped for the task. I think it can be said that heavy vehicles in a bad state of repair have almost disappeared from the streets of Newcastle. The scheme has brought with it a new age of truck haulage. The vehicles are better equipped and there is a greater degree of safety and efficiency, with consequent benefits for the community. Also it would seem that this has brought to a halt the silly practice of speeding that was in vogue some years ago. Now owners or drivers of these trucks are able to receive a reasonable return without having to break the law. A minority of fly-by-night operators caused the problem. As the scheme to which I referred brought with it safety and efficiency, so too will this measure, from a technical point of view, bring a great deal more safety to

the roads of New South Wales. I refer not only to coal trucks but also to the transport industry generally. Certainly it will assist the consumer, who inevitably pays for the haulage of goods.

In recent years the transport industry has suffered a dramatic rate of bankruptcy brought about by the policy of finance companies in underwriting the purchase of trucks upon payment by the purchaser of a small deposit. A minority of operators break the law when they go into the industry without sufficient financial backing. Unfortunately, the rest of the trucking industry is blamed for the practices of an unscrupulous and inconsiderate minority. For these reasons the penalties proposed in the bill will not be unwelcome to the sensible sections of the transport industry. Most drivers have nothing to fear from the changes to the regulations, but the penalties will act as a deterrent upon the unscrupulous minority. They are better out of the industry. In addition, the provisions for off-loading will make certain that the irresponsible minority can be brought to book. In the past it has been worth the risk to overload a vehicle as there was a good chance of getting away with it. The law permitted the driver of one of these vehicles to go merrily on his way after the vehicle had been weighed and found to be overloaded. I am pleased to learn that there will be increased supervision of the law. Once again the responsible section of the trucking industry has nothing to fear.

I suggest to the Minister that the bankruptcy rate in the transport industry warrants an inquiry, either at government level or by the industry. Some country people have expressed concern that they may not be able to measure their loads accurately enough to meet the provisions of the bill. From my knowledge of the trucking industry, with which I have been involved for the greater part of my life—although mainly in a supervisory capacity—I should say that the majority of people who operate trucks know quite well the load capacity of their vehicles, whether they are carting wet or dry loads of soil, coal, or sand or transporting timber or similar goods. The bill will afford operators a reasonable amount of leeway. Little criticism can be levelled against it. I am of the firm opinion that truck drivers have a great knowledge of the type of goods they carry and know from experience when a vehicle is overloaded.

There could be some apprehension on the part of the public that the Government is taking a backward step by increasing the permissible length and weight of large vehicles in New South Wales. I should like to clarify that point. I shall refer to the technical aspects a little later. Even though the vehicles will be slightly larger, the bill provides for their weight to be dispersed so as to ensure that they do not have as much detrimental effect on the roads they traverse. In Newcastle especially many residents have expressed concern about the operations of coal trucks. Some of that concern has been well founded. The coal stabilization haulage rate should rectify much of the problem.

Some people would have you believe that every truck using a public street is a coal truck. Those trucks represent only a small percentage of total truck movements in Newcastle. Although many trucks look like coal trucks, they carry other goods. Many interstate trucks pass through Newcastle and others bypass it. People need have no fear that because the length and weight of trucks is to be adjusted under New South Wales standards, they will be worse off for the change. From the point of view of economics, in the long term the public should profit from the provisions of this bill.

The Minister has outlined the background to the bills that form part of the proposed legislative action to implement the recommendations of the NAASRA study of the economics of road vehicle limits. He detailed the objects of the bills and intimated that complementary measures relating to specific weight and dimension limits would be implemented through amendments to the motor traffic regulations and ordinances made under the Main Roads Act and the Local Government Act.

Mr Face]

I propose now to mention a number of technical aspects of the **NAASRA** report and the particular details of the proposed weight and dimension limits. The objectives of the study were to determine the most appropriate weight and dimension limits and associated operational procedures that should apply across the whole of Australia. The study pointed to the need for large and heavy vehicles to be designed and equipped with adequate propulsion, braking, steering and suspension systems to operate safely and efficiently on the road system. The recommended limits take into account the cost of effecting improvements to deficient bridge and road pavements, the limitation on road finance and the safety, environmental and operational implications of larger vehicles.

I shall now deal with the more specific aspects of the **NAASRA** report. An important recommendation of that report is that legislation controlling heavy vehicles should specify that all axles should be provided with an approved suspension system and that within a multiple axle group an effective system of load equalization be provided. The **NAASRA** report recommends heavier loads on multiple axle groups only on the basis that the loading would be distributed uniformly between the axles in the group under normal operating conditions. In the past the absence of regulatory control of suspension systems has led to the use of many types of suspension systems on multiple axle groups, which the study showed to be most damaging to road pavements and bridges. The practice of providing retractable axles in multiple axle groups has proved to be one of the most undesirable design features relating to enforcement and regulation avoidance. The ability for such axle arrangements to be retracted places all of the load on the remaining axle or axles, thereby increasing the loads on these above the legal limit which, in operation, causes severe pavement and bridge structure damage. In the future retractable axles will not be allowed on new vehicles and phasing out of existing vehicles with such axle configurations will be undertaken. Vehicle manufacturers strongly support the Government's proposals.

A further recommendation on axle groups was that the widespread tandem axle configuration be discontinued and the maximum spacing for tandem axles be 1.6 metres. Vehicle designers and manufacturers have strongly indicated their dislike for the widespread tandem axles in view of the design requirements for braking, suspension and load equalization. Although some operators have taken advantage of the load advantage gained for this axle configuration, particularly in Victoria, there are serious adverse operational and maintenance characteristics of these configurations. On tight turns severe tyre scrub and distortion occur which can cause severe damage to pavement surfaces.

Mr Viney: On a point of order. My point is that the honourable member is making statements about certain things being prohibited by regulations or ordinances that have not yet been gazetted. I fail to understand how he believes he is able to say that this, that or some other thing will not happen. He is making a speech as though he is the Minister for Transport, giving assurances that even the Minister has not given in his second-reading speech.

Mr Face: On the point of order. I am just outlining what is contained in the **NAASRA** report. My point is well established by it.

Mr Viney: Further to the point of order. The Minister has indicated that not all of the **NAASRA** report has been adopted. I take the point that the honourable member is making statements that this, that and the other will not happen. No one, possibly not even this Minister and his advisers, knows what exactly will happen in regard to the recommendations contained in the **NAASRA** report including whether they are likely to be modified. I simply make the point that in his speech the honourable member is making those positive statements.

Mr SPEAKER: Surely it would be inhibiting free speech in this Chamber if members were required to deliver speeches based entirely on the existing situation. Honourable members often make suggestions that may never be given effect to. I am sure that in referring to the NAASRA report the honourable member is only suggesting to the Minister that the implementation of the recommendations contained in it would be desirable or otherwise. I allow the honourable member to continue his speech.

Mr FACE: It is unfortunate that the honourable member for Wakehurst does not like to admit that another member might have done some research and have some knowledge on a subject about which he pretends to know a great deal. The NAASRA report recommends the use of an axle spacing-weight schedule in which the allowable weight is a function of the overall axle spacing. This schedule is used to control the loading of vehicles that are shorter than the maximum allowable length. This is necessary because a particular load carried on a short-wheel-base rigid vehicle would generate more severe stresses on a bridge than an articulated vehicle of longer wheel base carrying the same load. The report also recommended a gross vehicle weight of **36** tonnes, principally controlled by the weight schedule referred to. The report further recommended that consideration be given to adopting a maximum of **38** tonnes, subject to the introduction and enforcement of greater control on the safety and operational characteristics of heavy commercial vehicles. It is proposed to review this matter after three years.

The recommendations of the report dealing with dimensions of vehicles result in no changes from the present limits for vehicle heights and widths of **4.3** metres and **2.5** metres respectively. Vehicle lengths remain unchanged for buses at **12.2** metres, for rigid trucks at **11** metres and for truck-trailer combinations at **16.8** metres. However, the length of articulated vehicles will be increased from **15.3** metres to **16.0** metres subject to limits on certain internal dimensions. This recommendation provides an adequate total length in which a semi-trailer suitable for carrying a **12.2** metre container can be towed by the general range of prime mover units operating in Australia. This will give greater flexibility in vehicle design. The small increase in length from the current limit of **15.3** metres in conjunction with the limit of **12.5** metres set on the length of the semi-trailer will not result in any appreciable detrimental effects on safety and traffic operations. In fact, this change will allow the use of a long-wheel-base prime mover and this will improve the general operational suitability and safety of **the vehicle**.

I shall now outline the effects of the changes recommended by NAASRA in regard to specific axle load limits. The single axle, single tyre load limit will be reduced from the **5.6** tonnes to **5.4** tonnes. The single axle, dual tyres load limit will be increased from **8.4** tonnes to **8.5** tonnes. Multiple axle group loading **is quite** complex and I understand that it depends on the number of tyres on each axle, and so on. Therefore, it will not be possible for me to detail each case. However the largest resulting change is for an articulated vehicle having a single steering axle, a tandem axle on the prime mover and a tandem axle group on the trailer with an extreme axle spacing of **13** metres. Under the existing limits the gross vehicle weight is **32.7** tonnes, whereas a vehicle with load-sharing suspensions under the NAASRA recommendations can have a gross vehicle weight of **35.4** tonnes, an increase of **2.7** tonnes. In general, the combination of the axle load-group limits and the weight-spacing schedule results in little change in vehicle weights for New South Wales.

As many honourable members would be aware, the study report and its recommendations are very complex and technical. However, the implementation of the recommendations will have relatively minor effect on the weight and size of vehicles operating in New South Wales. I understand that existing vehicles which do not conform with the NAASRA recommendations will be allowed to continue to operate

under the present limits for eighteen months, during which time information will be gathered to gauge the effects of the proposals and to consider appropriate action to bring all existing vehicles into line with the NAASRA recommendations, especially vehicles with widespread and retractable axle configurations. Furthermore, in some situations, such as steep ramps leading on to punts, the spread of the axles can cause all of the load to be transferred on to one axle and the likelihood of resultant serious structural damage.

The report recommends, also, that triaxle groupings should be limited to a maximum of 3.2 metres between the extreme axles and that the three axles should be related by an effective system of load equalization. This arrangement would provide an efficient load carrying arrangement which can spread heavy loads evenly on to road pavements and structures and provide high stability and more effective and safer braking. Quadaxle groups will not be allowed on new vehicles in the future. Once again I compliment the Minister on introducing this bill. It is a progressive move that can only do good for the transport industry, both owner and employee, and the community generally.

Mr COX (Auburn), Minister for Transport and Minister for Highways [8.18], in reply: I should like to thank the honourable member for Wakehurst and the honourable member for Charlestown for their contributions to the debate. The honourable member for Charlestown is to be commended for his speech on the basis of the dimensions and weight limits that will come into existence when the regulations are gazetted. Those details are based on the NAASRA recommendations. The honourable member for Wakehurst also made a fine contribution to this debate. Like the honourable member for Charlestown, he has put a great deal of effort into the matters he raised here tonight.

It is true that I attended the ATAC meeting in July, 1976. That was two months after I took over the job as Minister for Transport. The NAASRA recommendations were raised at that meeting. As I was not in a position to put anything positive in regard to the NAASRA proposals I said quite early in that conference that I was not in a position to make a decision on this most important question. Thus the matter was stood over. All the other transport Ministers present made it clear that my decision was acceptable to them.

The honourable member for Wakehurst said that there has been delay and that Victoria dealt with the matter by issuing permits. But Victoria was placed in a much more favourable position than New South Wales because the weight scale in Victoria is different from ours, and fewer vehicles already registered were affected by the NAASRA recommendations. That is why we have allowed an eighteen months period of grace for existing vehicles to comply with the NAASRA proposals. I believe that is reasonable. If we were to say, "You will all comply immediately", there would be chaos in the industry, which appreciates that a period of eighteen months grace is being allowed. Victoria has none of those problems. Had I used a permit system I should have thrown the industry into chaos.

The honourable member for Wakehurst said that the industry did not know about this measure until December, 1977. The industry knew that when I had made up my mind I would be supporting the NAASRA recommendations. I told representatives of the industry of my attitude. I do not know where the industry got the impression that there would be any change. There has been no change. A decision was reached on that matter. The honourable member for Wakehurst also mentioned the penalties that may be imposed in South Australia. The fine there for the first tonne of overload ranges from a minimum of \$35 to a maximum of \$200. This is calculated as at least \$1.75 and not more than \$10 for every kilogramme over the load limit. The actual fine will be determined by the magistrate.

The decision in relation to the penalties outlined in this bill was made by the Government. It was considered that the magistrates should have a discretion. At least we have set the maximum penalty at \$1,000 for the first offence and \$2,000 for subsequent offences. Let me say, bearing in mind that the Government and the Opposition have supported the increased penalties in this measure, that if magistrates do not accept the spirit of the bill, and low penalties are imposed, I assure the honourable member that an amendment will be quickly introduced into this House to straighten out that situation. Neither I nor the Government propose to allow the prevailing situation to continue in which some operators are willing to run the risk and charge the penalty to the consumer.

The honourable member for Wakehurst mentioned Datex Co-operative Limited and its report on the matter of overloading. I am aware of those details. The significant point is that an overload of 1 tonne, from 8 tonnes to 9 tonnes, results in a 40 per cent increase in the amount of road damage. There is ample evidence to indicate that overloading causes massive damage to our roads. That is the reason for the introduction of this legislation.

I have dealt with the attitude of magistrates, the Victorian permit system and the fact that the industry was told of my decision and of the Government's decision. I have kept in fairly close contact with the industry, as has the honourable member for Wakehurst. I have also dealt with the period of grace of eighteen months for existing vehicles. The honourable member mentioned also the breaches of the regulations that occur in Newcastle and Wollongong. I think it should be mentioned that in November, 1973, a former Premier, Sir Robert Askin, when he visited the Wollongong area by helicopter, just prior to an election, said that Wollongong's road problems would be solved when coal was transported by rail after Christmas.

Mr Viney: He did not say which Christmas.

Mr COX: That is right. The fact remains that for some time Wollongong has been saddled with this serious problem of coal-trucks charging through the heart of the city. As Minister at least I have the Masters Road deviation under way and I have told the industry that coal-trucks must use that deviation. If they do not I shall introduce legislation into this House to make sure that they do use it. The honourable member for Wakehurst referred to regulations that are recommended in the NAASRA report and urged that the 38-tonne limit be introduced within three years. He also raised the subject of road maintenance charges and said that they should be applicable to the 36-tonne limit. I shall check on that aspect. The advice I have is that that is the current position. However, I shall follow that matter up.

The question of class-5 licences for special constables and main roads officers has already been considered by the department. Officers who are required to drive trucks that have been impounded need a licence to enable them to do so. I believe I have covered most of the matters that the honourable member raised. I thank the honourable member for Wakehurst for his contribution and for the support of the Opposition.

Motion agreed to.

Bills read a second time together.

Third Readings

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

DENTAL HOSPITALS UNION (REPEAL) BILL
 DENTISTS (DENTAL BOARD) AMENDMENT BILL
 PUBLIC HOSPITALS (UNITED DENTAL HOSPITAL OF SYDNEY)
 AMENDMENT BILL

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would preclude the Dental Hospitals Union (Repeal) Bill, the Dentists (Dental Board) Amendment Bill and the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill being treated as cognate bills and (a) one question being put in regard to, respectively, the second readings, the Committee's report stage, and the third readings of the bills together, and (b) the consideration of the bills in one Committee of the Whole.

Second Readings

Mr STEWART (Canterbury), Minister for Health [8.28]: I move:

That these bills be now read a second time.

As I intimated in my speech at the introductory stage, the principal objects of the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill, 1978, are to provide the United Dental Hospital of Sydney with a corporate status, and to vest the land occupied by the United Dental Hospital of Sydney in the Health Commission of New South Wales. The United Dental Hospital of Sydney is an unincorporated body constituted under the Dental Hospitals Union Act, 1904. It is subject to the control and management of a board of control appointed by the Governor pursuant to that Act and is a separate institution within the meaning of the Public Hospitals Act, 1929. All other major teaching hospitals in New South Wales are corporate bodies and the board of control of the United Dental Hospital of Sydney considers that the control and management of that hospital would be facilitated if the board were also given corporate status. The bill will permit of the granting of that status and includes special provisions relating to the United Dental Hospital of Sydney.

I shall now detail the provisions of the bill. Clause 1 contains the short title and clause 2 specifies the schedules to the bill. Clause 3 provides that the Public Hospitals Act, 1929, shall be amended as particularized in schedules 1 and 2. Clause 4 asserts that the word director in the context of section 24 (2A) of the Public Hospitals Act, 1929, is not to be construed to include a director appointed by the Minister.

