

Legislative Assembly

Tuesday, 24 February, 1981

Assent to Bills—Forestry Act: Revocation of Dedications—Appointment of Governor (Message)—Death of Thomas Irving Morey, a former Member of the Legislative Assembly—Electoral District of Sturt (Issue of Writ)—Electoral District of Cessnock (Issue of Writ)—Electoral District of Maitland (Issue of Writ)—Electoral District of Oxley (Issue of Writ)—Retirement of Ronald Edward Alexander Ward, Clerk of the Legislative Assembly—Petitions—Questions without Notice—Appointment of Governor (Message)—Sydney Cricket and Sports Ground (Amendment) Bill (Introduction)—Land Aggregation Tax Cognate Bills (introduction, second reading)—Consumer Protection (Amendment) Bill (second reading)—Adjournment (Telecom charges)—Questions upon Notice.

Mr Speaker (The Hon. Lawrence Borthwick Kelly) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

ASSENT TO BILLS

Royal assent to the following bills reported:

Hornsby War Memorial Committee (Land Sale) Bill
 Acts Reprinting (Amendment) Bill
 Air Transport (Amendment) Bill
 Annual Holidays (Amendment) Bill
 Application of Laws (Coastal Sea) Bill
 Apprentices (Amendment) Bill
 Appropriation Bill
 Auctioneers and Agents (Amendment) Bill
 Broken Hill Water and Sewerage (Amendment) Bill
 Broken Hill Water and Sewerage (Rating) Amendment Bill
 Bush Fires (Amendment) Bill
 Capital Debt Charge (Grain Handling) Amendment Bill
 Centenary Celebration (Amendment) Bill
 Closer Settlement (Land Titles) Amendment Bill
 Cobar Water Supply (Amendment) Bill
 Companies (Death Duties) Amendment Bill
 Community Justice Centres (Pilot Project) Bill
 Crimes (Offences at Sea) Bill
 Crown Land (Land Titles) Amendment Bill
 Electricity Development (Amendment) Bill
 Firearms and Dangerous Weapons (Pawnbrokers) Amendment Bill

Government and Related Employees Appeal Tribunal (Grain Handling) Amendment Bill
 Government Railways (Further Amendment) Bill
 Grain Handling (Amendment) Bill
 Health Commission (Amendment) Bill
 Hunter District Water, Sewerage and Drainage (Amendment) **Bill**
 Hunter District Water, Sewerage and Drainage (Rating) Amendment Bill
 Industrial Arbitration (Further Amendment) Bill
 Interpretation (Amendment) Bill
 Land and Environment Court (Further Amendment) Bill
 Land Commission (Amendment) Bill
 Land Sales (Amendment) Bill
 Liquefied Petroleum Gas (Grants) Bill
 Local Government and Other Authorities (Superannuation) Amendment Bill
 Local Government Associations Incorporation (Amendment) Bill
 Local Government (Further Amendment) Bill
 Local Government (Motor Traffic) Amendment Bill
 Local Government (Public Vehicle?) Amendment **Bill**
 Long Service Leave (Amendment) Bill
 Local Government (Traffic Regulation) **Bill**
 Lotteries and Art Unions (Amendment) Bill
 Maritime Services (Motor Traffic) Amendment Bill
 Metropolitan Water, Sewerage, and Drainage (Land Valuation) Amendment Bill
 Metropolitan Water, Sewerage, and Drainage (Rating) Amendment Bill
 Miscellaneous Acts (Crown Land Titles) Amendment Bill
 Miscellaneous Acts (Retirement of Statutory Officers) Amendment Bill
 Motor Traffic (Alcohol Related Offences) Amendment Bill
 Motor Traffic (Amendment) Bill
 Parliamentary Remuneration Tribunal (Amendment) Bill
 Pawnbrokers (Amendment) Bill
 Pay-roll Tax (Amendment) **Bill**
 Plant Diseases (Amendment) Bill
 Professional Boxing Control Bill
 Public Service (Amendment) Bill
 Public Service (Grain Handling) Amendment Bill
 Real Property (Crown Land Titles) Amendment Bill
 Stamp Duties (Further Amendment) Bill
 State Transport (Co-ordination) Amendment Bill
 Statutory and Other Offices Remuneration (Grain Handling) Amendment Bill
 Stock Diseases (Further Amendment) Bill
 Strata Titles (Amendment) Bill
 Strata Titles (Auctioneers and Agents) Amendment Bill
 Superannuation (Grain Handling) Amendment Bill
 Swine Compensation (Amendment) Bill
 Sydney Entertainment Centre Bill
 Theatres and Public Halls (Professional Boxing Control) Amendment Bill
 Trade Union (Amalgamations) Special Provisions Bill
 Traffic Authority (Amendment) Bill
 Transport (**Air** Licensing Advisory Committee) Amendment Bill

Transport Authorities (Amendment) Bill
Transport (Further Amendment) Bill
Valuation of Land (Amendment) Bill
Valuation of Land (Water Boards) Amendment Bill
Wheat Marketing (Grain Handling) Amendment Bill
Workers' Compensation (Rates) Amendment Bill

FORESTRY ACT: REVOCATION OF DEDICATIONS

Mr Speaker reported a communication from His Excellency the Governor acknowledging receipt of the resolution adopted by the Legislative Assembly on 27th November, 1980, regarding the revocation of the dedication of parts of certain state forests.

APPOINTMENT OF GOVERNOR

Mr Speaker reported the receipt of the following message from His Excellency the Governor:

J. A. Rowland,
Governor.

Air Marshal Sir James Anthony Rowland has the honour to inform the Legislative Assembly that Her Majesty the Queen has been graciously pleased, by Commission under Her Royal Sign Manual and Signet, bearing date at Saint James's the fifteenth day of December, 1980, to appoint him to be the Governor in and over the State of New South Wales and its Dependencies in the Commonwealth of Australia; and that this day he took the Oath of Allegiance and the Official and Judicial Oath before the Honourable Sir Laurence Street, Chief Justice of the Supreme Court of New South Wales, and assumed the administration of the Government of the State accordingly.

Government House,
Sydney, 20 January, 1981.

Mr WRAN (Bass Hill), Premier and Treasurer [2.17]: I move:

That the following Address in acknowledgement of His Excellency's Message be adopted by this House, and presented to His Excellency: *To His Excellency Air Marshal Sir James Anthony Rowland, Knight Commander of the Most Excellent Order of the British Empire, upon whom have been conferred the decorations of the Distinguished Flying Cross and the Air Force Cross, Governor of the State of New South Wales, in the Commonwealth of Australia.*

May it Please Your Excellency—

We, the Members of the Legislative Assembly, in Parliament assembled, desire to express our thanks for Your Excellency's message informing us of your assumption of the administration of the Government of the State by virtue of a commission from Her Most Gracious Majesty appointing you Governor.

We offer Your Excellency our sincere congratulations on your appointment by Her Majesty, confident that your administration will reflect the distinction and devotion to duty already displayed in your services to the nation in other fields.

Mr MASON (Dubbo), Leader of the Opposition [2.18]: I second the motion for the adoption of the Address in acknowledgment of His Excellency's message.

Motion agreed to.

Mr SPEAKER: I have to inform the House that I have ascertained it to be the pleasure of His Excellency the Governor to receive the Address in acknowledgment of His Excellency's message notifying his assumption of the administration of the Government of the State, at 4 o'clock, p.m., this day at Government House.

DEATH OF THOMAS IRVING MOREY, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: It is with regret that I have to announce to the House the death of Thomas Irving Morey, a former member of the Legislative Assembly, who represented the electorate of Bligh from 1962 until 1965. On behalf of the House I have extended to Mrs Morey and family the deep sympathy of members of the Legislative Assembly in the loss sustained. Will honourable members please stand as a mark of respect.

Members and officers of the House stood in their places.

ELECTORAL DISTRICT OF STURT

Issue of Writ

Mr Speaker informed the House that upon the passing of the resolution of 12th August, 1980, declaring vacant the seat of Timothy Andrew Fischer, resigned, he had issued a writ on 22nd January, 1981, for the election of a member to serve in the Legislative Assembly for the electoral district of Sturt, in the room of the said Timothy Andrew Fischer, and that such writ is returnable on or before 13th March, 1981.

ELECTORAL DISTRICT OF CESSNOCK

Issue of Writ

Mr Speaker informed the House that upon the passing of the resolution of 9th September, 1980, declaring vacant the seat of Robert James Brown, resigned, he had issued a writ on 22nd January, 1981, for the election of a member to serve in the Legislative Assembly for the electoral district of Cessnock, in the room of the said Robert James Brown, and that such writ is returnable on or before 13th March, 1981.

ELECTORAL DISTRICT OF MAITLAND

Issue of Writ

Mr Speaker informed the Rouse that upon the passing of the resolution of 9th September, 1980, declaring vacant the seat of the Hon. Milton Arthur Morris, resigned, he had issued a writ on 22nd January, 1981, for the election of a member to serve in the Legislative Assembly for the electoral district of Maitland, in the room of the said Hon. Milton Arthur Morris, and that such writ is returnable on or before 13th March, 1981.

ELECTORAL DISTRICT OF OXLEY

Issue of Writ

Mr Speaker informed the House that upon the passing of the resolution of 9th September, 1980, declaring vacant the seat of David Bruce Cowan, resigned, he had issued a writ on 22nd January, 1981, for the election of a member to serve in the Legislative Assembly for the electoral district of Oxley, in the room of the said David Bruce Cowan, and that such writ is returnable on or before 13th March, 1981.