I turn now to schedule 1 and the proposed amendments to the Public Hospitals Act, 1929, relating to the United Dental Hospital of Sydney. Item (1) makes a minor amendment. Item (2) provides that when an order is made pursuant to section 4 (2) of the Public Hospitals Act, 1929, adding the name of the United Dental Hospital of Sydney to the list of incorporated hospitals detailed in the second schedule to that Act, the name of the United Dental Hospital shall be removed from the list of separate institutions set out in the third schedule to that Act. Items (3), (4), (5), (6) and (7) make minor amendments. Item (2) will enact a new division to part VIA of the Public Hospitals Act, 1929. This division contains sections 33FA to 33FF.

New section 33FA provides that the division shall commence on the day an order is published under section 4 (2) of the Public Hospitals Act, 1929, adding the name of the United Dental Hospital of Sydney to the second schedule to that Act. New section 33FB defines board, board of control, chairman, hospital and superannuation scheme. New section 33FC provides that the board of the United Dental Hospital of

Sydney shall consist of nine directors appointed by the Minister. It further provides that three of those directors shall be nominees of the University of Sydney. If for any reason the university fails or declines to nominate three persons, the section provides that the Minister may nominate three persons to be directors and those three directors shall be deemed to have been nominated by the University of Sydney. The section also provides for the Minister to appoint a director to be chairman who shall hold office until he resigns as chairman; is deemed to vacate his office as a director pursuant to section 24A (1) of the Public Hospitals Act, 1929; his term of office as director expires; or his terms of office as chairman expires, whichever event first occurs.

New section 33FD will vest in the Health Commission of New South Wales the land occupied by the United Dental Hospital of Sydney which is not already vested in the Health Commission. Such land is vested at present in the Minister for Public Works. New section 33FE directs the Registrar General to issue to the Health Commission a certificate of title for the whole of the land occupied by the United Dental Hospital of Sydney. New section 33FF contains savings and transitional provisions relating to the employees, servants or members of the staff of the hospital to ensure that they are not disadvantaged by the incorporation of the hospital. The employees, servants or members of the staff of the hospital who, prior to its incorporation, contributed to a superannuation scheme will retain any rights which have accrued or are accruing to them and they may continue to contribute to that superannuation scheme.

The salary, wages and industrial conditions of the employees, servants or members of the staff will, from the date of incorporation of the hospital, continue at the then existing rate or conditions subject to any subsequent variations of an award, agreement or determination, or to an order of a court of competent jurisdiction. Service with the unincorporated hospital will be deemed to be service with the incorporated hospital for the purposes of annual leave, sick leave and long service leave. Item (9) provides for the addition of a sixth schedule to the Public Hospitals Act, 1929. This schedule describes the land occupied by the United Dental Hospital of Sydney.

I turn now to schedule 2 and the proposed miscellaneous amendments to part V of the Public Hospitals Act, 1929. These amendments are not referable to the main objects of the bill. Items (1), (2) (a) and (b), (3) and (4) will remove any doubt that might exist concerning the meaning to be given to director in sections 21A, 23C (1), 24 (2A) and 24B of the Public Hospitals Act, 1929. Item 2 (c) will omit certain matters included in section 23C (1) of the Public Hospitals Act, 1929, that have become unnecessary with the effluxion of time.

The Dental Hospitals Union (Repeal) Bill is cognate with the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill. Clause 1 states the short title. Clause 2 provides that clauses 3, 4 and 5 shall commence on the day upon which the name of the United Dental Hospital of Sydney is added to the second schedule to the Public Hospitals Act. Clause 3 will repeal the Dental Hospitals Union Act. Clause 4 will repeal the Dental Hospitals Union (Amendment) Act. Clause 5 will omit a reference in the Statute Law Revision Act to the Dental Hospitals Union (Amendment) Act.

The Dentists (Dental Board) Amendment Bill also is cognate with the Public Hospitals (United Dental Hospital of Sydney) Amendment Bill. It provides that upon the United Dental Hospital of Sydney becoming incorporated the reference to the position on the dental board of the president of the United Dental Hospital of Sydney shall be omitted and a reference to the chairman of the board of directors of the United Dental Hospital of Sydney inserted instead. Clause 1 of the bill states the short title. Clause 2 provides for the commencement of the provision amending the Dentists Act on the day upon which the name of the United Dental Hospital of Sydney

Mr Stewart]

is added to the second schedule to the Public Hospitals Act. As stated, clause 3 will amend the Dentists Act by omitting the reference in section 4 (1) of that Act to the president of the United Dental Hospital of Sydney and by inserting instead a reference to the chairman of the board of directors of the United Dental Hospital of Sydney. I commend the bills.

Mr HEALEY (Davidson) [8.36]: I made some comments at the introductory stage of these bills about the historical background of the United Dental Hospital and its relationship to the general health services of the State. I paid tribute to those who worked so hard over the years to bring the hospital to its present position. The board is in favour of the legislation. It seems eminently sensible to put the United Dental Hospital in the second schedule, and the provisions of all three bills render unnecessary the Dental Hospitals Union Act. The legislation provides for the board of the hospital to become the board of directors, and includes a number of savings provisions in relation to the staff and other persons associated with the hospital. The members of the Opposition wholeheartedly support the bills.

Motion agreed to.

Bills read a second time together.

Third Readings

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

MEAT INDUSTRY (AMENDMENT) BILL

Second Reading

Mr DAY (Casino), Minister for Decentralisation and Development and Minister for Primary Industries [8.40]: I move:

That this bill be now read a second time.

As I explained at the introductory stage, the bill will allow Mr Reginald Brownlee, who will be 65 years of age on 30th May, 1978, to continue as a representative of persons employed in the meat industry until 31st December, 1978. That is the date on which the term of office of the other two members of the board expires. It is appropriate that Mr Brownlee's term be extended to that date also.

If his term is not extended it could happen that the position would have to be made for seven years. Now the board is to be reviewed in two years so the Government could not offer a person an appointment for seven years. We would have to wait until the Meat Industry Act (No. 2) was proclaimed before an appointment could be made for a period of less than seven years. In all the circumstances it is practical and convenient to extend Mr Brownlee's term until 31st December, 1978. I commend the bill.

Mr BREWER (Goulburn) [8.42]: The Opposition supports the bill. It is important that the services of Mr Reginald Brownlee be retained on the Metropolitan Meat Industry Board. It would be extremely difficult, if not almost impossible, to replace Mr Brownlee in his present position. With the implementation of the Meat Industry Act (No. 2) there will be an added need for Reginald Brownlee to be retained in that position. He was appointed to his present position by the former Government and since then he has performed his duties faithfully and conscientiously. He has come up through the industry right from the bottom rung, and he now occupies an important position with the Metropolitan Meat Industry Board. The Opposition compliments Mr Brownlee upon having carried out his duties with the utmost integrity.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Day.

JUSTICES (AMENDMENT) BILL
CORONERS (AMENDMENT) BILL

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would preclude the Justices (Amendment) Bill and the Coroners (Amendment) Bill being treated as cognate bills and (a) one question being put in regard to, respectively, the second readings, the Committee's report stage, and the third readings of the bills together, and (b) the consideration of the bills in one Committee of the Whole.

JUSTICES AMENDMENT BILL

Second Reading

Mr MULOCK (Penrith), Minister of Justice and Minister for Housing [8.44]:
I move:

That this bill be now read a second time.

The principal matters touched upon by the Justices (Amendment) Bill relate to the provisions of the principal Act concerning the recording of depositions of witnesses in courts of petty sessions, the availability of the shortened *ex parte* procedures to local government councils, the rate of imprisonment for non-payment of fines, penalties and costs and the method of payment to secure the release of persons undergoing this form of imprisonment, applications for annulment of convictions and appeals to the District Court in its criminal and special jurisdictions.

I deal first with the procedures relating to the recording of depositions of witnesses. Sections 36 and 70 of the Act require that where the depositions of witnesses giving evidence in courts of petty sessions are recorded otherwise than in **writing**—meaning typewritten depositions—the magistrate shall make a formal direction before they be recorded by one of the other means specified in those sections. The other means specified are shorthand, stenotype machine or sound recording apparatus or by such other means as may be prescribed. As the written recording of depositions has been largely supplanted by the more modern alternative methods, it is considered inappropriate and unnecessary for the court to formally direct that such alternative methods be used. Therefore items (2) and (4) of the schedule are intended to delete this requirement.

I turn now to the matter of the availability of the shortened *ex parte* procedures to local government councils. Section 75B of the Act provides a shortened procedure that may be utilized for the hearing of certain summary offences heard in the absence of defendants who have been served with summonses but fail to appear in answer

thereto. In any such case, if the court is satisfied that the facts alleged in or annexed to the summons constitute an offence and that reasonably sufficient particulars thereof are set out in the summons, it may deal with the matter and make an order imposing a penalty or some other order provided for under the section. This relatively new procedure has proved most successful in saving the time and expense associated with the alternative and more cumbersome *ex parte* procedure which involves the attendance at court and sworn testimony of prosecution witnesses.

At present the shortened *ex parte* procedure under section 75B is available to local councils only in respect of prosecutions instituted by them for parking offences under certain ordinances of the Local Government Act. The Department of Local Government has indicated that the application of section 75B has proved to be most beneficial in relation to parking prosecutions and it can see no reason for restricting the operation of the section to such prosecutions. The benefit to be derived from extending the *ex parte* procedure under section 75B of the Act to all ordinances made under the Local Government Act is really self-evident and, of course, the resulting cost savings are passed on to defendants, who generally are ultimately liable for such costs. Accordingly item (5) of the schedule to the bill is aimed at effecting this amendment.

Item (6) of the schedule deals with an important aspect of this bill in amending section 82 of the Act to update the rate of default imprisonment provided under the section. Since 1971 section 82 of the Act has provided that a justice or magistrate making any conviction or order imposing a fine or penalty, or ordering the payment by any person of costs, shall adjudge that, in default of payment of such a sum, that person shall be imprisoned for a period of one day for each \$5 or part thereof, with a maximum term of twelve months. The Government on a revaluation of default imprisonment considers this cut-out rate of \$5 a day to be totally inadequate, having regard to current money values. Since 1971 there has been a dramatic increase in the consumer price index and the average weekly minimum wage for New South Wales. Also, the cost to the community of maintaining prisoners has risen and this factor was also taken into account when the rate was being reviewed.

In view of these factors, the Government considers it appropriate to increase substantially the period of imprisonment for default to a rate of one day for each \$25 and item (6) is aimed at amending section 82 for this purpose. Transitional provisions relating to this amendment are contained in clauses 5 and 6 of the bill. By virtue of those provisions all future warrants of commitment issued, and those in existence but unexecuted at the present time, will be adjusted to the new rate in the event of a person being received into prison for non-payment. Second, those persons who are at present undergoing imprisonment for default in payment of a fine will have the unserved balance of the period of imprisonment reduced in accordance with the new rate.

Item 7 (c) amends section 94 of the Act for the purpose of enabling payments to secure the discharge of a person imprisoned by virtue of a warrant of commitment to be made to a member of the police force at any police station. At present section 94 of the Act requires that such payments be made to the keeper of the prison where the prisoner is actually being detained. This requirement has resulted in considerable inconvenience to the public in the past, particularly when the prisoner is detained at a distant police lock-up or gaol. The prisoner's family or friends seeking his release are forced either to travel to the place of detention or to remit the payment there by other means. I am sure honourable members will appreciate the obvious advantages to members of the public who wish to make such a payment being able to do so at their nearest convenient police station.

In addition, the new provision will at the same time ensure in many instances a more prompt release of prisoners. Under the revised system the keeper is authorized to release such a prisoner upon payment to him of the required amount or upon being satisfied that the amount has been received by a member of the police force at any police station. Item 7 (b) provides for the transfer of money where it is received at a police station, to the keeper of the prison where the prisoner is actually detained.

I should now like to turn to the final and most substantial matter touched upon by this bill, which concerns the widening of the avenues of appeal available to persons who are dissatisfied with the convictions or orders of magistrates sitting in courts of petty sessions. The Government's experience since coming to office has led it to conclude that access to the appeals under sections 100A and 122 is unduly restrictive, with the result that many persons who are unable to comply with the strict time limitations placed upon the lodgment of appeals under those sections are being deprived unjustly of their right of appeal. Accordingly, it is proposed to amend section 100A of the Act to extend the period within which a person may make application for annulment under the section.

At present section 100A of the Act allows a person to seek a rehearing of a magistrate's decision within six months of that decision in cases where, by reason of non-receipt of the summons or an unawareness of an adjourned date, the person was unable to appear in court and was convicted or penalized in his absence. Experience has shown that the section is failing to provide relief in many cases in which it was designed to do so because the would-be applicants do not become aware of their convictions within the 6-month period. Often, the first notice such persons have that they have been convicted is when they are confronted with a demand for payment of the fine by a policeman in possession of a warrant of commitment authorizing imprisonment in default of payment.

To rectify this serious defect, it is proposed in item (8) (a) to extend the time within which application for relief may be sought under the section from six to twelve months. It is considered this should largely overcome the problem, since the persons whom the amendment is intended to benefit generally become aware of their convictions or orders within twelve months of their being recorded. Item (8) (b) further amends section 100A to allow persons to lodge their applications under the section with the clerk of any court of petty sessions. The amendment is designed to overcome a further difficulty that arises in relation to the section.

The section requires that application may be lodged only with the clerk of petty sessions at the court where the original conviction or order was made. The operation of this rather strict requirement has proved to be inconvenient, particularly in respect of matters dealt with in country areas, and can even prevent an application being lodged within the prescribed time. This amendment will also bring the provisions under section 100A more into line with those that apply with respect to the giving of notice of appeal to the district court under section 122 (1) of the Act.

Item (9) creates a new section 121B of the Act. However, this merely effects the relocation of the proviso to section 122 (1) in a more convenient position in the appeals division of the Act. For the sake of convenience items (10) and (14) are dealt with together. Item (10) (c) makes provision for a new procedure by which persons may apply to the District Court within three months of the making of a conviction or order, for leave to appeal out of time where they have failed to give notice of appeal within the 21-day period required under section 122 (1). A system such as this has never previously been available under the Act.

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Such an application must state the reasons for the applicant's failure to give notice of appeal in the required manner; be accompanied by a notice of intention to appeal setting out the grounds upon which it is desired to appeal; and be lodged with the clerk of any court of petty sessions or, if the applicant is in custody, with the gaoler. In addition, amendments are made to section 122 for the purpose of extending the listing, change of venue, notice of hearing and adjournment procedures applicable to appeals to the new application procedure, and these amendments are set out in items (10) (d) to (10) (o). Enforcement action will not be stayed pending the determination of an application and consequently item (10) (p) amends section 122 (5) to remove any requirement for a justice to set a recognizance upon receipt of an application.

Provision is made in item (14) for the court hearing such application to dismiss with or without costs, grant or adjourn the application and, where the court elects to grant the application, to enable it to proceed to hear and determine the appeal forthwith or to adjourn it. An application may be granted where, in the opinion of the court, the applicant has shown sufficient cause for his failure to give notice of appeal within the required time and it is in the interests of justice to do so. This criterion is similar to that which applies under section 127A in relation to the judge's power to vacate orders. As indicated earlier, the strict limitation placed upon the time within which notice may be given of intention to appeal to the District Court from a magistrate's decision is considered to be unduly restrictive.

Section 122 requires any such notice to be given within twenty-one days of the making of the conviction or order, and there is at present no provision for any extension of this period. The rigidity of this provision in this respect has operated harshly in a number of cases by depriving persons of an entitlement to appeal against a decision of a court of petty sessions which they considered to be unjust, because they were unable to comply with the strict time requirement for the giving of notice. The Government's concern to protect the rights of individuals in such situations has led it to seek to give the District Court the powers which I have outlined to grant leave to appeal out of time in appropriate cases. The period of three months fixed for making application for such leave should prove to be adequate to overcome the problem to which I have referred.

Item (11) amends section 122A of the Act to extend the provisions of that section to the new application for leave-to-appeal procedure. The amended section 122A will cater for the situation where a number of convictions or orders have been made against a person on the one day and he wishes to apply for leave to appeal in respect of all matters but through error or inadvertence he fails to lodge applications in respect of all these matters. In these circumstances the District Court will be empowered to hear and determine any application the lodgment of which has been overlooked. Similar provision now exists in respect of appeals.

Section 123 (b) (ii) makes provision for the execution of a conviction or order of a magistrate to be stayed pending the outcome of an appeal, provided the appellant enters the necessary recognizance to prosecute the appeal within eight days after the fixing of the amount of the recognizance by a justice in accordance with section 122 (5). The effect of an appellant entering such a recognizance under section 123 is that it enables him to avoid the consequences of the orders of the lower court pending the determination of his appeal in the District Court. The two situations where the recognizance is utilized most are where a sentence of imprisonment or a driving disqualification is being appealed against. In the former situation the entering of the recognizance acts as a form of bail pending the determination of the appeal and in the latter situation the effect is to allow the appellant to drive during the intervening period.