RETIREMENT OF RONALD EDWARD ALEXANDER WARD,
CLERK OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: I have to inform the House that I received a letter dated 20th January, 1981, from Mr Ronald Edward Alexander Ward, the Clerk of the Legislative Assembly, intimating his intention to retire from the position of Clerk of the Legislative Assembly from 18th February, 1981, and that formal approval was given to his retirement from that date.

Mr Ward joined the Legislative Assembly staff on 13th May, 1940, and his subsequent experience gave him firsthand knowledge of all ramifications of parliamentary work. He served in most positions and on 1st July, 1956, was appointed Second Clerk-Assistant; on 1st January, 1967, Clerk-Assistant; and from 1st February, 1974, Clerk of the Legislative Assembly.

He was attached to the staff of the House of Commons for three months in 1971. During his term of office as Clerk he represented this Parliament at a number of Commonwealth Parliamentary Association conferences and conferences of Presiding Officers and Clerks. In World War II he served as a pilot with the Royal Australian Air Force and saw active service in the Pacific region.

Mr Ward's forty years' of service to the Parliament, of which almost twenty-five years were as a Chamber officer, must rank him with the vanguard of those senior staff members whose service to the Parliament entitles them to tribute from this House. The House conveys to Mr and Mrs Ward its best wishes for a long and happy retirement and at the same time extends its warmest congratulations to his successor, Mr Douglas Leslie Wheeler.

Mr WRAN (Bass Hill), Premier and Treasurer [2.23]: I move:

That Mr Speaker's remarks with reference to Mr Ronald Edward Alexander Ward on his retirement from the position of Clerk of this House be entered in the *Votes and Proceedings*.

Mr Speaker, you have paid a fitting tribute to the contribution of Mr Ward to the functioning of this Parliament. I am sure all members of the House will join with me in expressing our appreciation of Mr Ward's distinguished career of more than forty years as an officer of the Legislative Assembly. During his period of service to the Parliament, Mr Ward was most helpful and co-operative to members on both sides of the House. I am certain that few members would not have benefited in some way from his assistance. On behalf of Ministers and members on this side of the House I extend to Mr Ward and his wife best wishes for a long and happy retirement. I should like also to congratulate his successor, Mr Douglas Leslie Wheeler, and wish him a successful term of office.

Mr MASON (Dubbo), Leader of the Opposition [2.24]: The Opposition wishes to be associated with the motion moved by the Premier and Treasurer. Mr Ward has been an outstanding and loyal servant of this Parliament. He has upheld the highest traditions of officers of this Parliament. The best wish of honourable members is for him to enjoy good health in his retirement and that it may bring to him much happiness. I join in the congratulations expressed to Mr Wheeler, the new Clerk of the Legislative Assembly, and congratulate also Mr Cooksley and Mr Grove on their appointments.

Mr PUNCH (Gloucester), Leader of the Country Party [2.26]: I join with the Premier and Treasurer and the Leader of the Opposition in paying tribute to Mr Ward for the tremendous assistance he gave all members of the Parliament and in expressing our sincere thanks to him. Members of the Country Party in particular, on whose behalf I speak, found Mr Ward's unbiased assistance and personal attention of inestimable benefit whenever they sought his advice. We extend to Mr and Mrs Ward our wishes for a long and happy life. On behalf of my colleagues in the Country Party and for myself I offer congratulations to Mr Wheeler on his appointment to the position of Clerk of the Legislative Assembly and extend our best wishes to him. I am sure he will continue to give assistance and advice to all honourable members.

Motion agreed to.

CLERK OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: I have to report that I have received a commission in favour of Mr Douglas Leslie Wheeler, who was appointed Clerk of the Legislative Assembly by His Excellency the Governor and the Executive Council as on and from 19th February, 1981.

I have to report also that the oaths of allegiance and of office were duly administered to Mr Wheeler by His Excellency the Governor on 19th February, 1981.

PETITIONS

The Clerk announced that the following petitions had been lodged for presentation:

Cruelty to Animals Act

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

Section 20 of the Cruelty to Animals Act may prevent the conduct of properly organized and supervised bushmen's carnivals and rodeos.

Your Petitioners therefore humbly pray that your honourable House will take action to repeal section 20 of the Cruelty to Animals Act.

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

Petition, lodged by Mr Park, received.

Technical and Further Education Colleges

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

Due to the proposed cuts to full-time staff and part-time teaching hours of technical and further education colleges some courses will be dropped in 1981 interrupting student programmes midstream.

Your Petitioners therefore humbly pray that your honourable House will intercede on our behalf with the Minister for Education to reconsider the 1981 budget establishment submitted by technical and further education so that colleges maintain existing staff and courses.

Petition, lodged by Mr McGowan, received.

Nude Bathing Beaches

The humble petition of the undersigned citizens of Australia, New South Wales, respectfully sheweth:

That we support your efforts to strengthen our family and community life.

We therefore wish to register our firm opposition to legalization and encouragement of public indecent exposure by the designation of certain public beaches and/or other public areas as nude bathing or so called unclad bathing areas. Such actions already taken outside the powers of Parliament have in effect caused the following results:

- (1) Restricted certain public beaches and public areas to one small privileged section of the community.
- (2) Given official approval, sanction and encouragement to indecent exposure which is unlawful conduct under our existing State laws.
- (3) Rejects the traditional Judeo-Christian ethic which is observed by the majority of the citizens of New South Wales.
- (4) Ignores the views of the majority of Australians, who by attitude and action reject this form of public behaviour.
- (5) Places heavy pressure on the State law enforcement agencies and courts as they seek to implement present laws relating to public indecent exposure, pornography and theatre obscenity.

We believe sufficient facilities exist for genuine nudists in the private licensed and supervised nudists clubs.

Your Petitioners therefore humbly pray that your honourable House will take no measures that would undermine acceptable social behaviour and conduct.

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

Petitions, lodged by Mr Fischer, Mr McGowan and Mr Robb, received.

Sydney Harbour National Park

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

That members of the public wishing to picnic on Rodd Island have been refused permission to land by the present incumbent.

That the Lands Department, which owns the island, is intending to lease all or part of the island to commercial interests which will permanently deprive ordinary working class people from the use of this presently natural harbour area.

That mooted boat berths to be built by commercial interests on the island will in all likelihood further reduce free access to Rodd Island.

Your Petitioners therefore humbly pray that your honourable House will legislate or otherwise arrange to make Rodd Island part of the Sydney Harbour National Park or other like authority so that the island's facilities may be enjoyed equally by all of the public.

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

Petition, lodged by Mr Maher, received.

Forest Management

The humble petition of certain citizens of New South Wales respectfully sheweth:

That many people who are residents of the North Coast of New South Wales and who derive their income either in part or in whole from the forest industries, and associated industries, and from commerce, grazing, agriculture and transport are concerned that any further extensions of national parks and wilderness areas will have a serious and lasting effect on the economic and social welfare of the region.

That the timber industry and associated industries are vital to the continued economic well being of the North Coast region and that any further reduction in the amount of timber available for logging or interference with the responsible management of North Coast forests by the Forestry Commission will jeopardise the continued viability of the forest industries and have grave economic and social consequences for the region and its inhabitants. Further that the Government through the Forestry Commission implement the creation of additional native hardwood plantations.

Our Petitioners therefore humbly pray that your honourable House will sympathetically look at the problems of all these people in northern New South Wales and beyond and that the responsible Ministers will take whatever steps are necessary to ensure the continued viability of the forest industries so that the people of New South Wales may be supplied with timber.

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

Petition, lodged by Mr J. H. Brown, received.

Rainforests

The humble petition of the undersigned citizens of New South Wales respectfully sheweth:

That rainforests maintain a greater diversity of vegetation and animal life than any other forest type. There is worldwide concern for their preservation. The logging policies of the New South Wales Forestry Commission do not protect the ecological integrity of our rainforests.

At the present rate of logging, the State's remaining rainforests will be exhausted within fifteen years. Workers employed in the logging of rainforests will become unemployed from 1982 onwards.

Therefore, we humbly request that there be an immediate cessation of logging in all the remaining rainforests in New South Wales and that steps be taken to ensure that employment schemes, such as reafforestation and use of alternative timber supplies, be implemented for displaced workers.

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

Petition, lodged by Mr Britt, received.

Local Government Amalgamations

The Petition of the undersigned citizens of New South Wales respectfully sheweth:

Grave concern at the intention of the Government to force amalgamations by legislation.

Your Petitioners therefore humbly pray that your honourable House will call upon the Government to desist from that action and to approach future amalgamations on the basis of genuine consultation with the citizens, communities and councils of the areas concerned.

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

Petitions, lodged by Mr Fischer and Mr Schipp, received.

Aboriginal Land Rights

To the members of the New South Wales Parliament assembled:

Whereas the Aborigines of New South Wales have been dispossessed of their lands for almost 200 years, and

Whereas the present New South Wales Labor Government established a select committee of the Legislative Assembly to inquire into Aboriginal land rights in New South Wales, and

Whereas the select committee has completed its report on land rights and tabled its report in Parliament on 13th August 1980, and

Whereas that report recommends that Aboriginal land rights be legislated and implemented in New South Wales and the Premier, the Honourable Neville Wran, has committed the Government to land rights legislation; and

Now we the undersigned call upon the New South Wales Government to implement at the earliest moment the recommendations of the select committee of the Legislative Assembly upon Aborigines.

And your Petitioners, as in duty bound, will humbly pray.

Petitions, lodged by Mr Bannon and Mr Einfeld, received.

Aboriginal Land Rights

The Petition of certain electors of the electorate of Heffron and certain other citizens of New South Wales respectfully sheweth:

That the Aborigines of New South Wales have been dispossessed of their lands for almost 200 years.

That the present New South Wales Labor Government established a select committee of the Legislative Assembly to inquire into land rights in New South Wales.

That the select committee has completed its report on land rights and the report was tabled in Parliament on 13th August, 1980. The report recommends the implementation of Aboriginal land rights legislation in New South Wales and Premier Wran has committed the Government to the principle of land rights.

Your Petitioners therefore humbly pray that your honourable House will strongly urge the New South Wales Government to implement without delay the recommendations of the select committee of the Legislative Assembly on land rights.

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

Petition, lodged by Mr Brereton, received.

Aboriginal Land Rights

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

That the Aborigines of New South Wales have been dispossessed of their lands for almost 200 years;

That the present New South Wales Labor Government established a select committee of the Legislative Assembly to inquire into Aboriginal land rights in New South Wales;

That the select committee has completed its report on land rights and tabled its report in Parliament on 13th August, 1980; and

That report recommends that Aboriginal land rights be legislated and implemented in New South Wales, and the Premier, the Honourable Neville Wran, has committed the Government to land rights legislation.

Your Petitioners therefore humbly pray that your honourable House implement at the earliest moment the recommendations of the Select Committee of the Legislative Assembly upon Aborigines.

Petition, lodged by Mr Britt, received.

Aboriginal Land Rights

To the members of the New South Wales Parliament assembled:

The Aborigines of New South Wales have been dispossessed of their lands for almost 200 years.

The present New South Wales Government established a select committee of the Legislative Assembly to inquire into land rights in New South Wales.

The select committee has completed its report on land rights and the report was tabled in Parliament on 13th August, 1980.

The report recommends the implementation of Aboriginal land rights legislation in New South Wales and the Premier has committed the Government to the principle of land rights.

Now we the undersigned urge the enactment of adequate land rights legislation in full consultation with the Aboriginal communities, without delay.

This your petitioners humbly pray.

Petition, lodged by Mr Hatton, received.

Aboriginal Land Rights

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

That the Aborigines of New South Wales have been dispossessed of their lands for almost 200 years;

That the Government established a select committee of the Legislative Assembly to enquire into Aboriginal land rights in New South Wales;

That the select committee has completed its report on land rights and tabled its report in Parliament on 13th August, 1980;

That the report recommends that Aboriginal land rights be legislated and implemented in New South Wales and the Premier, The Honourable Neville Wran, has committed the Government to land rights legislation.

Your Petitioners therefore humbly pray that your honourable House implement at the earliest moment the recommendations of the Select Committee of the Legislative Assembly upon Aborigines.

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

Petition, lodged by Mr Rogan, received.

Aboriginal Land Rights

To the members of the New South Wales Parliament assembled:

The Aborigines of New South Wales have been dispossessed of their lands for almost 200 years.

The present New South Wales Labor Government established a select committee of the Legislative Assembly to enquire into land rights in New South Wales.

The select committee has completed its report on land rights and the report was tabled in Parliament on 13th August, 1980.

The report recommends the implementation of Aboriginal land rights legislation in New South Wales and Premier Wran has committed the Government to the principle of land rights.

Now we the undersigned strongly urge the New South Wales Government to implement without delay the recommendations of the select committee of the Legislative Assembly on land rights.

This your Petitioners humbly pray.

Petition, lodged by Mr Ryan, received.

Aboriginal Land Rights

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

That the Aborigines of New South Wales have been dispossessed of their lands for almost 200 years;

That the Government established a select committee of the Legislative Assembly to enquire into Aboriginal land rights in New South Wales;

That the select committee has completed its report on land rights and tabled its report in Parliament on August 13, 1980;

That the report recommends that Aboriginal land rights be legislated and implemented in New South Wales and the Premier, the Honourable Neville Wran has committed the Government to land rights legislation.

Your Petitioners therefore humbly pray that your honourable House implement at the earliest moment the recommendations of the Select Committee of the Legislative Assembly upon Aborigines.

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

Petition, lodged by Mr Whelan, received.

Education

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

Public education in New South Wales requires:

That article 26 of the universal declaration of human rights, which states parents have a prior right to choose the kind of education that shall be given to their children, be implemented.

That all schools be granted a *per capita* issue of public moneys.

That homosexual lifestyles not be presented in the classroom.

That schoolchildren be encouraged to study decent literature and not be forced to read degenerate books e.g. *Who's Afraid of Virginia Woolfe* and *Rooted*.

Your Petitioners therefore humbly pray that your honourable House support the right of parents to choose the kind of education to be given to their children.

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

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

Jannali Primary School

The Petition of the parents and concerned friends of the students of Jannali Primary School respectfully sheweth:

Their concern at the inadequate facilities and obsolete **buildings** at Jannali Primary School.

Your Petitioners therefore humbly pray that your honourable House will make an allocation of funds for the consolidation and rebuilding programme at Jannali Primary School and ensure that building operations are started at the earliest possible date.

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

Petition, lodged by Mr Keane, received.

Radioactive Waste

The Petition of landholders and residents in the Ivanhoe district and surrounding rural areas respectfully sheweth:

That the alleged plan for disposal of radioactive waste in the proposed area may be detrimental to water supplies, both surface and underground, upon which the maintenance of our stock depends, and may, by radioactive emission, affect stock, wildlife et cetera, which live in this their normal habitat.

Your Petitioners therefore humbly pray that your honourable House will not approve legislation which will allow implementation of the planned move.

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

Petition, lodged by Mr Johnstone, received.

QUESTIONS WITHOUT NOTICE

ELECTRICITY CHARGES

Mr MASON: I address a question without notice to the Minister for Industrial Relations and Minister for Energy. On 20th November last did the Minister say in this House that the Electricity Commission of New South Wales would make a profit on its sales to the proposed aluminium smelters? Will the Minister inform the House whether the Electricity Commission miscalculated its costs and, if so, what the precise extent of that miscalculation was? Will the Minister assure the House that domestic electricity consumers in New South Wales will not bear the burden of the provision of cheap electricity to aluminium smelters? Will the Minister table or make available all relevant papers on the commission's price calculations?

Mr HILLS: Yes, on 20th November last I informed the House that, by the agreements that had been entered into with Pechiney and Alumax, the Electricity Commission of New South Wales would recover its costs and make a slight profit. In answer to the question whether there was a miscalculation of costs, no, there was not a miscalculation by the Electricity Commission in negotiating the agreements with the two companies concerned. No, I shall not lay the relevant papers on the table of the House. The Leader of the Opposition would recall that on 20th November I said that I did not propose to disclose at that time the confidential information relating to the negotiations with the companies concerned. I said also I would not lay upon the table of the House details of the negotiations that had been entered into between the Liberal Party—Country Party Government and Alcan related to the first smelter agreement. On recent occasions the Premier and Treasurer and I have stated that at an appropriate time details of the tariffs arranged with the smelter companies will be made available. Those details will be released by the Premier and Treasurer or me either in Parliament or in a public statement.

AGE OF CONSENT

Mr CLEARY: Will the Premier and Treasurer inform me whether the Government has considered the section of the Anti-Discrimination Board's report on discrimination and age which deals with lowering the age of consent? If it has, will he advise me of the Government's view on this subject and what action is contemplated?

Mr WRAN: I thank the honourable member for Coogee for this relevant question. There is no doubt that a great deal of public concern has been generated by the recommendation of the Anti-Discrimination Board on the age of consent for sexual behaviour between young people. The Cabinet decided this morning that there will be no change in the law on the age of consent. It will be recalled that the **Anti-Discrimination Board** recommended in its report titled "Discrimination and Age", that **sexual** behaviour between young persons over the age of **14** be not unlawful where the difference in the age of the parties was not more than two years. When the report was made public by the board I said that its recommendations would be studied by the Government and the community. I said then, and I repeat now, that the Government receives many reports and recommendations, some of which are accepted and some of which are rejected. The recommendation on the lowering of the age of consent falls into the latter category. The Government has rejected it.

Representations that I have received, as well as those received, I am sure, by many members of Parliament, have shown clearly that the community favours the retention of the status *quo* in this matter. Rather than have public controversy develop on an issue about which I do not think there is any real conflict in the Parliament, it was decided to make a decision now rather than later because of expressed community concern. The Government has not yet considered other parts of the report but will do so in due course. The Government has not made a decision on any other matter dealt with in that report.

LOGGING AT WASHPOOL

Mr PUNCH: I direct a question without notice to the Minister for Lands, Minister for Forests and Minister for Water Resources. During the recent parliamentary recess did the Forestry Commission of New South Wales release an environmental impact statement and forestry management plan for the Washpool? Is the Minister aware of the strong support throughout all communities along the North Coast for logging of the Washpool in accordance with sensible guidelines and for the continuation of a vigorous timber industry? In view of the large number of jobs at stake, will the Minister ask Cabinet to make a decision urgently in support of logging of the Washpool in accordance with that reasonable plan?