The requirement that the recognizance must be entered within the 8-day period to invoke the stay of action has on occasion prevented appellants from being able to avail themselves of the provision. Over all, the consequences of failing to comply with the section may be serious, particularly when it results in appellants being detained in custody pending the listing of their appeals. This is a practical problem that has arisen in the past. It should be remedied. The problem was somewhat alleviated in 1974 by the introduction of section 125A which gave to the District Court certain powers to discharge an appellant on recognizance during the period of adjournment. However, this provision did not provide a complete answer. In these circumstances, and as there is little reason, administrative or otherwise, to retain the 8-day requirement it is proposed in item (12) to amend section 123 by deleting this requirement and instead to provide for the recognizance to be entered at any time prior to the commencement of the hearing of the appeal in the District Court.

As previously indicated, in a case where application is made for leave to appeal the execution of the conviction or order may be stayed only if the application is granted. Items (12) and (13) give effect to this policy by amending sections 123 and 124 to exclude applications for leave to appeal from the operation of those sections. Item (15) effects a consequential amendment to section 125 (1) to extend the general hearing powers of the District Court to appeals which arise upon the granting of applications for leave to appeal. Item (16) effects consequential amendments to extend the District Court's powers on adjournment under section 125A to appeals that arise upon the granting of applications for leave to appeal and to provide for a stay of execution where a recognizance set by a judge under the section is entered.

Section 125A of the Justices Act was introduced in the 1974 amendments to the Act. This section gave the appeals court certain powers on adjournment. It enabled the court to commit the appellant to custody pending the hearing of the appeal or to discharge the appellant upon his entering into a recognizance. This section was an attempt to correct the anomalous situation which previously existed of the District Court having no power to grant bail to an appellant or to interfere with the terms of the recognizance previously set by a justice. As at present drafted, however, the section is open to varying interpretations as to the extent of the powers it conferred upon judges, and for this reason the opportunity has been taken to clarify the provisions in this regard so that it will achieve its original purpose.

Item (17) will effect a minor consequential amendment to section 126 (2) (a) (ii) necessitated by the amendment outlined in item (4). Section 127A was a new section inserted in the 1974 amendments to the Act. This section provides for the reopening of an appeal, under certain conditions, where the appeal is dismissed because of an appellant's failure to appear on the date of hearing. To take advantage of the section the appellant must, within twenty-one days, show to a judge of the District Court sufficient cause for his failure to appear. If sufficient cause is shown, the judge may, where in his opinion it is in the interests of justice to do so, by order vacate the order dismissing the appeal and thus restore the appellant to the same position he was in prior to the dismissal of the appeal.

As with the time constraints placed upon the other procedures for obtaining relief to which I have referred, the Government considers an extension of the 21-day period provided under this provision is warranted, to prevent possible future injustices resulting from the strictness of the present time requirement. I think it will be readily appreciated that the 21-day period provides little time for an appellant who perhaps received no notice of the hearing of his appeal, to become aware of the fact that the appeal has been dismissed in his absence and to seek to remedy the situation under

Mr Mulock]

the section. Experience has shown this provision to operate harshly when some appellants through no fault of their own are unable to make the necessary application within the 21-day period.

The stricture of the section has been the source of practical problems in the administration of the courts, particularly in the court vacation. Three months is considered to be a far more realistic period for the making of such applications. Therefore it is proposed in item (18) to substitute that period for the present period of twenty-one days. In addition, section 127A (4) is being consequentially amended to provide for the continuation of a stay of execution originally effected pursuant to section 125A. Item (19) will amend section 131 (1) (a) to provide the form that an order for costs made by the District Court in respect of an application for leave to appeal shall take.

Finally, item (20) makes minor consequential amendments to the absconding appellants provision contained in section 131B so as to take account of stays of execution effected by the entering of recognizances set by judges under section 125A. The amendments proposed in this bill are evidence of the Government's continuing efforts to improve the administration of justice in this State. The new provisions make procedural changes that will promote greater efficiency in the operations of the lower courts. Of even greater significance in the Government's view are the improved safeguards against possible injustice which this bill affords to persons dealt with by the courts, as the Government considers the protection of the rights of the individual to be of paramount importance. The bill is deserving of the support of all honourable members, and I commend it to them.

Mr MADDISON (Ku-ring-gai) [9.5]: The Opposition does not oppose either of these two bills. Certainly, what has been said by the Minister agrees with my view of the bills, that they make for greater flexibility within the courts to avoid injustice that can occur for citizens through oversight, or for other reasons. Many of the matters raised in the amending legislation are of a procedural nature, but the bills are to be commended generally for removing the possibility of injustice to citizens.

The amendment in regard to the recording of evidence is clearly a technical one. It will remove from a stipendiary magistrate or the coroner the need to direct how evidence will be recorded. Section 82 of the Justices Act provides that where a person fails to pay a fine he may be committed by a warrant to prison, and there he discharges his liability at the rate of one day's imprisonment for each \$5 of fine. The bill will increase that rate to one day for every \$25 of fine, and certainly that accords with the inflationary trends of recent years. No exception can be taken to that proposal.

One should always have regard of the high cost to the taxpayer of committing a person to gaol. The taxpayer will gain considerable advantage from the increase in the rate at which a person can discharge a fine in terms of the number of days imprisonment he has to serve by way of default. The provision for a person to serve a maximum period of twelve months imprisonment for non-payment of fines has not been altered. Particular advantage will be gained by providing that a fine may be paid to a police officer at a police station, rather than the defaulting person being removed to a gaol and released only after payment of the moneys due.

The bill does extend the provisions of section 75 (B) of the Act to cover offences that fall within any ordinance under the Local Government Act. It is well to realize that section 75 (B) was designed to speed up the processes of the court relating to certain offences. In particular it enables the court, on being informed of proof of service of the summons and being satisfied that the particulars on the summons found the offence charged, to deal with the case in the absence of the defendant without

hearing evidence of the facts founding the offence. The Act limits the type of offence covered by this provision. Certainly, as the Minister said, the Act prescribes procedures to be taken in respect of breaches of certain of the ordinances made under the Local Government Act. They relate substantially to parking offences. Again, the Opposition has no objection to extending this provision to cover offences committed under ordinances made under the Local Government Act.

It has always been recognized that although this procedure does expedite the processes of the court, it can lead to some injustices by reason of some breakdown in the administration—for example, the failure of the summons to come to the notice of the defendant even though it has been properly served—and it is therefore appropriate that the bill should make other provisions by way of amendment to the Act, which allows a period, I think it is twelve months, in which the conviction that has been recorded or the penalty which has been imposed, may be annulled. At present the period within which an application can be made under section 100 (A) is six months. The proposed amendment will widen the right of a citizen to object to the way in which a matter has been disposed of by a court and will enable that person to seek a rehearing of the matter. Generally speaking, when it comes to extension of time for such a purpose, there can be little objection to what the Government proposes in this legislation.

The avenues of appeal that have been in some respects restricted by limitations of time have now been expanded significantly. It will now be possible, as the Minister has said, for an appeal to be lodged out of time from a decision of a justice by way of appeal to the District Court or rather by way of an application seeking leave to appeal to the District Court within a period of three months, which is an expansion of the rights of the citizen. That certainly has our approval. So far as the Opposition can judge, the bill will provide for an expansion of rights to citizens and therefore it should have the support of all members of the House.

Motion agreed to.

Bill read a second time.

Third Reading

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

CORONERS (AMENDMENT) BILL

Second Reading

Mr MULLOCK (Penrith), Minister of Justice and Minister for Housing [9.12]:
I move:

That this bill be now read a second time.

The object of the bill before the House is to amend the Coroners Act, 1960, to bring its provisions into line with modern techniques used for the recording of depositions of witnesses at inquests and inquiries and magisterial inquiries. Honourable members will recall that at the introductory stage I intimated that this bill is cognate with the Justices (Amendment) Bill, 1978. As with the Justices Act, the Coroners Act at present requires a formal direction to be given by the court when depositions are to be recorded otherwise than in writing. The alternative means of recording authorized by the Act are shorthand, stenotype machine or sound-recording apparatus.

The requirement for a formal direction to be made in circumstances where the recording of depositions by one of these alternative means is the rule rather than the exception is unnecessary and quite out of touch with modern recording methods. Therefore, it is proposed in item (2) of the schedule to the bill to amend section 19 of the principal Act to remove the requirement for the court to give such a direction. The amendment proposed in item (1) is purely a matter of corrective drafting that is aimed at placing the definition of the word deposition, at present contained in section 19 (2), in a more appropriate location. It is proposed to relocate this definition in section 4, which is, of course, the definitions section. I am sure honourable members will join with me in supporting these measures. I commend the bill to the House.

Mr MADDISON (Ku-ring-gai) [9.13]: We support the bill.

Motion agreed to.

Bill read a second time.

Third Reading

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

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Local Government (University of Sydney) Amendment Bill

Sancta Sophia College Incorporation (Amendment) Bill

MARRIED PERSONS (PROPERTY AND TORTS) AMENDMENT BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [9.14]: I move:

That this bill be now read a second time.

The nature of the relationship between Australian men and women has never been under more searching scrutiny than it has in the past few years. It is fair to say that the perception of Australian women about the roles they are to play in Australian society—a society in which men are much more obviously seen to be important—has been changed significantly. There is no doubt that many women are no longer content to see themselves as adjuncts of men. The self-perception of women as beings entitled to fairer treatment from men and other women is a change which necessarily precedes changes in institutions like the law, and so it is with the Married Persons (Property and Torts) Act and this amending bill.

The principal Act was known for sixty-four years solely as the Married Women's Property Act. The Law Reform (Married Persons) Act of 1964, however, provided that the Married Women's Property Act might also be cited as the Married Persons (Property and Torts) Act, thereby giving the Act the unique distinction of having two names. It was as though the Legislature was unable to determine just what to do with the name of the Act, a typically ambivalent attitude of the times. That ambivalence still prevails today. It was not until 1973 that a decision was finally taken to confirm the present title of the Act. To its credit, it must be said that the principal

Act has always been a vehicle for reform of women's rights. The provisions in the Act were originally introduced into the State in 1893 in the Married Women's Property Act of that year.

The Act of 1901 was a consolidating measure and was seen by the New South Wales Parliament of the day as being obviously a good thing. Not seen in the same light, however, by the same Parliament was the Women's Franchise Bill, which was also debated during the same year. The object of that bill was to give women in New South Wales the vote. In the State election just prior to the introduction of the bill the Labour Party had won office with womanhood suffrage as one of its main planks. Womanhood suffrage was an issue during the election and the Liberal leader, then Mr Charles Alfred Lee, the member for Tenterfield, had indicated his opposition to giving women the right to vote. No politician, not even the current honourable member for Tenterfield, could seriously subscribe to views like that in today's political climate, but I do not know that it did Lee any great electoral harm.

In order to give honourable members some historical perspective within which to see the bill I have introduced I refer them to the Women's Franchise Bill. That bill was introduced by the Premier and Leader of the Labour Party, then Mr See, the member for Grafton, and met limited but spirited opposition in this House. Mr Rose, the member for Argyle, pointed out:

Without women having the vote we have marched sufficiently in the line of progress to give woman every advantage she can possibly get . . . What more do we want.

I am not sure who he included in the pronoun we. He then went on:

Men voters have done for our wives, sisters, mothers and daughters just as much as if the women had votes.

Mr Rose also pointed out the now doubtful fact that "a woman's vote is a duplicate of the husband's vote in ninety cases out of a hundred", but just in case his remarks might be misconstrued this gentleman eventually paid tribute to women in the following words:

I think women are just as intelligent as men with this difference; that it is a different form of intelligence. I think a man may be superior in one direction and a women may be superior in another direction.

Lest anyone be in doubt as to what he meant—he continued:

What I say is that a particular form of intelligence is best used by man and best left alone by women.

Mr Rose was joined in his remarks by Mr Hurley, the honourable member for Macquarie who, although he feared women getting the vote, feared the clergy more. He said:

We know that a greater number of women attend the chapels and the churches than men. By granting womanhood suffrage we should be placing a large section of the voters under the domination of the priests and the parsons of the country, who would then have a power which should not be conceded to them . . . we know that the clergy exercise a greater influence over women than over the stronger sex.

It seems the only electoral reform Mr Hurley might have found attractive was disenfranchisement of the clergy. However, Mr Hurley, as with Mr Rose, found it necessary to pay homage to women and he proclaimed;

If there is anything which I admire in life it is the noble character of women, especially if she is an aged woman.

Mr F. J. Walker]

Aged women, like aged sinners, were apparently conceded by Mr Hurley to be beyond the blandishments of the clergy. However, there were some realists in the House in 1901, just as there are a couple now. A Mr George, the member for Sydney Belmore, had this to say:

Even now when the women have not votes, if a candidate has the appreciation—and shall I say the love—of the women in his electorate, he is almost certain to succeed. I do not mind admitting that I kissed every baby in my electorate. If I had been allowed I should, perhaps, have kissed the wives and mothers also.

Mr George would be pleased to know that his weakness for the pleasures of the flesh apparently lives on in the person of the honourable member for Northcott. The last word on the subject, appropriately enough, came from a woman—the wife of the honourable member for Kahibah, Mr Edden, whose remarks were carried to the House by her husband, who confided to the House that although he was not "in the slightest degree" against the vote for women, he was in a peculiar position, "because Mrs Edden has told me that the first vote she will give will be against anything of which I am in favour". Life for members of Parliament has never been easy. The Women's Franchise Bill was defeated, incidentally, in the upper House and women did not get the vote in New South Wales until 1904.

There is only one other snippet of old debate that I wish to quote today in my attempt to give some historical perspective to my bill. Also in 1901 the Premier, Mr See, was asked by a Mr Meagher, member for The Tweed, whether his attention had been drawn to the fact that:

In the city police court a man was convicted for kissing his wife in the street, and fined for an offence described as riotous conduct, while the depositions disclosed no indecency or rude behaviour on the part of the accused, who was simply imprinting a marital salutation on the lips of his wife.

It was suggested to the Premier that if that was to be the law, the members of returned contingents from the Boer War then apparently lounging around the streets with girls hanging about their necks, ought to be in gaol. Nowhere was it suggested, however, that either the recipient of the marital salutation or the girls hanging around the soldiers' necks should be punished. The presumption was that women could not help themselves and were more to be pitied than punished. None of this, of course, has anything directly to do with the bill but it should be of interest because of the origins of the principal Act.

By 1964, when society had moved into a comparatively much more emancipated state, action was taken to modify the common law rule, as embodied in the Married Women's Property Act, that prevented one spouse from initiating proceedings in tort against the other. The Law Reform (Married Persons) Act of 1964 inserted new sections in the principal Act so that the circumstances in which spouses might be permitted to sue one another in tort were expanded. Prior to this no woman was free to proceed against her husband in tort except to protect her own separate property. To this sole exception the 1964 Act added section 16B which deals with the right of one spouse to sue the other for damages for injury or death arising out of the use of a registered motor vehicle. As I mentioned at the introductory stage, the conventional justification for perpetuating the immunity of one spouse from the tortious actions of the other was the assumed menace to family harmony. The real, but unspoken, justification was, of course, that the intimate relationship of the parties was apt to encourage collusion. The beneficiaries of the immunity were insurance companies, which had a windfall on each occasion they were able to arrogate to themselves all the personal privileges of protected spouses in order to evade their proper function of compensating casualties within the risk they assumed and foiling the effective distribution of losses.

In 1964, New South Wales followed South Australia in extending, in effect, the liability of insurers so that married persons injured or killed by the negligence of their marriage partner might recover appropriate damages. South Australia, for unknown reasons, had limited its legislation to personal injury and excluded death as a ground for damages. New South Wales, commendably, did not shrink from conferring liability for death and was the first Australian State to legislate in so thorough a fashion. Unfortunately, some constraints had to be applied in the 1964 Act so that an undue burden would not be thrown on third-party insurers in other States. The 1964 amendments were therefore confined to the use of registered motor vehicles. This had the effect of denying claims for damages for injuries caused by vehicles visiting from other States. Such vehicles are exempted from registration in New South Wales and, conversely, their drivers are exempt from liability to their spouses. Since 1964 all other States have legislated in this field in wider terms than those introduced in this State. The anomaly of which the Government was so cautious in 1964 has been overcome to the detriment of interstate visitors. It is the simple purpose of this bill to remedy that situation.

The present position in New South Wales is such that there are many variables at work, and they must be accounted for before some determination can be made whether liability can be sheeted home in motor vehicle accidents involving spouses. The place of registration of the motor vehicle, the place of the accident, and the place of domicile of the husband and wife are variable factors which, when mixed together by circumstance, produce real anomalies in some situations. The facts of a case considered by the New South Wales Court of Appeal in *Zussino v. Zussino* in 1969 are an example. The defendant in that case was the husband of the respondent who sued him for damages for injuries sustained by her in New South Wales as a result of his negligent driving of a motor vehicle registered in another State, where both husband and wife were also domiciled. The plaintiff failed, but not only that; cases with similar facts will also fail if brought in the home State because of the operation of principles of private international law. If the home State of the married couple gave an unfettered right of action in tort between spouses the action would still be not maintainable before the courts of that State because of the private international law principle that a plaintiff, in order to institute proceedings in the place where he or she is domiciled, must first demonstrate that a cause of action existed in the State where the injury was sustained. In New South Wales such a cause of action would not be enforceable and so the court where the parties were domiciled could not, in turn, entertain the proceedings.