Mr GORDON: An environmental impact statement on the proposed forestry operations in the Washpool area has been prepared by the Forestry Commission of New South Wales and is on public display until 2nd March, 1981. The environmental impact statement deals with an area of **43 283** hectares in the mountainous country to the northwest of Grafton. In the proposed logging operation it is planned that **13 495** hectares of the **43 283** hectares of the Washpool area, that is, **31** per cent, be logged to provide timber for six Crown mills in the Grafton and Casino west forestry subdistricts.

On completion of all of the proposed operations 35 per cent of the area will have been logged, leaving 65 per cent unlogged. It is proposed that of a total rainforest area of **10 342** hectares, a maximum of **15** per cent, or **1 550** hectares, will be logged in this operation. It is estimated that logging operations will yield the rainforest timber

volumes required to fulfil the terminating commitment to Big River Timbers Pty Limited for rainforest timber. From 1960 to 1972, 678 hectares were logged, so on completion of this proposed operation 78.5 per cent, that is, 8 114 hectares of 10 342 hectares, of the rainforest in the Washpool area will remain unlogged.

It is expected that the proposed logging operation over the next 30 years will provide about 604 000 cubic metres net of quota quality saw logs, being about 68 000 cubic metres of rainforest logs and about 536 000 cubic metres of hardwood logs. The environmental impact statement was placed on public display for 70 days from 22nd December, 1980, until 2nd March, 1981. Comments and submissions were invited from all interested parties. No doubt the Leader of the Country Party will make a submission.

Mr Punch: How about a decision on jobs for the men affected instead of giving statistics?

[Interruption]

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

Mr GORDON: The Leader of the Country Party should not ask a question if he does not want to hear the answer. The Act requires that the environmental impact statement be on display for at least thirty days, but that period was more **than** doubled because of the intervening holiday period. It was decided to place the environmental impact statement on public display before Christmas to allow persons taking leave over Christmas and January, who might have wished to visit the Washpool area during that time, the opportunity to read the statement and inspect the area. The Forestry Commission was aware that many people who take leave over Christmas would not have had the opportunity to consider the environmental impact statement until they resumed work at the end of January. It therefore decided to extend the display period for another month. The extension of time will allow all interested persons and organizations the opportunity to examine the report and prepare representations, and no group should be disadvantaged. The report consists of 164 pages and has sixteen appendices. It is on public display at four locations in Sydney, as well as in the towns of Grafton, Coffs Harbour, Casino, Glen Innes and Tenterfield. It is available for purchase at \$25 a copy. The honourable member for Murray received a complimentary copy.

Mr Punch: How about the jobs of the timber workers affected?

Mr GORDON: The Leader of the Country Party was the only Minister of the Crown to sack workers from the Water Resources Commission.

Mr Punch: The Liberal Party-Country Party Government built dams, which is more than the present Government has done.

Mr SPEAKER: Order! The Leader of the Country Party has asked a question. I ask him to be courteous, to sit quietly and listen to the answer.

Mr GORDON: The environmental impact statement was prepared in accordance with the Environmental Planning and Assessment Act, 1979, which requires that copies of any representations made about a proposed activity be forwarded to the Department of Environment and Planning twenty-one days before the final decision is made. During the 21-day period the secretary of the Department of Environment and Planning may give notice to the Forestry Commission that the Minister for Planning and Environment has directed that an inquiry be held in accordance with section 119 of the Environmental Planning and Assessment Act.

The commission of inquiry reports its findings and recommendations to the Minister for Planning and Environment and subsequently makes them public. After considering the findings and recommendations, the Minister for Planning and Environment forwards a copy to the determining authority—in this instance, the Forestry Commission—and he may give advice whether in his opinion: first, there are no environmental grounds that would preclude the carrying out of the activity to which the findings and recommendations relate in accordance with the proponent's proposal; second, there are no environmental grounds that would preclude the carrying out of the activity subject to its being modified in the manner specified in the advice; third, there are no environmental grounds that would preclude the carrying out of the activity subject to the observance of conditions specified in the advice; or, fourth, that there are environmental grounds that would preclude the carrying out of the activity.

Mr Cameron: On a point of order. In you, Mr Speaker, reposes a discretion on the length of ministers' replies to questions asked without notice. At the opening of this sitting question time began splendidly. The Minister for Industrial Relations and Minister for Energy gave a short, direct and most pertinent reply to a question directed to him. Then the Premier and Treasurer, likewise, gave a short, direct and pertinent reply to the question put to him. That is the sort of approach upon which the smooth running of question time depends. But, immediately after those two questions and answers, the pattern of previous sittings was repeated when the Minister for Lands, Minister for Forests and Minister for Water Resources began a long, rambling reply that falls within the compass of what should be a ministerial statement. Such a reply perverts the purpose of question time. You, Mr Speaker, have a splendid opportunity, right at the commencement of this sitting, to rule that sort of reply out of order and to pull that sort of Minister into order.

Mr SPEAKER: Order! The honourable member for Northcott has occupied this chair and knows that the Speaker's discretion is not as wide as he has stated. Standing Order 78 says clearly that replies must be relevant to questions asked. Though many decisions have been made by former Speakers on that subject, most of them state that the reply must always be relevant to the question. Rulings have also adverted to the fact that replies to questions must not impinge on ministerial statements. The Minister for Lands, Minister for Forests and Minister for Water Resources is not making a ministerial statement; his reply is relevant to the question posed. I rule the Minister in order.

Mr GORDON: I was about to reach an important point when I was interrupted by the point of order. The Forestry Commission would then make its final decision on whether or not to log the Washpool area, or what modifications should be made to the proposal. Alternatively, the secretary of the Department of Environment and Planning may, during this 21-day period, notify the Forestry Commission that the director of the Department of Environment and Planning has decided to undertake a departmental examination of the environmental impact study. The department would then examine that study and allied representations. Its report and recommendations would then be forwarded, as soon as practicable, to the Forestry Commission for final decision. There is no indication yet whether any inquiry or examination will be instituted by the Department of Environment and Planning.

DRUG SEARCHES WITHOUT WARRANTS

Mr FLAHERTY: My question without notice is directed to the Premier and Treasurer. Though this Government has taken many initiatives to assist police in suppressing illegal drug trafficking, will the Government, in the light of real concern

expressed by the community, review its decision to allow warrantless searches by police officers investigating suspected drug trafficking? If so, what other action will the Government take to enable police officers to continue their fight against this despicable trade?

Mr WRAN: Honourable members will recall that on 1st December, 1980, Cabinet decided that the Poisons Act should be amended to empower police officers investigating suspected drug trafficking to enter premises without warrants in very special circumstances. Members will recall, also, that on that day Cabinet decided to modernize the application of procedures for search warrants to enable police investigating suspected drug trafficking or other offences to move swiftly in exigent circumstances. To alleviate the need for warrantless searches legislation was to be enacted to permit search warrants to be obtained by telephone. However, to reduce to a minimum the risk of abuse of the procedure for obtaining warrants by telephone, and to ensure that it should not be used unless a genuine emergency existed or that it should not be used in complex cases, the oral application was to be recorded by the magistrate receiving the application. This morning, however, Cabinet decided to rescind its decision of 1st December last to authorize warrantless searches.

I do not think the motives of the Government can be impugned in any way, for the recommendation was substantially that of the Royal Commission into Drug Trafficking. The Government is proud of the fact that in the fight against the drug menace in this State and in Australia the Government has adopted and implemented the overwhelming majority of the recommendations contained in the Woodward Royal commission report. If it might be said that the Government—and indeed Mr Justice Woodward himself—was a little overzealous in relation to this matter of warrantless searches, it can be excused, in my view, by the enormity of the problem that the drug traffic presents to every member of the community. The subsequent reaction by the public and by reputable organizations demonstrated to the Government that implementation of the recommendation might arm the police with an additional weapon, but it could also erode confidence in the police to such an extent that it would have quite the contrary effect to that which Mr Justice Woodward intended. That being the case, Cabinet decided this morning, having weighed up the various submissions and arguments that were put to the Government, to rescind that part of the decision of 1st December, 1980, which proposed that police enter premises without warrant in exigent circumstances.

3.5-HOUR WEEK

Mr McDONALD: I direct a question without notice to the Premier and Treasurer. As the Government, through the Public Service Board, has consented to applications for the 35-hour week to be listed before the Industrial Commission on 16th and 17th March, in respect of nine State awards for public servants, is it the Government's policy to consent to the 35-hour week for all further State awards? Has the Premier and Treasurer estimated, or had provided to him, the total cost to the Government and to the community of this State of the inevitable complete flow on of the 3.5-hour week to private industry awards? If not, will he do so and advise the House accordingly?

Mr WRAN: In partial response to the earlier exhortation of the honourable member for Northcott, may I respond in this way: no, no, no.

MONARO ELECTORATE FIRE SERVICES

Mr AKISTER: My question without notice is directed to the Minister for Police and Minister for Services. In view of the need to upgrade fire brigade facilities in Queanbeyan, can the Minister advise me and the House when it is intended to erect a new fire station within that city? Can the Minister advise also of any other projected expenditures within the Monaro electorate in the near future?

Mr CRABTREE: I commend the honourable member for Monaro for the interest he shows in essential and emergency services and for the work he does throughout his electorate. When the Government came to office it discovered that there had been a serious run-down of equipment and facilities available to the New South Wales fire service. In order to provide an adequate level of fire protection in those areas of the State to which the Fire Brigades Act applies it has been necessary to increase expenditure considerably. This year a record sum of \$78 million will be expended by the Board of Fire Commissioners. I am pleased to be able to say that within the electorate represented by the honourable member a sum of more than \$400,000 was expended on buildings and equipment in the first four years of this Government's term of office.

I have had the opportunity of making many visits to the Monaro electorate and am aware of the honourable member's tireless efforts in that area. Recently, on my behalf, he handed over a new \$50,000 International fire appliance to the men of the Queanbeyan fire brigade. Last Saturday I officially opened the new Jindabyne fire station, which was constructed at a cost exceeding \$120,000. At the same time I handed over to the brigade a 4-wheel drive appliance that cost \$55,000. It is proposed to build a new fire station at Queanbeyan in the current year at a cost of \$272,000. It is proposed also to complete a new fire station in Bombala and to commence the construction of a fire station in Merimbula in the current year. The honourable member will be pleased to know that total expenditure on these projects this year will be in the order of \$540,000 which, in my view, demonstrates the Government's commitment to upgrading facilities within the Monaro electorate.

RAIL SERVICES

Mr MURRAY: I direct my question without notice to the Minister for Transport. Has the Government drawn up plans to abolish passenger rail services to vast areas of New South Wales with the introduction of the new XPT trains? On top of grossly excessive increases in rail freights, will these proposals be another slug to rural New South Wales? Will the Minister ensure that the introduction of XPT services will not result in curtailment of other passenger rail services in this State?

Mr COX: The Government has no plans to curtail rail services to rural areas of this State. The XPT trains will come into service in the latter part of this year. An examination of the annual report of the Public Transport Commission, which was tabled in the House today, reveals that last year the number of passenger journeys in this State increased by 28 million. In the same period 18 million fewer passenger journeys were taken in Victoria. No other State can match the record of New South Wales in this respect.

FERRY SERVICES

Mr MAHER: My question without notice is directed to the Minister for Transport. What action is the Government taking to establish additional ferry services on the Parramatta River, particularly to Drummoyne, Abbotsford and Cabarita?

Mr COX: I am grateful to the honourable member for Drummoyne for his consistent interest in transport in his electorate. I look forward to visiting his electorate again in the ensuing few months. It is refreshing to go to an electorate represented by an honourable member who has such a vast knowledge of the transport needs of his area. The honourable member for Drummoyne will be pleased to know that shortly the Government will be calling tenders for a smaller-class ferry capable of carrying 250 passengers and operating at a speed of 18 knots. The design of that ferry has almost been completed, and I look forward to travelling on it with the honourable member and enjoying the scenic attractions of the Drummoyne electorate.

DEATH OF DONALD MACKAY

Mr DOWD: I ask the Attorney-General and Minister of Justice why no inquest has been held into the presumed death of Donald Mackay at Griffith.

Mr Sheahan: No inquest was held into the death of the Rt Hon. Harold Holt.

Mr SPEAKER: Order! I call the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport to order.

Mr DOWD: If the reason is that Mr Mackay's body has not been located, will the Government amend the Coroners Act to permit inquests where no body has been found, as is done in other States? Will the Attorney-General and Minister of Justice carry out the recommendation of the judge who presided over the shark arm murder trial earlier this century? Will he take the necessary legal action to ensure that a public inquiry is held into the death of Donald Mackay?

Mr WALKER: I see no legal impediment to holding a coronial inquest into a person's death where the body has not been recovered. In fact, I have been involved in arranging inquests in similar circumstances. Early this month inquiries were received from the press—and even from the honourable member for Lane Cove—on whether an inquest had been held into the death of Donald Mackay and, if not, when an inquest would be held. To date the death of Mr Mackay has not been reported to the coroner by the police. The old Coroners Act provided—and the new Act, which came into effect on 1st July last, provides—that a coroner has jurisdiction only upon being informed of a death by a police officer. There seems to be little point at this stage in holding an inquest into Mr Mackay's death. The circumstances surrounding his disappearance were examined exhaustively by a Royal commission presided over by a Supreme Court judge who was assisted by senior counsel who is now a Supreme Court judge. Unless fresh evidence is unearthed, a coroner could only go over the same ground as the Royal commission, and it is unlikely that a coroner could improve on the findings of the Royal commission.

Neither an inquest nor a finding by a coroner is needed for probate or insurance purposes, as Mr Mackay's widow successfully sought a declaration of death in the Supreme Court. As Attorney-General I cannot direct a coroner to hold an inquest into the disappearance of Mr Mackay. If, following the report of a death to him by a police officer, a coroner decided to dispense with an inquest, I could take steps to direct that an inquest take place. Police inquiries are still continuing into the disappearance of Mr Mackay, and no doubt if new evidence comes to light the matter will be reported to a coroner who, having jurisdiction, would then arrange to hold an inquest.

WINDAMERE DAM

Mr CURRAN: I direct a question without notice to the Minister for Lands, Minister for Forests and Minister for Water Resources. Can the Minister inform me and the House as to the present stage of construction of the Windamere Dam?

Mr GORDON: I congratulate the honourable member for Castlereagh on his interest in the construction of the Windamere Dam. Since he became a member of this House the honourable member has been pressing for the completion of the construction of the dam. That is in contrast with the honourable member for Burrendong, in whose electorate the dam is sited and who is not even present in the House today. The site for this dam is on the Cudgegong River, approximately 22 kilometres upstream of Mudgee. Work was recommenced on the project in September 1980. This consisted of stripping the spillway-quarry site.

Suitable contractors interested in tendering for stages 1 and 2 of the deviation of trunk road No. 55 were registered. The contract for stage 1 was awarded to G. Abignano Pty Limited and work commenced in December, 1980. The contract for stage 2 was awarded to Citra Constructions Limited and work commenced this month. A contract has been awarded to Citra Constructions Limited for construction of the river diversion tunnel and intake tower. This work also commenced this month. Site investigation work has been completed and detailed design work is now proceeding for an embankment contract to be commenced during 1981.

The commission's establishment of cottages for supervisory personnel, office and other facilities is ready for the construction phase of the project. The permanent high-level access road from trunk road No. 55 to the left abutment of the dam together with the initial stripping of overburden and loose rock on each abutment of the dam site has been completed. All culverts required on the deviation of trunk road No. 55, except those at Limestone and Cudgegong creeks, are completed. Stripping of the spillway-quarry has been partly completed. The total area of land required is 18 475 hectares. Acquisitions outstanding amount to approximately 1 060 hectares from private owners and 622 hectares of Crown land. Action is proceeding to complete outstanding acquisitions. To 30th June last expenditure on the work was \$9,169,480. The loan allocation for 1980–81 is \$4,500,000. When this Government came to office all work on the dam had ceased and it had the task of recommencing the work.

COAL LOADER FOR NEWCASTLE

Mr DUNCAN: I ask the Deputy Premier, Minister for Public Works and Minister for Ports a question without notice. Has the Government made a decision to construct the third coal loader at Newcastle on the basis of a 20 per cent contribution by the Government and the remainder to be paid by the coal industry? What role will the industry play in this construction and what say will it have in the operation of the coal loader when completed? Why has the Government found it necessary to commit such massive funds to the project when the industry was willing to build the coal loader?

Mr FERGUSON: I always find it interesting to hear a question asked by a member of the Country Party about the financing of coal loaders. The Government has vivid recollections of the Leader of the Country Party, when Minister for Public Works, negotiating the private financing of a coal loader at Newcastle. I refer to the former Government's letting of a contract to Gollins, who engaged in the biggest financial fiasco in Australia's history. It ill behoves members of the Country Party to criticize any undertaking this Government gives on the construction of a coal loader.

The first job the Wran Government had to do when it came to office was do away with Gollins and arrange for Port Waratah Coal Services Limited to operate the coal loader.

The Government has decided to ensure that the flow of coal from New South Wales continues at a greater rate each year. The Government has achieved this aim since it came to office. It has been decided that a further coal loader will be constructed in Newcastle. The Government has hired the firm of Hill Samuel Australia Limited to draw up a prospectus. I say with some pride that the Government of New South Wales, on behalf of the people of this State, will retain a 20 per cent interest in that coal loader. The Government makes no apology for that proposition. Invitations will be extended to business undertakings throughout Australia who propose to ship coal through Newcastle to participate in this venture. I predict that those persons will be knocking at the door and will knock the Government over to get a share of the wins.

NEW SOUTH WALES HOUSING INDUSTRY

Mr KEANE: I address my question without notice to the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport. In 1979 did the Government establish a commission of inquiry into the nature and terms of employment in the New South Wales housing industry? Has the Minister received the commission's report? Will the Minister inform the House when the report will be published?

Mr SHEAHAN: It is true that in 1979 the former Governor commissioned Mr George Burns, a former New South Wales conciliation commissioner, to conduct the inquiry referred to by the honourable member for Woronora. It is true also that it was expected that the report would have been received and published prior to this time. Shortly after I became Minister for Housing the commissioner called on me as a matter of courtesy to inform me of his intentions. At that time it was expected that the report would be available towards the end of last year. In the past few weeks Mr Burns informed me that he had completed the editing of the report and that he proposed within a few weeks of that date to present it formally to His Excellency the Governor. The report will then be relayed to me for consideration as to its publication.