I turn now to the bill. Clause 1 contains the short title and clause 2 serves to deny the bill any retrospective effect. The amendments contained in clause 3 are designed, first, to remove the requirement of registration of the motor vehicle as a prerequisite to the assignment of liability, and, second, to make clear that liability is still imposed whether or not the motor vehicle accident happened in New South Wales or elsewhere in the Commonwealth. The insertion of new subsection (1A) in section 16 is designed simply to clarify what vehicles are to be termed motor vehicles within the meaning of the Act and the definition is taken word for word from the definitions section of the Motor Vehicles (Third Party Insurance) Act of 1942. I hope I have not taken too much of the time of the House with historical asides but I believe my remarks are pertinent to the bill, which is well-motivated and will deserve its place in history as a modest example of law reform. I commend it to the House.

Mr CAMERON (Northcott) [9.26]: Honourable members must have been intrigued by what the Attorney-General has been pleased to call his historical asides. His reflexes are always of extreme interest to the House. As usual, his main venom seems to have been directed towards the common law, although in respect of this statute it will be found that the real troubles have arisen by virtue of statutory interventions

rather than the common law. The Attorney-General is particularly interesting also because his reflexes, generally speaking, are very much hostile to his own profession, which is anomalous, just as is the fact that the Minister for Health is so fiercely anti-doctor. That is consistent with the attitude in many parts of the Ministry of the present Government.

From the Attorney-General's historical asides and fascinating anecdotes, it seems to be his clear view that everybody who has been associated with any field of the law before him has been guilty of severe forms of ambivalence. Most of the Attorney-General's remarks, or many of his historical asides, as honourable members noticed, were directed to an entirely different Act, namely the Women's Franchise Act, and the Attorney-General incorporated the usual pleasantries about priests and parsons that we expect from him. If we can devote our attention to the Married Persons (Property and Torts) Amendment Bill, we may convince ourselves that we are being somewhat more relevant. By the time the leading case of *Gottliffe v Edelston* was decided by Mr Justice McCordie, in Britain in 1930, it was already conceded that the legal unity of spouses was an obsolete fiction. His Honour found that the principle that prohibited civil actions in tort between husband and wife was justifiable, not on the basis of that fiction but on the simple ground that such litigation was "unseemly, distressing and embittering". Here one sees a reflection of the idealism and high motivation of the judiciary within British-tradition legal circles; idealism and high motivation that has lived on through century after century of decided cases.

Put simply, it is an assertion that the law should recognize and attach legal significance to the special relationship of a man and a woman who had undertaken "to have and to hold, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish" till death did them part. But the Attorney-General in his speech at the introductory stage saw fit to ridicule that kind of idealism, that sort of judicial aspiration. It gave rise, he said, to a position of absurdity. It is certain that as our society has become more and more complex that old idealism has had intolerable pragmatic strains imposed upon it. It behoves us to try to be a little more understanding in terms of the purposes that our forebears were striving to achieve. Today many people would incline to the view that a simpler way of life, within which the old idealism was still viable, would be preferable to the complex, highly protective welfare State within which we now live.

In the old days, which so much excite the opprobrium of the Attorney-General, neither husband nor wife could sue the other at common law for a tort—that is, for a civil wrong. A wife's protection against her husband was supplied by the criminal law and not by the law of tort. Step by step, the increasing complexity of life has required statutory intervention to change this situation. Such intervention, one might note, tended usually to assist the position of a wife rather than her husband. Famous textbooks on torts, such as *Salmond*, trace these developments in an interesting way. In England, by the Married Women's Property Act of 1882 the old rule was so far departed from as to enable a married woman to sue her husband in tort for the protection and security of her separate property. Section 12 of that Act provided that every married woman "shall have in her own name against all persons whomsoever, including her husband, the same civil remedies . . . for the protection and security of her own separate property as if such property belonged to her as a *feme sole*, but except as aforesaid no husband or wife shall be entitled to sue the other for a tort."

In 1893 New South Wales introduced the Married Women's Property Act, which was based on the English Act of 1882. In 1973 a new consolidated Act known as the Married Women's (Property and Torts) Act was introduced. A wife could then sue her husband for the detention or conversion of chattels belonging to her, or for negligence or malicious injury to her property, or even, subject to his marital right of

consortium, for trespass by entering her dwelling-house without her permission. But she could not sue him for assault, libel, false imprisonment, malicious prosecution or other personal injury. She could not bring an action for damages for deceit, but she might bring one for the rescission of a deed on the ground that she had been induced by fraud to execute it. Then in *Curtis v. Wilcox*, the Court of Appeal held that a right of action which accrued before marriage was part of the wife's property for the protection and security of which she was entitled to sue her husband in tort. Hence a married woman could recover damages from her husband for injuries suffered by her before marriage as a passenger in a car negligently driven by him. But the converse was not true: if she were the negligent driver and the husband the injured passenger, his right of action abated on marriage.

Thereafter, there was a great deal of legislative encroachment on the old common law doctrine of the legal unity of husband and wife. An eminent judge felt moved to observe with some feeling that, generally speaking, the Act of 1882 was very much a Married Women's Property Act, not a Married Man's Relief Act. The motor car and the welfare State schemes of compulsory insurance, which were devised to mitigate its depredations, caused most of the difficulty. Successive statutory interventions had themselves created anomalies and left the law relating to husband and wife in a state often rather inconsistent and difficult to rationalize.

If the reason for prohibiting actions in tort between husband and wife was that such litigation was unseemly, distressing and embittering, logically this should have been so irrespective of whether the tort took place before or after marriage. If not, why should a wife have been permitted to sue her husband for pre-nuptial torts but not for post-nuptial torts? Statutory interventions had themselves given rise to new artificialities. Actions in which a passenger spouse alleges negligence against a driver spouse for damages for personal injury arising from an accident involving the family car, where the real target of their co-operative efforts is an insurance company not named in the action at all, illustrate this. A contributor to a 1940 edition of the *Wisconsin Law Review* wrote:

The growth of liability insurance has to a great extent changed the effect of a law-suit between relatives, or even friends, from the traditional friction to the closest sort of amicable co-operation. Nothing draws two people together like a mutual desire to get something out of one's insurance carrier.

There were other inconsistencies. It was difficult to discover any reason in logic or justice for denying to the husband two privileges possessed by his wife—the right to sue for pre-nuptial torts and for the protection and security of his property. As well, whatever rule might have been thought desirable to regulate the position as between the spouses themselves, it was indefensible that third parties should be adversely affected by any marital privileges—as they were in several cases until relatively recent times.

One by one, these remaining matters have come under attention, many of them being cured in New South Wales by the amendment made in 1964. It seems that now it only remains for us to deal with the specific anomalies dealt with by the bill. These anomalies affect spouses resident in New South Wales, injured in New South Wales in motor vehicles registered in another State, or spouses resident interstate and injured in New South Wales while in a motor vehicle registered in another State, or spouses resident in New South Wales but injured in another State in a vehicle registered in New South Wales. The Opposition has no objection to the bill which is designed to deal with those specific remaining anomalies.

Mr RYAN (Hurstville) [9.38]: It is significant that the Married Womens Property Act first came into being in this State substantially as a result of the efforts of the Labor Party of the day. It is again significant that it was left until 1964—

again under a Labor government—to bring in the amending section 16B of that Act which is now consolidated, in order to keep pace with the motor vehicle and remove an anomalous situation whereby one spouse was not entitled to sue the other spouse in tort. It has been pointed out that this immunity in tort, on the ground that it would prevent embitterment in the marriage, was, in fact, giving an advantage to insurance companies. Section 16B did not encompass certain areas and in due course these were discovered. It was left to none other than N. K. Wran, Q.C., in the case of *Yussino v. Yussino*, in the Court of Appeal, to reveal the shortcomings in the Act, namely that with a visiting vehicle from interstate, registered in that other State, which was involved in an accident where one spouse was the driver and the other the injured passenger, the passenger could not sue the negligent driver spouse. Again, the government of the day—represented by honourable members opposite—having had these shortcomings exposed, did nothing about the situation.

In 1973, in the case of *Schmidt v. The Government Insurance Office* of New South Wales, certain doubts were raised in relation to the situation where a car registered in New South Wales driven by one spouse, the other spouse being a passenger, was involved in a collision interstate, and as to whether the injured spouse could sue the driver spouse. Again the Liberal-Country party Government did **nothing** to correct this restriction. It is now left to another Labor government to correct the shortcomings in the 1964 legislation.

The former coalition Government, which was in office for eleven years, worked on the principle that if it did nothing it could not get into trouble. It thought that nonfeasance could be overlooked indefinitely. After eleven years the nonfeasance **mixed** with some misfeasance and malfeasance was finally noticed by the public with the result that the former Government is now out of office. One reason for honourable members opposite being where they are today is that they did not get round to doing anything to correct the legislation, to make it workable or to extend it to cover people who were outside its confines. Now vehicles visiting New South Wales and insured interstate, or New South Wales insured vehicles visiting other States, are included in the amendment so that a passenger spouse can sue the driver should an accident occur. The passenger will be able to sue the negligent driver without any barrier obstructing the action. That barrier has meant a windfall for insurance companies. Finally, women are now on an equal footing with men in New South Wales, not only in respect of motor vehicles but also in all areas of property law and tort involving the right of one spouse to take action against the other spouse. I compliment the Attorney-General upon introducing the measure.

Mr J. A. CLOUGH (Eastwood) [9.42]: I do not claim to be a legal expert but I have a doubt about the meaning of the words "by any means other than human or animal power" which appear in new subsection (1A) of section 16B. The subsection is in these terms:

(1A) In subsection (1), "motor vehicle" means motor car, motor carriage, motor cycle or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, oil or electricity, or by any means other than human or animal power, and includes a trailer, but does not include any vehicle used on a railway or tramway.

I ask the Attorney-General to inform the House what would be the position when an accident occurred if, after a motor vehicle had stopped, someone pushed it and caused it to move by this type of exertion.

Mr F. J. Walker: The honourable member really is a bush lawyer.

Mr J. A. CLOUGH: Judging by the number of amendments required to Acts there must be many bush lawyers. Even among Queen's Counsel there must be a number of bush lawyers, otherwise there would not be the need continually to change the law. Perhaps the Attorney-General falls into that category. Perhaps he received his LL.M. degree through making *faux pas*. At some future time an erudite jurist when referring to evidence presented to him may find that a motor vehicle was stationary with the plaintiff seated in it. Then for some unknown reason it took off, rolled over a cliff and badly injured the plaintiff. To my way of thinking the vehicle was not propelled by volatile spirit, steam, gas, oil or electricity. If it is not moved by human power, in what way was it moved?

Mr F. J. Walker: It could be an act of God.

Mr J. A. CLOUGH: That may be so. If a vehicle is thrown into neutral gear it cannot be said that it is being propelled within the meaning of new subsection (1A). A person sitting in the car could lose his life in those circumstances. I assume from the Attorney-General's smile that he does not know the answer: if he knew he would have made the section clear. It is as clear as mud. Although the honourable member for Hurstville also laughs, I have not seen his name as the author of any textbooks. Neither have I seen the Attorney-General's name on jam tins. I ask the Attorney-General to inform the House what the words "by any means other than human or animal power" mean. I should think that the section is laughing at the proposed new subsection. In time to come some erudite judge may find that the Act does not cover the situation that I have mentioned. There would then be the need for a further amendment to the Act to try to clarify the position.

Mr F. J. WALKER (Georges River), Attorney-General [9.46], in reply: I remind the honourable member for Eastwood that free legal advice is worth exactly what one pays for it. He may be disappointed to learn that the definition that he criticizes has been in the Motor Vehicles (Third Party Insurance) Act since 1942. So far no court has managed to find any difficulties with it. I am sure that if the honourable member has a quiet word with the honourable member for Northcott he will be informed on the point that he raised.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr F. J. Walker.

NOTICE OF ACTION AND OTHER PRIVILEGES ABOLITION (AMENDMENT) BILL

Second Reading

Mr F. J. WALKER (Georges River), Attorney-General [9.47]: I move:

That this bill be now read a second time.

The Law Reform Commission of New South Wales has furnished three reports in relation to its reference to review the law relating to the limitation of actions, notice of action and incidental matters. The third of these reports concerned itself with the various special protections vested in a great many public authorities and officers. The protections varied in nature, but not in intent. They were designed to shield public authorities and officers from the operation of the general law that binds all other litigants.

Many provisions in the enabling legislation of public authorities and officers required proceedings instituted against them to be commenced within a period of time much shorter than that binding on members of the general public. Those provisions were usually to be read in conjunction with requirements that notice of the intention to institute proceedings be given a certain period of time before the originating process was filed. The effect of the special protections was to place procedural difficulties in the path of legal claims of otherwise real merit, sometimes with the effect that deserving plaintiffs were deprived of compensation justifiably due to them. The Law Reform Commission concluded in the third report that public authorities should be placed on an equal footing with all other litigants so far as the operation of limitation periods was concerned.

The Government accepted the recommendations of the commission and the Notice of Action and Other Privileges Abolition Act was enacted by this Parliament last year with the willing co-operation of honourable members opposite. Section 5 (4) of the principal Act exempted certain laws from the operation of the Act in accordance with the recommendations of the Law Reform Commission. Among these were sections of the Motor Vehicles (Third Party Insurance) Act of 1942 which related to the position of the nominal defendant. Section 15 (2) of that Act permits any person injured in a motor vehicle accident at the negligent hands of someone who is dead or cannot be found to recover under any third-party policy against either the authorized insurer or the nominal defendant. Section 15 (2) (B) provides a protection for the authorized insurer and the nominal defendant in such cases. Unless notice of action is given within very short periods of time—it varies depending upon circumstances—the claim will be procedurally denied.

Section 26 of the Motor Vehicles (Third Party Insurance) Act concerns actions against injured persons by hospitals, medical practitioners, ambulance authorities, masseurs, nurses and dentists for the cost of their services and gives them specific rights of recovery. Subsection (2) provides a protective limitation period of only thirty days from the time the claimant knew, or should have known, that the claim was one to be made against the third-party insurer or the nominal defendant. The special protections in sections 15 and 26 are to be repealed by adding them to the schedule in the principal Act.

Sections 25 and 30 of the Motor Vehicles (Third Party Insurance) Act also contain special protections which it is proposed to abolish. Section 25 provides that where any authorized insurer or nominal defendant pays out in respect of the death or injury of persons injured in motor vehicle accidents, payment must also be made in respect of any claim by hospitals, medical practitioners, ambulance authorities, masseurs, nurses and dentists for the costs of any treatment given to the dead or injured persons. Section 25 (2) is in similar terms to the protective provision in sections 25 and 26, and is to be abolished.

Section 30 of the Act deals with claims in respect of uninsured and unidentified motor vehicles and provides that claims arising out of the use of such vehicles shall be taken against the nominal defendant. The section contains limitation provisions whereby actions against the nominal defendant shall not be proceeded with unless notice of intention to make a claim is given within certain very short time limits. These limitation provisions in section 30 are also to be abolished by addition to the schedule in the principal Act. The end result of these repeals will be that the nominal defendant and authorized insurers will lose their special protections and will be subject to actions for damages and recovery of moneys in the same way as everyone else. Although the Law Reform Commission initially recommended the retention of some of the special protections in the Motor Vehicles (Third Party Insurance) Act, the commission acknowledges now that the changes proposed in this bill are not unreasonable.

The substance of what is proposed in the bill has been covered but there are other matters that I might now mention. Clause 2 gives the proposals retrospective effect to 19th August last year, the date when the principal Act was proclaimed to commence. It is not usually desirable that legislation should be retrospective but there are situations where it is not only unobjectionable, but also likely to work some good. Such is the case here. It is arguable that protections in sections 25 and 30 of the Motor Vehicles (Third Party Insurance) Act have already been abolished through the operation of section 5 of the principal Act, but the position is not beyond doubt and the bill will erase those doubts.

Additionally, the error in the schedule of the principal Act in the name of the Land Development Contribution Management Act should obviously be retrospectively amended to prevent any difficulties arising. Retrospectivity will not impose hardship on any litigant; it may perhaps assist one or two and it will do no great harm to the nominal defendant or to third-party insurers. Without retrospectivity it is possible that some deserving claim against the nominal defendant or an authorized insurer might be procedurally frustrated. The bill is not an insignificant measure and it will ensure that there are no blots on what is a scheme to assure compensation in damages to persons injured or to the dependants of persons killed by negligence on the roads. As I said at the introductory stage, no small credit is due to my friend the honourable member for Willoughby for bringing to my attention this anomaly in the scheme. Great credit is due to him and I am personally rather sorry to see him leaving this Parliament so prematurely, and in circumstances that do not fairly reflect what has been his value to the Parliament and the State. I commend the bill to the House.

Mr CAMERON (Northcott) [9.55]: Statutory creatures, whether the nominal defendant or any other, ought not to enjoy immunities the ordinary litigant does not enjoy. That has been the consistent attitude of the Opposition. Accordingly, it fully supports and endorses this small bill now before the House.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr F. J. Walker.

SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL

Second Reading

Mr HAIGH (Maroubra), Minister for Services and Minister Assisting the Premier [9.55]: I move:

That this bill be now read a second time.

As I explained in my remarks in moving the motion for leave to introduce, the purpose of the bill is to provide for endorsements on second-hand dealers' licences to authorize dealers to carry on business at temporary market stalls and pitches away from their specific permanent premises.

As honourable members will be aware, there has been in recent years a growing popularity in the conduct of markets, on a casual basis, in and about metropolitan and country centres and the city of Sydney. Such locations include the well-known Paddy's Markets conducted at the Haymarket and Flemington, as well as trash and treasure markets held in council car parks and during daylight hours at drive-in theatres. These

businesses are conducted from temporarily hired stalls or pitches and stall operators normally rent selling space to display their merchandise from tables, clothes hanger racks and the rear of cars and trucks.

Though much of the trade at markets continues to be in new stock it has come under notice that an increasing number of persons, both licensed as second-hand dealers under the Second-hand Dealers and Collectors Act, 1906, and unlicensed, are selling second-hand goods. At present, the Second-hand Dealers and Collectors Act makes no provision for the granting of licences to second-hand dealers wishing to conduct business at markets. However, some years ago the practice began of issuing second-hand dealers' licences to those people who made application and nominated their business premises as a market location. Subsequently the Crown Solicitor advised that the provisions of the Second-hand Dealers and Collectors Act do not contemplate dealers' premises as being a market stall or pitch, but as premises that should, among other qualifications, be permanently occupied by the licensee.

The Government has adopted the recommendation of the Commissioner of Police that this inadequacy in the legislation should be overcome as soon as practicable, as there would appear to be no adverse effect on the community by second-hand dealers operating at these markets subject to proper supervision of their activities by the police, and to dealers conforming with the requirements of the Second-hand Dealers and Collectors Act. Clause 1 of the bill is the short title. Clause 2 is the commencement provision and clause 3 amends the Second-hand Dealers and Collectors Act in the manner set out in schedule 1. New section 4AA is inserted in the Act providing for the holder of, or applicant for, a second-hand dealer's licence to apply for a market endorsement on his licence. A market is defined as any market provided, maintained, controlled or managed by the Sydney Farm Produce Market Authority or by a council on the days or dates and during the hours permitted by them for the buying or selling of second-hand goods; or any other place declared to be a market by order of the Minister on the days or dates and during such hours as are specified in the order.

An application for a market endorsement is to be made in the manner and accompanied by the fee prescribed by the regulations and is to be referred to the police for report. For the benefit of the honourable member for Gordon who raised the matter at the introductory stage, I should like to mention that, although it is intended to charge a fee for dealing with applications, this will not be as a revenue-raising measure but, as with similar licensing legislation, a small fee to meet, in part—and I stress that—the cost of processing applications. In this connection, I have in mind a fee in the vicinity of \$5 for a market endorsement, which I think will be regarded as most reasonable. After reference of an application to the police a period of one month is allowed within which objections may be lodged. If no objections have been made within that period the application may be granted by a clerk of petty sessions, or if objections are lodged the matter will be heard by a court of petty sessions.

A clerk of petty sessions and the court are empowered to attach conditions to any market endorsement and unless sooner cancelled the market endorsement will remain in force while the licence on which it is made is in force. A market endorsement will authorize the holder of the licence to carry on the business of a second-hand dealer at the market in respect of which the endorsement is made. With certain exceptions set out in section 8B of the Act, all second-hand goods purchased or received by a second-hand dealer are required to be kept by him for five days without changing the form of the goods or disposing of them in any way. Under the bill a second-hand dealer who acquires second-hand goods at any market in respect of which a market endorsement is in force may retain the goods at his market stall or pitch until the close

of trading when he is required to remove them to his permanent premises. For the purposes of the Act, the dealer will then be required to keep the goods at the permanent premises nominated on his licence for the five days period.

A secondhand dealer who conducts business at a market will also be bound by the present provisions of the Act which require him to keep the appropriate record books and to produce any books or secondhand goods in his possession when requested to do so by the police. Provision is also made for the cancellation of a licence or a market endorsement by a court of petty sessions where a licensed person has been guilty of an offence against the Act or regulations or is in any other respect unfit to hold the licence or market endorsement. Finally, schedule 1 to the bill makes a number of consequential amendments of a minor nature to the principal Act. In proposing these amendments to the Second-hand Dealers and Collectors Act the Government is moving to rectify an unsatisfactory situation where in one instance a number of secondhand dealers are conducting business at markets following the erroneous issue of secondhand dealers licences to them while, on the other hand, other persons wishing to operate as secondhand dealers at markets are now denied the right to be issued licences because of the legal advice given about the inadequacy in the legislation. I commend the bill to the House.

Mr MOORE (Gordon) [10.1]: The Opposition agrees that the bill deals with an anomaly in the law that ought to be corrected. I thank the Minister for giving the House an indication in his second-reading speech of the matter that I raised concerning the level of the prescribed fee. The only other matter in the bill that takes my attention is the question of the issuing of a licence with a market endorsement in respect of only one market. I should appreciate the Minister's advice about whether a second-hand dealer seeking an endorsement for a particular market will be required to do that with respect to the location of the market or with respect to an individual market that might be called different names. For example, the Queen Street fair at Paddington might on different dates be known as the Paddington Spring Fair, the Woollahra Art Festival or something of the sort.

I ask the Minister to inform me and the House whether more than one endorsement would have to be made or whether only one endorsement would be required for the one location even if it were given different names at different times. If more than one endorsement is required I ask the Minister to consider the matter, for it might fall into the area of revenue-raising rather than the reduction of the costs of such endorsements.

Mr HAIGH (Maroubra), Minister for Services and Minister Assisting the Premier [10.3], in reply: I thank the honourable member for Gordon for intimating that the Opposition supports the bill. As I have already stated, the purpose of the amendments is not to raise revenue but to control the operations of people selling at various places where the present licence does not cover legally the action of selling secondhand goods, particularly in the way that it has been done on some occasions in the past. I assure the honourable member, as I said earlier, that the amendments are intended only to control properly, in the way that has been intimated, the sale of secondhand goods at markets. It is not in any way intended to be a revenue-raising proposal.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Haigh.

TOCUMWAL RAILWAY EXTENSION (SUPPLEMENTARY AGREEMENT
RATIFICATION) BILL

Second Reading

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports [10.5]: I move:

That this bill be now read a second time.

An agreement was entered into on 19th April, 1906, between the then Premiers of New South Wales and Victoria, under which it was agreed that the Victorian railway system would be extended into New South Wales from south of Tocumwal across a bridge over the Murray River to a point about 2 miles from the terminus of the Victorian railway at Yarroweyah. There was already a bridge in existence at Tocumwal carrying road traffic over the Murray River and the railway line was to be carried over that bridge. There was a lift span in that bridge and a specific term of the agreement entered into in 1906 was that the lift span should be maintained in working order so that navigation would not be impeded. The cost of constructing the line from Yarroweyah to Tocumwal and of strengthening the Tocumwal bridge was to be borne by each of the States in equal proportions. The cost of maintaining and working the line, and of the bridge, was to be borne by the State of Victoria.

The agreement was ratified and confirmed by an Act of the Parliament of this State known as the Tocumwal Railway Extension Act, 1906. The agreement was included as schedule 1 to the Act. The Premier of Victoria first approached the Premier of this State for an agreement to amend the original agreement enabling the closure of the lift span in this bridge in January, 1976. In the letter to the Premier, the Victorian Premier said:

I am informed by the Minister of Transport that no maintenance has been done on the lifting apparatus for many years and, should any river craft require passage, three months' notice would be required before the necessary work could be done to enable the span to be raised.

He also said:

It has not been necessary to operate the lift span for a river steamer since 1934, and the last servicing movement was in 1941.

The Maritime Services Board of New South Wales, which controls river navigation, has advised me that it raises no objection to the permanent fixing of the lifting span of the bridge. I have also been advised that the effect on river traffic would be negligible as a result of the fixing of the lift span, as the bridge at Barmah, which is downstream from Tocumwal, provides less clearance than the combined road-rail bridge over the River Murray at Tocumwal.

In the circumstances it was felt that the request of the Victorian Government could be acceded to, and in due course the agreement was duly signed. The agreement is in fact a schedule to the bill before the House. Because of the way the agreement was drafted, the Parliamentary Counsel felt that a simple ratification bill was all that was required, rather than a bill that would in fact amend the original Act. Honourable members will notice that the cost of the alterations to fix the lifting span in the Tocumwal bridge are to be borne by the State of Victoria. Honourable members will also notice that the agreement cannot be carried into effect until the agreement is ratified by an Act of Parliament of the State of Victoria. I commend the bill to the House.

Mrs MEILLON (Murray) [10.8]: The Opposition does not oppose the bill but I trust that, in the interests of New South Wales dwellers in the border areas, protection is still to be provided. Without the border railways agreement that was signed in 1926 the Melbourne–Deniliquin line might not still have its train. In about 1950 the Victorian Government evaluated all its country railway services and decided to discontinue the motor-train service from Echuca to Deniliquin, but because of the agreement between the States and the fact that some of the old residents of the towns remembered that it was signed in 1926, an approach was made to the New South Wales Government to request the Victorian Government to refrain from discontinuing this train service.

Last year the same sort of thing happened, it might be recalled, when the new Victorian railways commissioner decided that the line was not paying and that Victoria could do without it. But the people along the border who are not served by the New South Wales Government are protected by these agreements and I hope they are always covered by that umbrella. When the Tocumwal agreement was signed there was, as the Minister said, more traffic flowing under the bridge than over it. Now that the span is rusted and useless I do not think it will cost the Victorian Government much to fix it. I think it has fixed itself quite well.

That bridge is part of the Newell Highway, which is an all-weather road from Melbourne to Darwin. The Tocumwal bridge is a bottleneck on that road. As I said at the introductory stage, the bridge is dangerous and it is a serious traffic hazard. In addition, the structure of the bridge causes the banking up of water at flood times and that is a prime cause of Tocumwal's flood problems.

A new bridge is essential, not the least reason being Tocumwal's strategic position. The railway by-passes the main Brisbane-to-Melbourne railway line and gives an alternative route for defence purposes. During World War II a base for heavy American bombers was established near Tocumwal. It is a town with friends all over the world. The boys who served and learned to serve there made friends in wartime and, like me, they pray that those days will never come to Tocumwal again. I know I have the backing not only of the people of Tocumwal but indeed of all those who use the highway and the bridge in promising the Minister full support in representations to the Commonwealth and Victorian governments for financial assistance in constructing a new bridge at this point. As the Minister knows, the three governments are involved in financial arrangements for all bridges over the Murray. Tocumwal is a popular tourist resort. It is a most picturesque township—at the moment, like an oasis in the desert. It is known to fishermen far and wide as the home of the Murray cod. Members of the Opposition support the bill, but make a strong plea for a new bridge at Tocumwal.

Mr MOORE (Gordon) [10.11]: In June last year I had the pleasure of accompanying the honourable member for Murray on an inspection of Tocumwal bridge. Included in that tour of inspection was a half-hour flight over the bridge in a light aircraft to look at the problems created for the citizens of Tocumwal, not just by this bridge span but also by the road alignment on the Victorian side of the border. The Victorian Government has made major alterations to the alignment of the road on the Victorian side of the river. It has also made major improvements to the condition of the road leading to the bridge. The alignment has been altered so that the launching point for a new bridge can be reached without further major construction work in Victoria. On the New South Wales side of the border land that has been reserved for a new bridge is substantially cleared along the proposed route.

The Tocumwal bridge is narrow and old-looking. It carries the railway line and vehicular traffic across the border. It is not safe for pedestrians or passenger vehicles. I support the honourable member for Murray in inviting the Minister's attention to

the need not just to repair the existing bridge at Tocumwal, but rather to build a completely new one for the people of that town.

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports[10.13], in reply: I thank the honourable member for Murray and the honourable member for Gordon for their comments on the bill. I assure them that I shall raise with my colleague the Minister for Transport and Minister for Highways the points they have brought to my attention.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr MOORE (Gordon) [10.15]: I rise on a matter that seems almost insignificant, but it does affect the sovereignty of Parliament. The Minister said in his second-reading speech that the agreement that is the subject of the bill cannot be ratified without an Act of the Parliament of the State of Victoria and an Act of the Parliament of the State of New South Wales. Schedule 1 contains a reference to the agreement having no force or effect until it is ratified by the Government of New South Wales and the Government of Victoria. Governments do not ratify legislation. Legislation is ratified by sovereign Parliaments. In New South Wales the Parliament consists of two Houses. For that reason I intend to move that schedule 1 be amended at page 3 by omitting the word "government" on lines 31 and 33 and inserting in lieu thereof the word "Parliament".

The CHAIRMAN: Order! Such an amendment would be out of order because it is not possible to move an amendment to a clause in a bill that seeks to ratify an agreement between States.

Schedule agreed to.

Adoption of Report

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

Third Reading

Mr FERGUSON (Merrylands), Deputy Premier, Minister for Public Works and Minister for Ports [10.18]: I move:

That this bill be now read a third time.

Mr MASON (Dubbo), Deputy Leader of the Opposition [10.18]: In the discussion at the Committee stage the honourable member for Gordon sought to invite attention to some wording in schedule 1. The Chairman of Committees pointed out that as the bill seeks to ratify an agreement between two States, this Parliament is not entitled to propose an amendment to the schedule. I voice some objection to that procedure. The result of the bill is that the Parliament is building into the law of this State words that strike at the fundamental power of Parliament itself. It seems a great shame that such a technicality should prevent that unfortunate situation from being corrected. I am sure that even though this may seem to be a minor matter of wording in the schedule, the Ministers involved in the agreement would have seen the significance of the point had it been brought to their attention.

Mr SPEAKER: Order! Debate on the third reading of a bill is limited to a discussion of the measure in general terms. At the third-reading stage an honourable member cannot deal with a bill in detail, as he can in the debate at the second-reading stage. Moreover, he cannot deal with any particular matter contained in the bill. The Deputy Leader of the Opposition has referred to the point he wishes to make. If he continues to deal with that point I shall have to declare him out of order and ask him to resume his seat.

Mr MASON: Mr Speaker, all I wish to say in conclusion is that it is a pity that the bill will not enshrine something that I am sure every member of this Parliament will want to support—that the Parliament is the supreme authority in respect of legislation. Mr Speaker, I am sure that you and every other honourable member will want to see this Parliament retain its supreme power. It is a great shame that a technicality should stop this Parliament from amending a measure.

Motion agreed to.

Bill read a third time.

SCAFFOLDING AND LIFTS (AMENDMENT) BILL

Second Reading

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [10.22]: I move:

That this bill be now read a second time.

As I intimated at the introductory stage, this bill has a number of objectives. Experience gained in administering this Act over recent years has shown that the legislation needs a thorough updating in order to cover more adequately new industrial techniques and to take account of more modern equipment in use. Statistically, the number of man-hours lost in New South Wales annually as a consequence of industrial accidents far exceeds the number of hours lost through strikes. I am sure that honourable members would agree that every responsible measure should be taken to reduce this drain on the resources of industry, particularly in the context of the current recession.

The measures I shall introduce are aimed at regulating new areas where experience has shown that injury is likely to occur, while at the same time they will achieve a high level of compatibility of our safety legislation with that of other Australian States. To take account of the expanded operation of the Act, it is proposed to change the short title to the Construction Safety Act, 1912, as it is considered that this designation will reflect more accurately the thrust of the legislation. It is proposed, also, that the scope of the Act be expanded so as to cover new categories of construction work such as work in connection with the construction of or maintenance of roads, airfields and airstrips, the permanent way of a railway or tramway, earth moving by power-driven equipment, work in or in connection with the use of explosives, land clearing in preparation for building or excavation work, pipe and cable laying, lining and maintenance, dredging or salvaging, and such other work as is prescribed by regulation.

Further, certain classes of amusement devices not already controlled have been found to be a source of danger. Honourable members may recall, for example, the collapse of a suspension bridge in an amusement park. It is proposed to extend the definition of amusement device so as to cover motionless or manually-driven amusement devices where fees are charged for their use, or for admission to the place where

they are situated, and also to cover miniature trains of the type used in amusement parks. It is proposed to bring escalators and moving walks within the scope of the Act.