I acknowledge the interest of the honourable member for Woronora in this matter, which has been of great concern to employers and employees in the building industry. The honourable member and the House can be assured that as soon as the report is ready for release it will be made available to all people involved and interested in the building industry. I expect that to be within the next month or so.

SEWAGE OUTFALL

Mrs FOOT: I address my question without notice to the Deputy Premier, Minister for Public Works and Minister for Ports. Because of current industrial action at sewage treatment works and the high faecal coliform bacteria readings at Sydney's beaches this summer, will the Government reconsider the planning for sewage outfalls

at Bondi, Malabar and North Head? Will the Government move now to implement essential services legislation and take action also to have sewage treated to a secondary standard as is done in Melbourne, Adelaide, Perth, Darwin and Brisbane? In particular, will the Minister instruct the president and the highly qualified officers of the Metropolitan Water Sewerage and Drainage Board to conscientiously review the proposal of Commonwealth Industrial Gases Limited for oxygen technology for sewage treatment which was submitted to the State Pollution Control Commission in March 1980?

Mr Walker: On a point of order. Mr Speaker, the question is too prolix.

Mr SPEAKER: Order! A question should be brief and seek information. It must not be a speech. As the honourable member has finished her question, I shall allow it to stand. However, I ask her in future to make her questions brief.

Mr FERGUSON: The Government does not intend to depart from the proposition submitted by the Metropolitan Water Sewerage and Drainage Board to the previous Government and endorsed by it as a matter of policy. The Government proposes to proceed with the deep sewage outfall. In recent weeks there has been a high incidence of coliform bacteria. Much of that has been created by stormwater flowing into *the* sea. I hope that my colleague's amendments to the Dog Act will rectify much of that problem—and I say that seriously. In recent weeks this increased bacteria has been created by the flowing of stormwater on to the beaches.

I have read with considerable interest remarks attributed to the honourable member for Vaucluse in certain eastern suburbs newspapers about the levels of pollution at Sydney beaches. The Government complies with the requirements laid down by the Health Commission of New South Wales in this regard. I am convinced by the best advice available, not only in Australia but also from overseas, that the proposal of the Metropolitan Water Sewerage and Drainage Board for deep offshore tunnels for Bondi, Malabar and North Head is in the best interests of the Sydney metropolitan area. On today's costs that programme will require the expenditure of \$100 million. I am not an engineer, any more than is the honourable member for Vaucluse. I respect the honourable member for Pittwater as a mining engineer, but I do not respect him as an engineer having any qualification to tell the water board or me how the sewage of this city should be treated.

MEADOWBANK RAILWAY BRIDGE

Mr MCILWAINE: I address a question without notice to the Minister for Transport. Does the Minister recall visiting with me the Meadowbank railway bridge to observe the need for certain construction works? Will the Minister now undestate inquiries as to the progress being made and when those works are likely to be completed?

Mr COX: I recall visiting the electorate of Yaralla with the honourable member. Like the honourable member for Drummoyne, the honourable member for Yaralla takes a keen interest in his electorate and his knowledge of transport matters is extensive. I shall review the construction work at the Meadowbank bridge to see whether I can hasten its completion. I shall inform the honourable member and the House when I have details.

MINE SAFETY

Mr PARK: I direct a question without notice to the Minister for Mineral Resources and Minister for Technology. On 28th January, 1981, was the Minister reported in *Common Cause*, the journal of the Miners Federation, as saying in an open letter to all coalminers that they and everyone else have a responsibility in regard to safety at the mine? If this is the view of the Minister, will it be reflected in the proposed new Coal Mines Regulation Act, or will the mine manager be placed under strict liability and accountability for breaches of the Act, no matter by whom committed, as has been put forward in an existing draft of the bill?

Mr MULOCK: It is true that I sent to the Miners Federation an open letter, which was published in *Common Cause*, for the very purpose of pointing out to those; at the grass roots of the mining industry that safety begins with each and every person in a mine. The honourable member for Tamworth seeks to cloud the issue by attempting to introduce the subject of liability for the management of a mine which is imposed under the Coal Mines Regulation Act. The Coal Mines Regulation Act provides that vicarious liability, which reverses the onus of proof, attaches to those who are responsible for the management of a mine. This provision has applied for more than seventy or eighty years. A similar liability applies in the English Act relating to coalmine safety. I have explained this position to a number of groups associated with the coalmining industry.

Although, speaking as a lawyer, I would prefer not to have a vicarious liability provision in the legislation, ultimately liability has to lie with somebody. An appraisal of the type of legislation applicable to the coalmining industry in New South Wales and elsewhere has revealed that there is no reasonable alternative to vicarious liability; In my proposal about the legislation which is to go before Cabinet I have recommended vicarious liability. Although there has been a lot of stirring by colliery proprietors and by certain parties within the managers association on this issue, the present position is no different from that which has applied for decades in New South Wales.

Mr Smith: In no way.

Mr MULOCK: If Cabinet endorses the proposals, at the appropriate time the honourable member for Pittwater, who is associated with the coalmining industry, will have an opportunity to be heard here. I have intimated to the managers association that I am willing to visit its members in the near future at a location acceptable to them and to me to discuss with them face to face the various issues and the red herrings that have been drawn across the trail. I invite the honourable member for Pittwater to be present at that time as his performance in this House on various issues does not lead me to consider that he will constitute a great threat with any information that he may provide. I should not be surprised if he has been one of the prime distributors of the types of red herring that have been drawn across the trail in various mining circles, particularly at the level of management and proprietors.

I am willing to debate the issue at any time. I am willing also to lay the dust of some of the matters that have been mentioned by both the colliery owners and the managers in conference with me. I look forward to meeting face to face with these persons in the not too distant future. If Cabinet endorses the proposal on vicarious liability which, as I said, is consistent with the legal position that has applied for decades in the coalmining industry in New South Wales, I look forward to defending in this Parliament my stance on the matter.

35-HOUR WEEK

Mr WRAN: Earlier in response to a question from the Deputy Leader of the Opposition I gave three answers in the negative to a three-part question. Lest there be any ambiguity, I should like to add something to my answer to the first part of the question. There is no question of introducing a 35-hour week for public servants not at present enjoying that benefit. The award applications that the Industrial Commission of New South Wales is soon to examine involve situations where a 35-hour week has been worked since 1974, and in some cases before that date, when the former Liberal Party—Country Party Government introduced a 35-hour week for public servants. For instance, when established in 1977 the courier service was given a 35-hour week on the basis that its functions were essentially office work. All the other matters involving applications for reduced hours will be arbitrated fully. The Public Service Association has been advised of this aspect.

[Sitting suspended from 3.26 p.m. until 3.45 p.m.]

APPOINTMENT OF GOVERNOR

Mr SPEAKER: The House will now proceed to Government House, there to present to His Excellency the Governor its Address in acknowledgment of His Excellency's message notifying his assumption of the administration of the Government of the State.

[Mr Speaker left the chair at 3.46 p.m. The House resumed at 4.48 p.m.]

Mr Speaker reported that the House had presented to His Excellency the Governor its Address in acknowledgment of His Excellency's message notifying his assumption of the administration of the Government of the State, and that His Excellency had been pleased to give thereto the following answer:

Government House
Sydney
24 February 1981.

The Honourable the Speaker and
Members of the Legislative Assembly
of New South Wales.

I appreciate your Address and your kind comments upon my appointment by Her Majesty The Queen as Her representative in the State of New South Wales.

It shall be my endeavour always to strengthen the links between the Crown and the Parliament and the people of New South Wales. My wife and I shall expend our energies fully and willingly in the interests of this State, and trust that we shall be able to fulfil our part in the decisive years ahead.

I welcome this opportunity of meeting all Members of the Legislative Assembly today, and assure you of my close co-operation with you and of my earnest consideration of all matters which you may bring forward.

J. A. Rowland,
Governor.

SYDNEY CRICKET AND SPORTS GROUND (AMENDMENT) BILL

Introduction

Motion (by Mr Booth) agreed to:

That leave be given to bring in a bill for an Act to amend the Sydney Cricket and Sports Ground Act, 1978, with respect to the term of office of certain members of the Sydney Cricket and Sports Ground Trust and for other purposes.

Bill presented and read a first time.

Second Reading

Mr BOOTH (Wallsend), Minister for Sport and Recreation, Minister for Tourism and Assistant Treasurer [4.49]: I move:

That this bill be now read a second time.

The Sydney Cricket and Sports Ground Act, 1978, was assented to on 12th April, 1978. Among other things, the purpose of the Act was to constitute the Sydney Cricket and Sports Ground Trust. It was to give to the members of the Sydney Cricket Ground the right to elect two of their members, other than junior or honorary members, to the trust. There were to be twelve members of the trust in all, of which the remaining ten were appointees. The Act provided that members of the trust would be appointed for two and four years initially so that half the members could be changed every two years. That would avoid the total disruption that would occur should all members of the trust be replaced at the one time. However, after the Act had been assented to by the Governor a minor problem was discovered with a clause relevant to the appointment of members to the trust.