It is proposed also to extend the certification provisions to cover operations of explosive powered tools, divers engaged in construction work and powdermen engaged in the preparation or firing of charges of explosives. It is proposed to repeal certain provisions of the Act relating to drivers of passenger lifts. It is proposed, also, that the maximum penalties provided for breaches of the Act or regulations be substantially increased, as most of these have remained unchanged for twenty years and have been made rapidly redundant by **inflation**.

The Government's intention is to widen the extent of cover of the safety legislation. Changes to the definitions are directed to this end. I make it clear to honourable members that the proposed changes in definition are not intended in any way to alter or affect the traditional way in which work in the industry is performed by tradesmen and thus possibly create demarcation disputes. For example, the fact that the extended definition of scaffolding, the erection of which should be carried out only by a worker possessing an appropriate certificate of competency, does not mean that form work traditionally erected by a carpenter should in future be erected by other than a carpenter.

I shall now detail the provisions of the bill. Clause 1 contains the short title. Clause 2 contains the commencement provisions. It will be seen that, although it is proposed that the Act shall commence on the date of assent, the several provisions of schedule 1 are to commence on such day or days as may be appointed by the Governor, whereas the commencement of certain sections, and schedule 2, are related to the days on which related provisions of schedule 1 are to commence. Clause 3 defines the principal Act.

Clause 4 indicates that the Act contains two schedules. Schedule 1 contains amendments of the principal Act and schedule 2 contains amendments to other Acts, these latter amendments being occasioned by the change in the short title of the Act. Clause 5 sets out the method by which the principal Act and other Acts are to be amended by the schedule. Clause 6 is a savings provision occasioned by the change in the short title of the Act, while clause 7 deems regulations in force under the principal Act to be regulations made under the Construction Safety Act, 1912.

By clause 8 inspectors and the chief inspector appointed under the principal Act are deemed to have been appointed under the Construction Safety Act, 1912. Clauses 9 and 10 make savings provisions in respect of certificates of competency suspended or notifications in force under the principal Act, so that on the commencement of the relevant sections of the amending Act the legal effect of that suspension or notification shall be preserved. The schedule details the amendments to the principal Act.

I turn now to the schedule. I shall refer only to clauses of a substantive nature. Should any queries be raised by honourable members on the minor or consequential amendments I shall deal with these matters in reply. Item (1) of the schedule provides for a new long title to the Act, which becomes "An Act to provide for the regulation and inspection of construction work and to consolidate the Acts controlling Scaffolding and Lifts". Item (2) provides for the new short title and for the division of the Act into five parts and a first schedule.

Item (4) (a) redefines amusement device so as to include certain motionless or manually-propelled systems, and ropeways such as chair lifts or gondola lifts. Honourable members opposite will be pleased to see that the definition has been carefully

drafted so as to exclude mini-golf courses. Item (4) (c) redefines building work, so as to include sheathing, spraying or dismantling work, and work done in relation to a vessel while it is at a wharf rather than, as formerly, only when it was in dock or on slips.

Item (4) (e) limits the definition of compressed air work to such work done in relation to construction work, the previous definition being so broad as to appear to extend beyond the intended scope of the Act, for example, to the fishing industry. Item (4) (f) provides for a new definition of construction work, to cover classifications of work not already covered by the Act. These additional classes of work, for example, work in connection with the construction or maintenance of roads or airfields, dredging and salvaging work, and various types of earth-moving, frequently involve the use of large, mechanically powered equipment, or the movement of huge quantities of earth or rock, with all the attendant hazards to life and limb inherent in operations of this sort. The Government considers it essential that appropriate safety measures be introduced to reduce the risk of accident to a minimum.

Further, with the rapid advance of technology, it is possible that new types of operations may require attention at some short notice. Provision is made by the clause to extend the operation of the Act by regulation, should the need arise. Item (4) (g) replaces the definition of contractor with that of constructor, while item (4) (h) extends the definition of crane and conveyor.

Item (4) (i) provides for a definition of diving work and item (4) (j) for a definition of escalator. Item (4) (k) redefines excavation work to include a wide range of excavations or filling of excavations regardless of depth. Paragraphs (l) and (m) of item (4) expand the definitions of gear and hoist, while paragraphs (n) and (o) of that item include escalators and moving walks within the provisions of the Act. A new definition of plant is provided by item (4) (r) to take into account the fact that specific provision is now made elsewhere in the Act in respect of compressed air work.

Paragraphs (t), (u) and (v) of item (4) further amend the definitions section of the Act to give effect to the expanded scope of the amending legislation. Paragraph (x) of item (4) expands the concept of amusement device to cover devices and parts thereof that experience has demonstrated to be a potential source of injury. The item provides a similar expanded coverage in connection with explosive powered tools. Item (5) provides for the omission of section 4 from the principal Act. Initially it had operated so as to restrict the application of the Act to certain areas of the State. By proclamation, the Act now applies to the whole of the State, so that removal of restrictive section 4 is appropriate. Item (6) extends the operation of the Act to such equipment as conveyors, cranes or scaffolding used in or construction work carried out in a mine, or part thereof, that has been exempted from the operation of the Mines Inspection Act, 1901.

The offices of chief inspector of construction safety and deputy chief inspector of construction safety are created by item (7), which sets out certain of their powers and duties. The substantive effect of item (9) is to require the notification of construction work and the new, wide range of excavation work, and to increase the penalty for failure so to notify from \$100 to \$500. Item (10) increases from \$200 to \$1,000 the penalty for continuing to carry out work while a notification fee remains unpaid.

Clause 12 provides for an increase in the penalty from \$100 to \$500 for failure to give notice of intention to alter a lift or conveyor. Clause 13 provides for the deletion of provisions requiring the acquisition of a certificate of competency before a person can operate a passenger lift. As honourable members will be aware, such a requirement had become an anachronism in this age of fully automated lifts. I turn

Mr Hills]

now to clause 16, which increases from \$100 to \$500 the penalty for ignoring directions to cease the careless or incompetent working of a conveyor. It provides also for a similar penalty in respect of the operation of an escalator, moving walk or lift. The clause provides for a penalty of \$1,000 for failure to comply with directions to cease to operate an amusement device, amusement devices being so constructed as to commonly require a high degree of skill in their operation and the careless or incompetent operations of which could seriously endanger many young children.

Clause 17 provides for a number of consequential amendments to section 15 of the Act relating to the giving of directions by an inspector to a person using a wide range of equipment, now to include escalators, moving walks or lifts, and increases the penalty for failure to comply with these directions from \$500 to \$1,000. The Act had long contained provisions in section 10 making it an offence for any person to interfere with or obstruct an inspector in the execution of his duty. It is proposed to amend this section by clause 18 to meet problems, unhappily faced by my officers on many occasions, by making it an offence to assault, resist or obstruct, or to use threatening abusive or insulting language to an inspector, and to increase the penalty imposed for a breach of the section from \$100 to \$1,000.

Clauses 20 and 21 provide for a number of amendments concerning the issue, suspension, cancellation or variation of certificates of competency to act in such capacities as riggers, scaffolders, dogmen and crane chasers, and for appeal rights concerning these. The main changes proposed by the clause include giving to the chief inspector the power to suspend, cancel or vary a certificate of competency, and for the chief inspector, rather than the Minister, to grant exemptions under section 17 (8) and 17A (5A) of the principal Act, at the same time providing for an appeal to the Minister against the misuse of this power. The clause, together with clause 21 (h), removes the requirement for a prescribed examination and inquiry before a certificate of competency under section 17 or section 17A of the principal Act is issued, so as to allow reciprocity in the case of persons licensed by other States.

Clause 21 further provides for the issue of certificates of competency for divers, powdermen and explosive-powered tool operators and the like under section 17A of the principal Act. Clause 22 provides for the holders of certificates of competency which are to be cancelled or endorsed or varied by the chief inspector to deliver the certificate to him for that purpose within a specified time or be liable to a penalty of up to \$100. The next substantive amendment is found in clause 24, which increases from \$200 to \$500 the penalty for failing to notify the chief inspector of an accident.

Clause 25 provides for the insertion of a new section 18A in the Act to allow for regulations to be made exempting specified persons or classes of persons from the operation of sections 6, 6A, 10, 17 or 17A of the principal Act. Clause 27 increases the maximum penalty for a breach of the principal Act, where no specific penalty is provided, from \$200 to \$1,000. Clause 28 facilitates the proof in legal proceedings of printed documents, and provides for new offences in the case of persons forging or counterfeiting certificates or permits, or using such documents and, owing to the serious consequences of such action, sets a penalty of imprisonment for a term not exceeding twelve months. Similarly, an offence is created of making false entries in documents or making or signing false statements in applications or notices, the penalty in this case being a fine of up to \$500 or, alternatively, imprisonment for a term not exceeding three months.

Clause 29 provides for mainly consequential amendments with the following exceptions. Clauses 29 (i) and 29 (s) empower the making of regulations fixing the terms of certificates of competency or of renewals, and the fees payable in respect thereof. Clause 29 (h) empowers the making of regulations to fix fees for the setting

up of various devices and apparatus such as escalators or moving walks. Clause 29 (w) empowers the making of regulations to take into account changing conditions in industry. The clause also provides for the increase in the penalty for breach of a regulation from \$200 to \$500. Finally, as honourable members will note, schedule 2 provides for amendments to certain other Acts consequential upon the change in the short title of the principal Act to the Construction Safety Act, 1912.

The bill reflects the Government's concern with the human and economic costs associated with industrial accidents, and represents an orderly and responsible development of the framework of existing legislation so as to express this concern in an effective and workable manner. I mentioned the other day when discussing the safety record of General Motors-Holden that the loss from industrial accidents amounts to \$2,000 million a year. Not only is there a serious economic consequence of industrial accidents but also the loss of man hours is greater than the loss from strikes throughout Australia. The Government is concerned, also, about accidents that occur on amusement devices. Obviously the law must be tightened because principally young people are involved. Also, attention must be given to non-moving devices which may give rise to serious danger. I instance the case of a bridge that collapsed with a number of young people on it. For these reasons the Government was concerned not only with moving equipment. The legislation takes into account the experience of my department and its counterpart departments in other States. I commend the bill.

Mr DOWD (Lane Cove) [10.36]: The Opposition shares the Government's concern for the need to increase safety measures and to bring the Act up to date. I appreciate the efforts of the Minister and the draftsman to find a better name than the Scaffolding and Lifts Act. Unfortunately, the title Construction Safety Act indicates only one major aspect of the legislation. The whole matter of amusement devices is not embraced by that title. Although the problem has been partly solved by changing the title, it is unfortunate that legislation covering amusement devices should go under the title of the Construction Safety Act.

I am disappointed that with this bill, which I hope I may be forgiven for describing as a machinery matter, more time was not allowed by the Minister to ascertain from all parties what the effect of the changes will be. I appreciate that the definition provision has been drafted carefully in an endeavour to avoid demarcation disputes. It would seem that no problems will be created. As the bill covers an extensive range of matters, further time should have been permitted in which to consider its provisions. However, I apprehend that that was not a matter within the Minister's control. I am sure he would have liked more time to be available for its consideration.

I wish to advert briefly to the matter of penalties. There appears to be a reasonable upgrading of them. A serious problem in New South Wales is the tendency for maximum penalties not to be considered as seriously as one would wish the courts to consider them. The increases in penalties will provide some indication to the courts of the gravity with which the Parliament regards the problems of safety and the massive injuries that continue to occur through carelessness. It is extraordinary how much trouble some people go to in order to create an accident situation. No matter how many regulations are brought in or how many safety devices are provided, employees for the sake of convenience will constantly try to defeat safety measures. I commend the Minister for bringing down this legislation, though not for not allowing more time for its consideration.

We have here another piece of legislation that does not provide for an adequate system of appeal. Despite the integrity and concern of those in the department who would be making recommendations on the issue of certificates or exemptions, the fact

of the matter is that an appeal to the Minister is no appeal at all unless the person who made the original decision has gone completely off the rails. It is high time in this State, as I have long advocated, that we had an appeal against administrative decisions—not that I think it would generate a large number of appeals. The mere existence of the right of appeal would mean that inspectors in the Minister's department would take their job a little more seriously—and in saying that I am not in any way attacking their work. Look at the trend of legislation. In effect, inspectors know that it is very unlikely that a Minister will overrule their decisions.

In my own electorate a factory has had a piece of equipment for five years but the inspector who has known the factory for that time has now decided that the machine, an electronic device, is not safe because it does not comply with an out-moded requirement as to a certain distance. The inspector has now decided, for reasons best known to himself, that the factory has to change and reconstruct this expensive piece of imported machinery. I shall let the Minister have details about this case later, because he would be concerned that some inspector might be getting a little too enthusiastic somewhat belatedly. Every honourable member of this House has to be concerned every time we create a discretion of an appeal to a Minister. No matter how competent the Minister may be, it is difficult for him to override a decision unless there is a breach of the obligations of the department.

Although one is reluctant to approve of regulation-making powers that are too extensive, this is clearly an area where the machinery of the department is too slow for changing technology and, properly administered, the regulation is a way to cover a rapidly changing area of construction techniques and, indeed, in amusement devices. When I see some of the slippery-dip devices for children on which they could break their spines or injure themselves, I believe we must look closely at the sort of thing that is allowed. If serious injuries occur, the public will probably make a great outcry. I hope that the amusement devices measure is reasonably well drafted to avoid the minigolf set-ups and will enable the department to look closely at slippery-dip devices that could cause injuries.

As the bill will not be going into Committee, I might refer now to one matter which I think is unfortunately drafted. I draw attention to proposed new section 21A, as set out in schedule 1. It seems to me most unfortunate in legislation for proving matters on a prima facie basis to say that the evidence of the notice is admissible as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard rule, code or specification. It seems to me it should be admissible in evidence, but what is meant by the words "in the absence of evidence to the contrary". Does it mean cogent evidence, the balance of evidence, some evidence, or that a decision has to be made? To say that it is proof of that matter is an unnecessary provision; we should merely provide that it is evidence of the matter, and that is the end of it. If it is evidence of the matter, then evidence can be brought to the contrary and a decision may be made by the court. I do not think it is likely to create a problem, but I think it is a piece of unfortunate draftsmanship.

As to the removal of the provisions relating to passenger lifts and authorized attendants, this is a consequence of changes in standards of lifts. It is proper to effect this removal. It will not create problems, as we have seen the changes that have occurred in this city and throughout the suburbs. If any matter arises which affects any construction or amusement device that has not been brought forward in the short time that this bill has been before the House, I hope the Minister will give it very serious consideration and readily offer an appropriate amendment.

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [10.43], in reply: I note the comments of the honourable member for Lane Cove, particularly the last one, because the Government is very conscious of the danger that some amusement devices create. It attempts to keep up with them as much as it possibly can and to seek to avoid injury to children. I take note of his comments about **draftsmanship** and will discuss it **with my officers**.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Hills.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Lotteries and Art Unions (Amendment) Bill

LOCAL GOVERNMENT (AMENDMENT) BILL

Message

Mr Speaker reported the receipt of the following message from the Legislative Council:

Mr Speaker,

The Legislative Council having had under consideration the Legislative Assembly's message dated 15 March, **1978**, in relation to the Local Government (Amendment) Bill, does not insist upon its amendments disagreed to by the Assembly and agrees to the Assembly's further amendments in the **bill**.

*Legislative Council Chamber,
Sydney, 15 March, 1978.*

T. S. McKAY,
Deputy-President.

METRIC CONVERSION BILL

Second Reading

Mr HILLS (Phillip), Minister for Industrial Relations, Minister for Mines and Minister for Energy [10.47]: I move:

That this bill be now read a second time.

As mentioned in my introductory remarks, this is the third omnibus-type bill necessary to introduce the metric system of measurement into the legislation of this State. It will also be the final omnibus-type bill, as it includes the last substantial body of Acts requiring an amendment of this nature. As honourable members will be aware, metrication has been introduced in stages since it was **first** proposed in **1970**, in order to avoid any severe impact on industry or on consumers. We have now arrived at the position where the burdens associated with the introduction of the system are being outweighed by the benefits associated with the adoption of a system used by the vast majority of the world's trading nations.

I turn briefly to the details of the bill. The measure proposes the substitution of metric for imperial units in a number of Acts which are listed in the three schedules. Clause 1 contains the short title. Clause 2 states that the provisions of the measure are for the purpose of metric conversion, as referred to in section 3 of the Metric Conversion (Savings) Act, 1974. Clause 3 is an interpretation clause. Clause 4 provides for the commencement date of the various sections and schedules contained in the proposed legislation. Clause 5 sets out the schedules. By clauses 6, 7 and 8, and the schedules attached to the bill, provision is made for the Acts listed to be amended to provide for conversion to the metric system. The bill is a straightforward piece of legislation, which I am sure will be welcomed by all honourable members as a concluding step in the introduction of the metric system into this State's legislation. I commend the bill to the House.

Mr DOWD (Lane Cove) [10.50]: The Opposition supports the legislation. When I see the bill I am reminded of my own father's concern that his retirement should come sufficiently soon to avoid the necessity of his having to adjust to the metric system. He succeeded in doing that and was at least spared that adjustment. As one who still **has** to help children with their homework, I can assure honourable members that it is not easy, having learned under the old system, to try to work out sums under the new system. However, lest my reactionary tendencies overshadow my enthusiasm for the bill the only comment I want to make is that many of the matters covered in the bill are direct translations of a precise measurement under the imperial system to a precise measurement under the metric system. Some of them, however, are not. For example, 500 grammes are made equal to one pound. **It** reminds me of the story of the shopkeeper who had done fairly well at the time of conversion to decimal currency and was looking forward to metric conversion so that he could put up his prices again and make that little extra adjustment. I am sure the Minister for Consumer Affairs and Minister for Co-operative Societies knows all about that.

As there will be a fair amount of consequential packaging and changes for a large number of matters in terms of the Totalisator Act and the Dried Foods Act, where straight conversions have not occurred, I sincerely hope that a reasonable amount of time will be allowed to permit industry to make the appropriate adjustments. I hope that fairly soon after the passage of this bill there will be notification to those industries of the direct conversions and otherwise, so that they will have plenty of time to adjust, without fairly substantial expense, to the metric system. It must be remembered that this is an expensive exercise. It is all very well to change over to the metric system with the benefits that are consequential upon it, but it is an expensive matter for manufacturers and I certainly hope that a degree of tolerance will be allowed for those that have printed documents of a certain size and that a little latitude will be given if the change requires expensive reprints and repackaging. Of course, the Opposition supports the bill.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by Mr Hills.

CONVEYANCING (RECEIVERS) AMENDMENT BILL

In Committee

Consideration of Legislative Council's amendments.

*Schedule of Amendments referred to in Legislative Council's
Message of 8 March, 1978.*

No. 1.—Page 5, Schedule 2. After line 24, insert—

- (b) From subsection (2), omit "the mortgaged property", insert instead "land the subject of the mortgage".

No. 2.—Page 7, Schedule 2, line 7. Omit "mortgaged property", insert "land the subject of the mortgage".

No. 3.—Page 7, Schedule 2. After line 7, insert—

- (h) From subsection (5), omit "mortgaged property", insert instead "land the subject of the mortgage".

Mr CRABTREE (Kogarah), Minister for Lands [10.53]: I move:

That the Committee agree to the Legislative Council's amendments.

This has been requested by lending organizations to clarify "mortgaged property". It was not intended that these words should refer to chattels. The amendments now stipulate "land the subject of the mortgage". I recommend the amendments to the Committee.

Mr SCHIPP (Wagga Wagga) [10.54]: The Opposition recognizes the need for these further amendments. Apparently the weakness of the bill was known when it left this Chamber. It is surprising that it was not amended at that stage. That probably highlights the need for the upper House to tidy up these measures. The Opposition has a watchful eye on the Government's legislation, but the way it has been pushed through of late my colleagues and I need to have eyes in the back of our heads. We could see that the measure, as it was drafted, was too wide in its interpretation and had to be restricted to land. Therefore we agree with these further amendments.

Motion agreed to.

Legislative Council's amendments agreed to.

Adoption of Report

Resolution reported, and report adopted on motion by Mr Crabtree.

ADJOURNMENT

Demountable Classrooms

Mr F. J. WALKER (Georges River), Attorney-General [10.56]: I move:

That this House do now adjourn.

Mr MASON (Dubbo), Deputy Leader of the Opposition [10.56]: I want to raise a matter that appears to be something of a crisis in accommodation in the schools of this State. It was brought to my attention when I visited schools in my electorate over the past week or so and discovered that at South Dubbo primary school, North Dubbo primary school, Dubbo Central infants' school and South Dubbo high school there were serious delays in the provision of transportable, demountable accommodation. Some of this accommodation had been promised as far back as October and schools are required to conduct classes in weather sheds, in halls down the road from the school and in similar situations. When I checked with some of my colleagues I discovered that the same plight applies in many other electorates.

It must be a matter of great concern to this House that the provision of accommodation for the children in our schools apparently depends upon the demountable classroom programme. One might well ask, what is happening to the school building programme of this State? It seems as if the only way in which accommodation can be offered to children throughout the State at present is by means of demountable classrooms. It has become apparent that there is now some massive blockage in the provision of this type of accommodation. I do not want to decry this type of accommodation, which is excellent. I have recently inspected a library made up from this sort of accommodation and I was tremendously impressed with it. Indeed, one of the schools in my electorate is waiting upon the provision of a library made up of this type of accommodation. Though it is excellent, it is of a temporary nature.

I raise this serious situation in the House tonight. It has apparently just grown and is now assuming serious proportions. On the subject of the Minister's dependence on demountable classrooms to meet the crisis, let me say that whole high schools consist of demountables with no other buildings. I raise the strongest objection to the Minister's failure to provide urgently-needed accommodation. South Dubbo high school in my electorate is, I imagine, typical of many high schools. It is now becoming almost a portable high school. It has something like twelve portable rooms. A second high school is needed in the area. The number of pupils at the school is increasing. It is 1 500 today and the way things are going it will probably be 2000 before a second high school is built. It is ridiculous to expect teachers and pupils to put up with that situation in schools of this size. Why has this crisis arisen and what is the purpose of it? I hope the Minister can cast some light on this matter, for I am led to believe that one of the problems is that one supplier of demountable classrooms is the State Dockyard at Newcastle.

I hope the Minister will give the House some assurances about this matter. All members of the Opposition are frightened about the inability of the State Dockyard to produce the goods, just as the people of this State will be frightened when they learn the facts. The Government has taken action to keep the State Dockyard going. Recently we had the demeaning spectacle of the Premier denouncing what is happening in Newcastle despite the Government's attempts to help the people there. I want to know whether the price the Government is paying to keep the State Dockyard open is the quality of education of the children of this State. It is commendable for a government to try to keep men in employment, but I hope the Minister will give honourable members an assurance that that is not being done at the cost of our children's education. Some children in my electorate are without classrooms. I imagine the same can be said about the electorate of the honourable member for Hornsby, the honourable member for The Hills, and many other electorates.

Mr Bedford: It applies in my electorate.

Mr MASON: The Minister says the situation applies in his electorate. That is serious. What has happened to the permanent school-building programme? The available figures seem to indicate that permanent buildings are no longer being built at the rate at which they were being built during the time of the former Government. What we want is permanent buildings, not temporary structures located here and there, which children have to reach by walking down gravel roads and across paddocks.

Mr Flaherty: Temporary classrooms were built by the former Government.

Mr MASON: Let me tell the honourable member for **Granville** the facts. Under the present administration \$80 million less has been spent on permanent school accommodation than was spent by the Liberal-Country parties. The **Labor** Party cannot be proud of its record. It is trying to meet the shortfall with demountable classrooms. Its expenditure on permanent accommodation has been comparatively

minute. The Government must face the facts. The problem is a serious and dramatic one, and the figures show it to be exactly that. The Government's attempted solution has now broken down seriously and dramatically. I believe the Minister does have a concern about this state of affairs. I hope he will give the House some assurances. The requirement that little children go to school in sheds and halls all over the place is a most unsatisfactory one. Permanent classrooms should be provided for them.

If the reason for the breakdown in the provision of demountable classrooms is that the Government is pandering to some unions, it is failing in its industrial responsibilities. In any event, a serious flaw in the Government's record is its abysmal failure in industrial relations. For eighteen months the Government has left idle a \$4 million building at Clyde workshops. What about the situation at the Tamworth freight depot, which the Government has been unable to resolve? Industrial peace in the State is at stake. Members of the Opposition want to know why demountable classrooms are not coming through. Is it because of industrial trouble? If the State Dockyard is not to blame, is somebody else at fault? Where are the demountable classrooms needed by our children?

Mr BEDFORD (Fairfield), Minister for Education [11.4]: A couple of the matters raised by the honourable member for Dubbo are outside my responsibility. When he launched into hyperbole he referred to Tamworth and to the Clyde workshops. I suppose one of the reasons for the great pressure coming on the Government for classrooms—and I acknowledge that there is a classroom shortage—is the reduction in class sizes, which has been going ahead at a rapid rate in the past couple of years. The Government was aware that an effect of a reduction in class sizes would be a greater pressure for accommodation.

Mr Mason: The Government is creating one problem while solving another.

Mr BEDFORD: The question is, which should have the higher priority? Demountable classrooms were called relocatables by the previous administration. I acknowledge that the programme was a fine one. The honourable member for Dubbo waxed eloquent about accommodating the children of this State. It is interesting to note that he is at last worrying about them after eleven years of Liberal-Country party government, during which little was done for these children. A matter that attracts my interest, and that of all taxpayers, is that population fluctuations in particular areas increase the demand for accommodation but also result in rooms of a permanent nature being left empty. Those rooms cannot be moved. That has happened on the Cronulla peninsula. The former Government built schools there at a cost of millions of dollars, but when the population bubble burst, rooms were left empty. Surely anyone with a grain of sense would acknowledge that in schools where there is likely to be some fluctuation in student numbers, the best approach is to provide relocatable classrooms. In the time of the former Government the primary school at Lethbridge Park in the electorate of Mount Druitt had more than 2 000 children in it. That is a record of which the Liberal and Country parties cannot be proud. Pressure was taken off that school by the establishment there of fully demountable classrooms.

Recently I visited Swansea, and saw there a fully demountable primary school. I was told by the teachers and parents that they are not in a hurry to have a permanent primary school built. They like the school they have. They think it is good. I have visited teachers and schools all over the State. They do not question the usefulness or the worth of these excellent demountable or relocatable classrooms. One of the great problems is that there are three constructors of demountable classrooms. They are the State Dockyard at Newcastle, Ralph Symonds Limited and C. & I. Industries Pty Limited. Each organization has contracts for the production of relocatable classrooms. The rooms are produced in runs. For some months work might proceed on classrooms

before the firm concerned goes on to other tasks. The demountable libraries, for example, are first rate. I have never heard anyone **complain** about them. Much depends on how the company concerned does its production runs. At the moment 300 items of demountable accommodation are on order, and are being placed as soon as they come off the production line.

In connection with the product of the State Dockyard at Newcastle, I refer to the words of an officer of the Department of Education who has no axe to grind on the question of which company does the best work. He told me when I visited Swansea that the best demountable classrooms that the schools in his region have received were those built at the State Dockyard. There is no question about the quality of their construction, and the classrooms are coming off the production line at the dockyard at exactly the same rate as they are in the works of the two private companies operating in this field. The product of the Newcastle State Dockyard is so good that recently the Government placed another order there for demountable classrooms.

The honourable member for Dubbo spoke about an \$80 million reduction in expenditure on the permanent classroom building programme under the present Government. On a number of occasions since the Labor Party came to Government reference has been made in this House to the fact that when we were elected the capital works programme was carrying into the next financial year a \$30 million debt from the previous year. That debt had to be dealt with. We had to adjust it because of the former Government's overspending in one year. I assure the House that I share the concern of the honourable member for Dubbo about the need for demountable classrooms. I assure him also that schools are receiving them in strict priority order as they come off the production line.

Motion agreed to.

House adjourned at 11.11 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers* this day.

POKER MACHINES

Mr BOYD asked the Treasurer—

(1) Is he aware that Lee **Bagwell** Television of 332 **Norton** Street, Leichhardt, is advertising poker **machines** for sale to private buyers from \$165 onwards?

(2) If so:

- (a) are these machines sold in a workable condition;
- (b) what poker machine tax, if any, do purchasers pay;
- (c) what supervision do they receive from his department to ensure that machines are not being used for business purposes; and
- (d) is this the source from which illegal gambling casinos obtain poker machines for their operations?

Answer—

- (1) It is understood that poker machines are frequently advertised for **sale** in daily newspapers and that some advertisements quote the telephone number of Lee **Bagwell** Television.
- (2) (a) Not known.
- (b) There is a general prohibition in terms of the Gaming and Betting Act, 1912, on the operation of poker machines, an exception being where licensed machines are held in registered clubs. An individual person may hold a poker machine provided there is no infringement of the gaming laws. Taxes are payable only in respect of licensed machines held by registered clubs.
- (c) The Treasurer's authority in relation to the operation of poker machines does not extend beyond registered clubs. Any breaches of the gaming laws would be a matter for ordinary law enforcement.
- (d) The identity of purchasers of machines from Lee **Bagwell** Television is not known.

GOLD COAST MOTORAIL

Mr BOYD asked the Minister for Transport and Minister for **Highways—**

- (1) Has there been any improvement on the scheduled running of the Gold Coast Motorail in the last twelve months?
- (2) Have his endeavours to ensure that this train runs to schedule been unsuccessful?
- (3) If so, will he table copies of guards' journals to enable other interested bodies to seek ways of getting this train back on schedule?

Answer—

- (1) There has been some improvement in the scheduled running of the Gold Coast Motorail Express. **However**, the improvement has not been up to expectation.
- (2) Endeavours to have this train run to schedule have been impeded by speed restrictions necessary at a number of locations where timber bridges are undergoing repairs and the **difficulty** in arranging neat crossings on the single line between Telarah and **Murwillumbah** with opposing trains which are themselves delayed because of the essential repair work.

Investigation is being made at the present time into the feasibility of lengthening the Lismore Station Platform, where the train is frequently delayed handling passenger and parcel traffic, necessitating more than one stop. Such a step would eliminate these delays. Funds are also being sought to provide a locomotive fuelling facility at **Murwillumbah** which will overcome the need to change locomotives at **Grafton** City in both the "up" and "down" direction, and avoiding delays through this cause. The installation of the Centralized Traffic Control system between Telarah and Casino will eventually assist to improve the punctual running of the Gold Coast Motorail Express.

(3) The Public Transport Commission is doing everything possible to keep delays to the Motorail Express to an absolute minimum and it is not considered that the tabling of copies of the guard's journals, which are essentially railway documents, would serve any purpose.

CATS

Mr MOORE asked the Minister for **Health**—

- (1) **What** restrictions exist on the trapping, skinning, and tanning of cat hides in this State?
- (2) What restrictions exist on the use of cat hides for commercial purposes in **this** State?
- (3) What steps are being taken by his department to prohibit the use and exploitation of domestic pets for tanning and consequent commercial use in New South Wales?

Answer—

The administration of the Cruelty to Animals Act is the responsibility of the Minister for Services.

MERIMBULA SPEED LIMIT

Mr COLEMAN asked the Minister for Transport and Minister for **Highways**—

- (1) Did a police investigation conducted in **1975** and **1976** indicate that the nature of the built-up area on the northern approach to Merimbula warranted the reduction of the speed limit in that area from 80 kilometres per hour to **60** kilometres per hour?
- (2) Was that report received by the Minister for Transport and Minister for Highways in the previous Government prior to the change in administration?
- (3) Did the then Minister request the Commissioner for Motor Transport to make the necessary arrangements for the reduction of the speed limit?
- (4) Has this recommendation not been put into effect since he became Minister for Transport?
- (5) Will he now have the recommendations implemented?

Answer—

- (1) **Yes.** The Police Department did investigate the speed zoning on the northern approach to **Merimbula** prior to the establishment of the Traffic Authority of **N.S.W.**
- (2) The then Minister for Transport and Highways was made aware of the police **views.**

(3) The Police Department's report was forwarded to the Commissioner for Motor Transport for implementation of the police recommendations and **was** subsequently referred to the new Traffic Authority of N.S.W. which, by virtue of the Traffic Authority Act, had been vested with power to determine speed limits.

(4) The position was subsequently reviewed and as a consequence the 60 kilometres per hour zone was recently extended to a point 1.45 kilometres west of View Street.

(5) See (4) above.

ROAD MAINTENANCE TAX ACT

Mr FISCHER asked the Minister for Services and Minister Assisting the **Premier—**

How many people were sentenced to gaol for failure to pay fines imposed under the Road Maintenance Tax Act in each of the following years—1973, 1974, 1975, 1976 and 19771

Answer—

It is not possible to identify persons held in custody for failure to pay Road Maintenance Act tax charges as this offence is grouped with other offences into the category "transport of goods by road". This category includes such offences as "drive **with** load protruding", "load of motor vehicle **unsecurely** fastened" and "overhanging load without red flag".

DRUG ADDICTS

Mr BOYD asked the Minister for **Health—**

(1) Does information given to the Health Commission by drug addicts during the course of addiction, frequently include the names and addresses of people engaged in drug pushing and peddling?

(2) Is it the policy of the Health Commission to treat such information **as** confidential?

(3) If so, (a) does this policy unduly protect a criminal element in our community; and (b) will he consider adopting a more positive policy in the identification and apprehension of people engaged in drug tracking, thus drying up the source of supply and subsequently diminishing the number of addicts in need of treatment?

Answer—

(1) Rarely is information concerning the source of supply or identity of supplier given to Health Commission staff by addicts under treatment. Where such information is in fact given, it is the usual practice for this information to be communicated to the Chief of the Police Drug Squad by an officer of the Health Commission under circumstances that would protect the identity of the informer.