Clause 2 (3) of schedule 1 to the Act states that elected members "shall be appointed to hold office in their first term for so much of the period of 4 years ending on the third anniversary of the commencement day as remains after their respective appointments". Two persons were duly elected to the trust by members of the Sydney Cricket Ground and were subsequently appointed on 6th April, 1979. The intention was that these two persons were to hold office until 13th July, 1982. However, the wording of the Act which governs their appointment after election precludes this, and the position is that they have been appointed to hold office only until 13th July, 1981.

To be uniform with the terms of office of four other trust members who are due to retire on 13th July, 1982, it is desirable that the terms of office of the two elected members of the trust be extended to 13th July, 1982. The amendment before the House will facilitate that, thus ensuring that the terms of office of six of the twelve members will expire together every two years. As amendment of the Act is under consideration, it would be convenient to take this opportunity to amend also the reference to Public Service Act, 1902, to read Public Service Act, 1979. I commend the bill.

.Debate adjourned on motion by Mr Barraclough.

LAND AGGREGATION TAX MANAGEMENT (AMENDMENT) BILL
CROWN LANDS (LAND AGGREGATION TAX) AMENDMENT BILL
CLOSER SETTLEMENT (LAND AGGREGATION TAX) AMENDMENT BILL
RETURNED SOLDIERS SETTLEMENT (LAND AGGREGATION TAX)
AMENDMENT BILL

Introduction

Motion (by Mr Gordon) agreed to:

That leave be given to bring in the following cognate bills:

- (i) A bill for an Act to amend the definition of "de-restricted title land in section 3 of the Land Aggregation Tax Management Act, 1971.
- (ii) A bill for an Act to amend the Crown Lands Consolidation Act, 1913, consequentially upon the enactment of the Land Aggregation Tax Management (Amendment) Act, 1951.
- (iii) A bill for an Act to amend section 31 of the Closer Settlement Act, 1904, consequentially upon the enactment of the Land Aggregation Tax Management (Amendment) Act, 1981.
- (iv) A bill for an Act to amend section 10 of the Returned Soldiers Settlement Act, 1916, consequentially upon the enactment of the Land Aggregation Tax Management (Amendment) Act, 1951.

Bills presented and read a first time.

Second Reading

Mr GORDON (Murrumbidgee), Minister for Lands, Minister for Forests and Minister for Water Resources [4.54]: I move:

That these bills be now read a second time

Under these bills it is proposed to exclude parcels of land not exceeding 4 050 square metres from the provisions of the Land Aggregation Tax Management Act, 1971. The Land Aggregation Tax Management Act provides for the imposition of an annual aggregation tax on land that is used for primary production and from which the restrictions on transfer have been removed under the Crown Lands Consolidation Act, 1913, and allied Acts. The aggregation tax has never been imposed and the provisions for imposition of the tax have not been brought into operation as there has been no evidence of excessive aggregation of land from which the restrictions on transfer have been removed.

When a restriction on transfer is lifted, the law requires that an endorsement relating to the Land Aggregation Tax Management Act be entered on the title to the land. The purpose of the endorsement is to afford an intending purchaser early notice that aggregation tax may be assessed. However, this endorsement on certificates of title for residential and other small parcels of land has caused confusion to solicitors and persons dealing with the land, and has led to numerous inquiries of the Department of Lands. The inquiries relate to the likelihood of the inoperative provisions of the Act being commenced and the relevance of the Act to residential parcels of land and other parcels that are too small to be used for primary production. The exclusion of residential and other small parcels of land from the provisions of the Land Aggregation Tax Management Act, as is proposed in the bills now before the House, will

assist the legal profession and persons dealing with the land and will reduce the complexity of conveyancing. I table for incorporation in *Hansard* additional information to assist honourable members in their understanding of the proposed amendments. I commend the bills.

Land Aggregation Tax Management (Amendment) Bill

Crown Lands (Land Aggregation Tax) Amendment Bill

Closer Settlement (Land Aggregation Tax) Amendment Bill

Returned Soldiers Settlement (Land Aggregation Tax) Amendment Bill

In 1971 the Crown Lands Consolidation Act, 1913, the Closer Settlement Act, 1904 and the Returned Soldiers Settlement Act, 1916 were amended to permit the Minister for Lands, upon application being made and payment of an amount equivalent to 5 per cent of the unimproved value of land, to issue his certificate enabling the transfer of the land at any time thereafter without his consent.

In order to deter undesirable aggregation of land which is used for primary production and from which the restriction on transfer has been removed under the Crown Lands Consolidation Act, 1913 and allied Acts, complementary legislation in the form of the Land Aggregation Tax Act and the Land Aggregation Tax Management Act was enacted in 1971.

The Land Aggregation Tax Act, which was assented to on 12th May, 1971, prescribes the rates of taxation ranging from 20 per cent to 60 per cent of the taxable value as assessed under the Land Aggregation Tax Management Act.

The Land Aggregation Tax Management Act was assented to on 25th May, 1971. Parts of this Act commenced in 1971, but its provisions relating to the imposition, assessment and collection of aggregation tax have never been brought into operation.

Where the requirement for the Minister's consent to transfer land is removed, the existing law requires that an endorsement, "Attention is directed to section 8 Land Aggregation Tax Management Act, 1971", be recorded on the title to land which is known as "de-restricted title land".

The Land Aggregation Tax Management (Amendment) Bill will amend the definition of "de-restricted title land" in section 3 of the Land Aggregation Tax Management Act, 1971, to exclude any parcel of land the area of which does not exceed 4 050 square metres.

The remaining cognate bills will amend the relevant principal Acts to provide that in respect of land whose area does not exceed 4 050 square metres, an endorsement relating to the Land Aggregation Tax Management Act, 1971, is not to be recorded in the register kept under the Real Property Act, or in the records of the Department of Lands and, if previously so recorded, may be removed.

Debate adjourned on motion by Mr Osborne.

CONSUMER PROTECTION (AMENDMENT) BILL

Second Reading

Debate resumed (from 19th November, 1980, *vide* page 3163) on motion by Mr Einfeld:

That this bill be now read a second time.

Mr ROZZOLI (Hawkesbury) [4.57]: I wish you, Mr Speaker, a happy thirteenth anniversary of your election to Parliament. You were elected with an illustrious group of colleagues, and the occasion should not go unrecognized. Having disposed of the pleasantries, I should like to say at the outset that it is the intention of the Opposition to oppose the second reading of this bill. I make that clear at the beginning as it is my experience in reading debates that often it is the opening paragraphs that are most read. I should not want anybody who subsequently reads my speech in *Hansard* to be in any doubt why the Opposition totally opposes the legislation. Most provisions in the bill are commendable. For that reason it is with the greatest reluctance that the Opposition has decided to oppose it.

The main reason for taking such drastic action on a bill that is substantially acceptable is the far-reaching effect of the proposed amendment to section 16 (1) (b) (ii). That measure is described in the explanatory notes as power "to allow the Commissioner for Consumer Affairs to investigate complaints concerning professional services rendered to consumers". The importance of the changes that that proposed amendment will make to the statutes of New South Wales is such as to outweigh all other provisions of the bill. The proposed measure has been opposed unanimously by all the professions, and by organizations such as the Council for Civil Liberties. The measure has been described by Mr Orme of the Privacy Committee as one of the greatest intrusions into the privacy of the individual that New South Wales has seen. When one reflects upon the fact that that power is to be exercised by statute and not by some external and possibly irresponsible agency, the extremely grave consequences of this amendment are clear.

I have no doubt that the extent of the opposition to this amending legislation has been brought to the Minister's attention by numerous people and by such representatives of the professions as the Law Society of New South Wales, the Australian Medical Association, the Australian Hospital Association and the Australian Dental Association, and by bodies representing the community at large such as the Privacy Committee and the Council for Civil Liberties. An almost unprecedented flow of letters to the editors of newspapers, and many press articles and editorials have drawn to the attention of the Minister and the Government the view held by large sections of the community about the threat to privacy of the proposed amendments.

One could ponder on why the bulk of the opposition comes from organized bodies rather than from the person known as the consumer. The reason is simply that it is difficult for a consumer to appreciate what the repercussions of legislation of this sort will be. If it goes through the Parliament it will take some time for the consumers to realize that, far from protecting his interests, it will greatly threaten them.

It is inappropriate for the Minister to gloss over the monstrous nature of the proposal by bracketing it with many other initiatives that can be described fairly as responsible, worthy and in the interest of consumers. If the Minister wished to undertake such a radical departure he should have done it by introducing amending legislation just for that purpose. I have no particular desire to vote against a bill that contains worthy provisions covering the product safety committee, organizational matters touching the Department of Consumer Affairs and other matters aimed at

protecting people. The Opposition should be in the position to support those matters but it must always draw attention to matters that it believes are of the greatest moment. Within the limited forms available to the House this is the best way the Opposition can do it.

In response to the heavy flow of criticism of the legislation from many sections of the community the Minister has replied consistently that the proposed amendment will do no more than confirm a power that he believed was there. One would assume that the rationale is that until His Honour Mr Justice Lee clearly spelt out that legislation regarding the Consumer Claims Tribunal did not apply to the professions, the Government believed that it did, and therefore it has had to introduce amending legislation to bring the law into line with what it was imagined to be prior to the delivery of His Honour's judgment. That judgment applied only to the Consumer Claims Tribunal and, though its implications can be extended to the Consumer Protection Act, there is a vast difference between the amendment that was made to the Consumer Claims Tribunal Act and this Act.