(2) It is the policy of the Health Commission that any information concerning drug pushers which comes into its possession will be made available without delay to the Police Drug Squad.

(3) (a) The Health Commission is not in any way concerned in the protection of criminal elements involved in drug pushing, but does assist the Drug Squad, where possible, whilst protecting the life and the welfare of patients undergoing treatment.

(b) The positive policy suggested has been practised by the Health Commission for many years.

GRANTING OF BAIL

Mr **BOYD** asked the Minister of Justice and Minister for Housing—

(1) Are records kept for the guidance of police and magistrates in granting bail to offenders?

(2) If not, is remedial action contemplated by his department, in view of the high incidence of abscondence, to ensure a more objective approach to the granting of bail?

Answer—

(1) The meaning of the Hon. Member's question is not clear. In considering applications for bail the Courts of this State have regard to a variety of law, by which they are bound, and to information furnished by both the prosecution and the applicant.

Considerations entertained by the Courts when hearing bail applications must, of necessity, relate to matters personal to the applicant only.

In cases where the applicant has never been before a criminal Court—a significant number of cases—it is obvious that neither the Police nor the Courts will have any records of any relevance to the particular applicant.

(2) The Government is presently considering proposals which will ensure that, in future, Courts have available to them much more adequate information about the likelihood of bail applicants to answer bail. Applications for bail will be dealt with on a more objective basis than has ever been the case in the past.

LOAN AUGMENTATION

Mr **BOYD** asked the Minister for **Health**—

(1) From what source or sources was \$15 million derived to augment loan allocations of \$89 million in 1977–78?

(2) Did these funds come from other areas of under-expenditure?

(3) Were they derived from (a) reserves; or (b) reserves contained in allocations to the Treasury?

(4) (a) On what authority was the extra \$9 million approved for borrowing in the same year; and (b) what was its source of origin?

Answer—

(1), (2), (3) Funds of \$15 million were derived from the Hospital Fund. These funds were available due to a build up of the Fund from 30 June 1976 to 30 June 1977, resulting from savings against budget provisions made for operating costs of public and Schedule 5 Hospitals. The four main areas involved were as follows:

- (a) savings on salary award and agreement costs;
- (b) savings on payment to visiting medical officers due to the failure of the medical profession to arrive at an agreement with the Health Commission on the terms of sessional fee payments;
- (c) unexpected delays in the opening of new hospital services;
- (d) increased patient fee income due to the proportion of 'private' i.e. fee-paying patients being higher than anticipated.

(4) The Treasurer approved borrowings under section 37 of the Public Hospitals Act and Section 21A of the Health Commission Act, totalling \$8 million and \$1 million respectively. The required funds are raised either from banks, insurance companies or other appropriate funding organizations such as the State Superannuation Board.

LAND ACQUISITION

Mr MOORE asked the Treasurer—

- (1) What area and value of land was acquired by what department or instrumentalities under his control for what purposes in 1976 and in 1977?
- (2) If no such statistics are recorded, why not?

Answer—

(1) No Department or Instrumentality within the administration of the Treasurer acquired land for public purposes in 1976 or 1977. However, the Rural Bank of New South Wales and the Government Insurance Office of New South Wales did acquire land at various locations with a view to fulfilling their statutory functions.

(2) Not applicable.

PREFERENTIAL TREATMENT OF PRISONERS

Mr MOORE asked the Minister for Services and Minister Assisting the Premier—

- (1) Was a prisoner transferred from Goulburn Jail to Long Bay Jail in October, 1977, following threats by warders of strike action because of preferential treatment being given to the prisoner?
- (2) Why was preferential treatment being given to this prisoner, one Peter Marius Bull, son of a prominent official of the Waterside Workers' Federation?

Answer—

(1) The prisoner referred to in (2) was transferred from Goulburn Gaol to Malabar Training Centre in October, 1977.

(2) I am informed that there is absolutely no evidence to suggest that the prisoner, Peter Marius Bull, has received preferential treatment nor that external pressures have been applied to bring about such a situation, either in relation to his past or present placement.

Your colleague, the Honourable Member for Kirribilli, would recall this as I wrote to him along similar lines on 6th January, 1978.

SILVERWATER HALF-WAY HOUSE

Mr **MOORE** asked the Minister for Services and Minister Assisting the **Premier**—

(1) As at 1 February, 1975, how many prisoners were occupying the female half-way house at the Silverwater complex?

(2) How long had any vacancies at 1 February, 1978, been in existence?

(3) Under what circumstances and for what purposes do female prisoners use this facility?

Answer—

The following information is furnished in regard to the questions raised by the Honourable Member:

(1) As at 1st February, 1978, there were two prisoners occupying the female half-way house at the Silverwater complex.

(2) There have been no vacancies at any stage as this programme is limited to two women.

(3) This facility has been used as a pre-release programme for women who either undertake a full-time technical college course or are placed in outside employment.

EXPERIMENTS ON ANIMALS

Mr **MOORE** asked the Minister for **Health**—

What arrangements are being made for his department to have an observer attend the symposium being conducted for the fund for the replacement of animals in medical experiments, being held at the Royal Society Rooms, London, on Tuesday and Wednesday, 11 and 12 April, 1978?

Answer—

There are no statutory requirements in this State that animals must be used in connection with the discovery, development or testing of therapeutic products.

As a result of the costs associated with the use of animals for research purposes, the amount of this work carried out in New South Wales, and indeed, Australia, is negligible by world standards.

The Federal Government requires evidence that **specified** animal studies have been carried out before a new therapeutic substance is released on to the Australian market. However, the results of animal studies carried out overseas are accepted in Australia.

Therefore, in view of the foregoing, no arrangements for Health Commission personnel to attend the symposium have been made.

PRISONER CATHERINE HUGHES

Mr MOORE asked the Minister of Justice and Minister for Housing—

(1) Did a prisoner named Catherine Hughes write a statement of eight pages, dated 19 September, 1977, to him concerning a number of matters?

(2) Did he, in a letter to her dated 13 October, 1977, inform her that he would pass copies of her statement to both the Attorney-General and the Minister for Services concerning matters in their administrations?

Answer—

(1) Yes.

(2) Yes.

DIABETIC ORGANIZATIONS

Mr HEALEY asked the Minister for Health—

(1) Is diabetes the third-largest killer after heart disease and cancer?

(2) How much does the New South Wales Government give annually to cancer organizations and those interested in heart disease?

(3) What funds are made available to diabetic organizations?

(4) How many known diabetics are there in New South Wales?

(5) How does this figure compare with known heart and cancer patients?

Answer—

(1) Statistics for New South Wales for 1975 show that the four main causes of death were ischaemic heart disease, malignant neoplasm, cerebrovascular disease and accidents.

(2) The Health Commission has given grants for 1977–78 to the following organizations:

2.1 The New South Wales State Cancer Council—\$250,000.

2.2 Central Cancer Registry, Health Commission of New South Wales. The Registry is funded through Health Commission Administration and no separate costing is available.

2.3 The National Heart Foundation of Australia (N.S.W. Division)—\$30,000.

2.4 Kanematsu Institute, Sydney Hospital. The Health Commission gives annually a grant to cover administrative costs of the Medical Research component of the Institute. It receives grants from a number of outside organizations including the N.S.W. State Cancer Council and the National Heart Foundation to carry out specific research projects—\$225,550.

2.5 **Kolling** Institute of Medical Research, Royal North Shore Hospital. The Health Commission's grant covers the administration costs of the Institute. It also receives grants from outside bodies including the N.S.W. State Cancer Council to undertake research in immunology, e.g., clinical tumour immunology—\$104,000.

(3) The Health Commission has given a grant of \$3,000 for 1977–78 to the Diabetic Association of New South Wales.

(4) The prevalence of diabetes is 2 per cent of the population, half of whom are undiagnosed diabetics. If this incidence is applied to the population of New South Wales as at the 1976 census, then approximately 80 000 persons in this State have this condition, and half of this number have been diagnosed as diabetics.

The **Diabetic** Association has approximately 4 000 members.

(5) In the Health Care Survey conducted in the Gosford–Wyong area in 1975, by the Health Commission and the Australian Bureau of Statistics, it was estimated that 3.2 per cent of persons over the age of 15 years suffered from ischaemic heart disease.

In the Health Commission publication "Cancer in New South Wales, Incidence and Mortality", the incidence of cancer for 1972 is given as 222.4 per 100 000 population for males and 223.6 per 100 000 population for females.

N.B. The prevalence figures (i.e. the number of cases in the community at any point in time) for diabetes and ischaemic heart disease are comparable. There are no comparable prevalence figures for cancer; only incidence figures (i.e., the number of new cases occurring in one year).

NURSING HOMES AT GRAFTON

Mr SINGLETON asked the Minister for **Health**—

(1) Has the health commission plans for the construction of additional nursing home accommodation at **Grafton**?

(2) If so, (a) how many beds are proposed; and (b) when will funds be made available to allow the project to proceed?

Answer—

(1) No.

(2) Not applicable.

NOTE:

1. The State has no control over the **finance** for the construction and operation of new nursing homes.

2. An application from "The Clarence Valley Care of the Aged Committee" to construct an 80 bed nursing home, has been approved in principle by the Federal-State **Co-ordinating** Committee on Nursing Homes. The local committee is currently raising the funds required to attract the 2–1 subsidy under the Aged Persons (Homes) Act.

2.1 Although a Subsidy has not yet been committed to this project, an extension of the current triennium of the Aged Persons (Homes) Act, **as** promised in a recent press statement by Senator Margaret **Guilfoyle**, should make available the funding required.

3. The Health Commission is currently engaged in determining the feasibility of introducing a new category of hospital patients, with revised conditions governing the care of the long stay geriatric patient. If this category can be introduced, there should be a great improvement in the utilization of many country hospitals, thus providing a greater proportion of nursing home beds.

THE CHILDREN OF GOD

Mr **MOORE** asked the Minister for Services and Minister Assisting the Premier—

(1) (a) Is an organization known as "The Children of God" registered with his department as a charity and, if so, (b) is it authorized by his department to conduct street collections?

(2) If not, what is being done by his department to take legal action against this group collecting from (a) street corners and (b) median strips at traffic lights during peak hours?

Answer—

(1) (a) The organization known as the "Children of God" is not a registered or exempted charity under the Charitable Collections Act.

(b) The Department has not authorized that organization to conduct street collections.

(2) No legal action is being taken against that organization for collecting from street corners and median strips at **traffic** lights during peak hours. The Charitable Collections Act does not extend to any activity of any charity where such activity is wholly or mainly intended for the advancement of religion.

In those circumstances, street collections do not contravene the Act and are outside the jurisdiction of the Department.

ELECTORAL RESPONSIBILITIES OF MEMBERS

Mr **BOYD** asked the Minister for Services and Minister Assisting the Premier—

(1) When was the last comparative value study carried out relating to electoral responsibilities between city and country electorates?

(2) (a) How detailed was this study; (b) what were the findings; and (c) what review is necessary before any change can be made to those findings?

Answer—

The Electoral Commissioner has indicated that **as** far as he is aware no official comparative value study has been carried out relating to electoral responsibilities between City and Country Electorates.

QUARTER HORSES

Mr WEST asked the Minister for Services and Minister Assisting the **Premier—**

- (1) How many quarter horses have been purchased by the Department of Corrective Services?
- (2) Who is the purchasing officer?
- (3) From whom were these horses purchased and what prices were paid?

Answer—

- (1) The Cessnock Corrective Centre has purchased a total of eighteen horses, consisting of two station hacks, two purebred colts, thirteen mares and one filly. The horses were purchased during the years **1974** to **1977**, inclusive.
- (2) Mr Peter Cook the Farm Manager of the Centre, purchased the stock by private treaty, auction or tender.
- (3) The stock were purchased from the following breeders:
 - Garswood Pastoral Company, Blayney
 - E. J. **Hodges**, Willow Park Stud, Parkville
 - Wandjina Stud, Avalon Beach
 - E. Chadwick, Ocelot Pty Ltd, Mosman
 - J. T. **Reid**, Belltrees
 - J. and B. Derley, **Bringelly**
 - Belford Stud, c/- Naroo Pastoral Company, Sydney
 - C. R. Beard, Dural
 - J. F. Hampson, East Maitland
 - Broomfield Stud, Scone
 - S. Horden, Colony Stud, Parkville

The eighteen horses were purchased for a total cost of **\$40,450** but along with their fourteen progeny, they are now valued at \$56,000

POISONS SCHEDULE

Mr **MOORE** asked the Minister for **Health—**

- (1) When did each State and Territory add the drug "mandrax" to schedule 8 of the uniform poisons schedule?
- (2) If New South Wales has not done so, why not?

Answer—

(1) Methaqualone, the principal constituent of "**Mandrax**" was included in Schedule 8 under poisons legislation in the following States and Territories on the dates shown—

Australian Capital Territory	..	..	..	..	July, 1976
Queensland	..	..	..	..	May, 1974
South Australia	..	..	..	..	January, 1978
Tasmania	..	..	..	..	September, 1975
Victoria	..	..	..	..	December, 1977
Western Australia	..	..	..	..	February, 1978

It was included in Schedule 8 of the Uniform Poisons Schedules of the National Health and Medical Research Council in November, 1973.

(2) On the advice of the Poisons Advisory Committee all stocks of preparations containing methaqualone were made accountable in this State from **4th** November, 1977, by means of an amendment to the Poisons Regulations. The effect of this amendment is that from that date manufacturers, wholesalers, pharmacists, medical practitioners and hospitals must maintain records showing details of stock received and supplied and the balance on hand. In addition, the amendment makes it an offence for any of the above to wilfully destroy stocks of this drug. Further action to control the use of this **drug** will be considered in the light of experience gained from the above measures and any recommendations made by the Joint Parliamentary Committee upon Drugs which has, in the course of its inquiries, closely examined the question of the use and misuse of methaqualone.

HARRIS PARK RAILWAY STATION

Mr WILDE asked the Minister for Transport and Minister for **Highways**—

(1) Have passengers been inconvenienced in inclement weather since a waiting room and ticket office at Harris Park Railway Station was destroyed by fire several years ago?

(2) If so, will consideration be given to replacing the building as a matter of urgency?

Answer—

(1) Unfortunately, there has been some inconvenience to passengers following the fire which destroyed the facilities mentioned.

(2) A contract was let on 22nd February, 1978, for the design, supply and erection of a new station building on the northern platform. The work is programmed for completion early May, 1978.

THE CHILDREN OF GOD

Mr MOORE asked the Minister for Services and Minister Assisting the **Premier**—

Is his department taking legal action against "The Children of God" for door-knock collecting in North Shore suburbs?

Answer—

The Department of Services is not taking legal action against "The Children of God" for door-knock collecting in North Shore suburbs.

The organization called "The Children of God" is not a registered or exempted charity under the Charitable Collections Act.

That Act does not extend to any activity of any church where such activity is wholly or mainly intended for the advancement of religion. In those circumstances, a door-knock appeal does not contravene the Act and is outside the jurisdiction of the Department.

S.D.A. CREDIT UNION

Mr CAMERON asked the Minister for Consumer Affairs and Minister for Co-operative Societies—

- (1) Did the S.D.A. Credit Union some five years ago make a \$4,000 loan to Mr and Mrs A. Elliott, each of them receiving \$2,000? If so, were they eligible to receive such loan?
- (2) Was this loan made at the recommendation of the Member for Heffron as one of the directors of the credit union?
- (3) Was Mr Elliott, an employee of Travelodge, later sentenced to gaol for five years for fraud?
- (4) Was Mr Elliott supplying free printing to the Australian Workers Union and the Australian Labor Party at the expense of Travelodge?
- (5) Has the S.D.A. Credit Union ever recovered the \$2,000 loan made to Mr Elliott?

Answer—

- (1) Yes. The credit union relied upon that part of its rule which states "a loan shall not be made unless a member to whom the loan is made is a natural person and is a person employed in providing pay, personnel or administrative services to members of the (Shop Assistants and Warehouse Employees Federation of Australia) union". However, apparently through the then General Manager, Mr S. F. Arneill exceeding his authority, or by a mistake on his part the total loan amount of \$4,000 was made available in the name of Mr Elliott whereas strictly only \$2,000 could be advanced without security to any one person. The amount owing in respect of Mrs Elliott was subsequently paid out in full on 4th March, 1974.
 - (2) No. There is nothing in the credit union's records that indicate any such situation. The loan was processed and approved under delegation by the General Manager at that time, Mr S. F. Arneill.
 - (3) The credit union's records do not show that Mr Elliott was an employee of Travelodge. However, I have been informed that he may have been Manager of a printing company which was a subsidiary of the Travelodge group of companies. Mr Elliott was convicted in 1977 and was given a prison sentence.
 - (4) No information is available from the records of the credit union, nor of the Registrar of Credit Unions which gives any such indication.
 - (5) No. Mr Elliott has been declared bankrupt and the S.D.A. Credit Union has lodged a claim against his Estate.
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