I shall dwell a little on the background of the legislation in order to examine whether or not the submissions of the Minister to the effect that it was always the intention of the Government that the professions should be covered by this type of legislation are correct. The Minister made the claim that the intention goes right back to the time of the Liberal and Country Party Government that brought forward the original legislation. It is for the courts to interpret the specific wording of the laws passed here. The only judge who has made a pronouncement on this legislation is Mr Justice Lee and he had little hesitation in saying that it did not apply to the professions.

It is not the custom of courts to examine Hansard reports or other reports upon which legislation is based. To do so would lead the courts into even more difficult areas of interpretation. The Parliament is under no such restriction. Here it is appropriate to refer to the debate on the original legislation and to consider the subsequent amendments. That should be done in trying to ascertain the purpose of amending the Act to include the word services, upon which the Minister presumably bases his claim that there always has been an intention to cover professional services. I start with the amending bill of November 1970. In it one sees the emergence of the first changes of this nature. In his second reading speech the responsible Minister, Mr Eric Willis as he then was, said:

As mentioned earlier, the report of the chairman of the Consumer Affairs Council drew attention to the large number of complaints received from the public in respect of shoddy or sub-standard services.

He went on to explain the nature of those services in this way:

These services included expensive and often unnecessary repairs to domestic appliances such as television sets or washing machines, or over-priced and shoddy building work such as painting, plumbing, or cladding of homes with sheeting or brick veneer. This report took into account the experience gained by the Consumer Affairs Bureau in its first year of operation. It is obvious that, with modern attitudes, trends are towards high-pressure advertising, and in the field of services there is scope for unscrupulous advertisers to exploit consumers even more than in relation to the sale of goods.

The Minister's intention was obvious. By services he meant the trade or commercial services that are clearly summed up in the illustrations he gave. No doubt they were drawn from the report of the Consumer Affairs Council following its first year of

operation. At that stage one cannot find any intention of including professional services, as we understand them, in the context of the amending bill. A couple of years later, in 1972, a further amendment was made to the Act. One sees in it an extension of the Act to cover the supply of services. On 22nd March, 1972, at page 5725 of *Nansard* the Minister said:

In 1970, the Act was amended, particularly for the purpose of extending section 32, which deals with false and misleading advertisements of goods, so as to include also advertisements for the supply of services.

One can look only at the Minister's definition of the word services at that time to try to determine what he and the Government had in mind. The extract that attracts my attention is the one which claimed that the bill was being amended to include persons offering to repair houses and domestic appliances or to provide other services encountered by the ordinary citizen in his or her everyday life. Perhaps the Minister, applying the vivid imagination that we know he has, will construe that to mean that professional services availed of by people in their everyday life should be covered by this legislation. However, a close examination of the speech the Minister made at that time reveals that he spoke about the powers of the investigating officers in examining complaints about these types of services.

At that time investigators were given power to enter premises upon which goods were manufactured, prepared, sold or offered for hire. Also, they were given power to take samples of materials used in the manufacture of goods and to make examinations that were considered necessary or desirable for the purposes of an investigation. Again the emphasis is on trade or commercial services.

I pass now to a consideration of the proposed amendments. Many of them are excellent. I compliment the Minister for Consumer Affairs on the pioneering consumer protection legislation he has introduced, particularly that covering the date-stamping of packaged foods, and the safety of products. At no stage in my reading of the Minister's contributions to consumer protection legislation could I draw the conclusion that he has maintained that the Act extends to the professional services. It is significant that the delivery of services by professional people extends far beyond medical, dental and legal services. Consider the services provided by engineers, architects, accountants, actuaries, journalists, pharmacists, scientists, psychiatrists, psychologists, schoolteachers and many others. The debates on consumer protection legislation in this House contain no reference to them. The only conclusion that the Parliament can draw from that fact is that it was never intended—and never has been until now—to put into the legislation the broad powers that are to be included following the proposed amendment to section 16 (1) (b) (ii). If one refers to the record of the debates in *Hansard* on the enabling legislation and examines its provisions to try to find whether there was an intention to include the professional services, one soon concludes that no such intention can be found. Section 16 (1) (b) (ii) of the Consumer Protection Act includes these words:

To receive complaints from persons as to fraudulent or unfair trade or commercial practices in relation to the supply of goods or services or the disposal of interests in land . . .

To get a clear picture it is then necessary to go to that part of the definition of consumer in the Act relating to a person who acquires services from a supplier. The Act describes those services as certain things of a trade or commercial nature, or of a kind ordinarily acquired for personal, domestic or household use or consumption. The Act refers also to goods of a kind that might ordinarily be acquired for the purpose of a farming undertaking and are in fact acquired for that purpose. Let us ignore those

goods and consider instead the reference to goods of a kind that are ordinarily acquired for personal, domestic or household use or consumption. Obviously there is no intention to include professional services.

If one equates section 16 (1) (b) (ii), as it stands, with the definition section, one must conclude that the legislature intended to extend that provision only to trade or commercial practices and in that sense it includes professional services. The definition of the word services moves one a little closer to the concept of professional services, for they are defined as including the rights and benefits that are to be supplied under a contract for or involving the performance of work, including work of a professional nature. The definition of services in the Consumer Protection Act includes also the provision of, or the use or enjoyment of, facilities for amusement, entertainment, recreation or instruction, or the provision of gas or electricity or other forms of energy. I refer again to the inference that the professional type of work included in the first part of the definition of services was strictly of a trade or commercial nature.

Mr Brereton: Why?

Mr ROZZOLI: It should be perfectly obvious.

Mr Brereton: Tell us.

Mr ROZZOLI: Had the honourable member listened instead of muttering to himself, he might have learnt a little by now. The definition of services in the Consumer Protection Act covers also a contract of insurance, a contract between a banker and a client and a contract under which one person grants or confers or purports to grant or confer a franchise or other right, benefit or privilege to one or more persons, et cetera. One would need a considerable imagination to extend the definition of services to include within the category the true professional services, services for personal, domestic or for household use. With a sweeping gesture, and the elimination of three small words from the relevant provision, the Minister intends to change completely the law of New South Wales. That grave departure will have far-reaching consequences on the rights of individuals. As everyone in New South Wales, irrespective of his or her role in life, is a consumer of goods, all citizens may well suffer from an invasion of individual rights.

It has been said that one can disregard the explanatory note to the bill. However, the explanatory note at least gives some indication of the Government's intentions. It states that one of the objects of the bill is to allow the Commissioner for Consumer Affairs to investigate complaints concerning professional services rendered to consumers. The bill does not seek to validate the acts of the Commissioner for Consumer Affairs or to clarify his position. One can only conclude that the commissioner has not been empowered to investigate complaints concerning professional services rendered to consumers. That is certainly the Opposition's contention. The judgment of Mr Justice Lee clarified the law as it now stands. That judgment points out that the Government did not change the law but went beyond it.

The Minister, in his second reading speech, said that the amendment is designed to remove any doubt that, subject to the Minister's directions and approval, the commissioner is able to receive and investigate the complaints envisaged by the bill. Obviously the Minister is trying to hedge. For the first time it is clear that the Government assumes that the commissioner had this power. The Minister's statement is fundamental to the introduction of the bill. The Opposition does not accept that the Government ever had the power envisaged by this measure.

I hope that I have thrown some light on whether or not there was ever an intention to include this power in the Consumer Protection Act. I shall now examine the advisability of introducing this sort of power. It is interesting to read what some

organizations—and doubtless the Government respects some of them—have to say about this issue. The New South Wales Law Reform Commission's Discussion Paper No. 1, which was published in 1979, dealt with the general regulation of the legal profession. In that paper the commission explored the relationship between the legal profession and the community. The legal profession can certainly be said to be self-critical. Most people have to resort to the services of lawyers at some time or other. Powers to regulate, supervise and control that profession are of considerable interest to the community and are capable of close analysis. For that reason an assessment of the relationship of that profession with the community is of importance. The report of the Law Reform Commission sets out three major reasons commonly given for arguing that the profession should be empowered to regulate itself as an independent group within the community. The report states:

- (i) Only another person in the same profession is capable of understanding the problems which a professional faces, and of saying what qualifications he requires, what standard of conduct should be expected of him, and so on.
- (ii) The members of a profession are not only best qualified to say what professional conduct best serves the public interest, but they can be trusted to put the public interest ahead of sectional professional interest.
- (iii) Any interference with professional autonomy will endanger the independence of the profession, which independence is itself a major safeguard of the public interest.

The report goes on to state that each of those assertions calls for closer examination. It continues in this way:

In our view, there are overwhelming arguments for having a larger proportion of lawyers on the regulatory body for the legal profession. These members can provide invaluable expertise, important perspectives of the public and professional interest, and a zealous concern for preserving the professional independence of the lawyer.

The Law Reform Commission then goes on to deal with government, and in that connection states:

A form of professional organization which exposed the regulation of a profession to ill-considered or ill-motivated interferences by the Government of the day would inevitably prejudice its independence in those areas where that independence is important. This is particularly true of the legal profession. It is of the essence of freedom under law that the Government of the day is itself subject to the law, not merely in theory, but in practical accountability, enforceable before the courts if necessary. It is essential that citizens should have access to lawyers who can invoke the law on their behalf in this way, and that such lawyers should not be exposed to vindictive reaction by the Government, either directly, or through a facade of Government-controlled regulation. This applies no less whether the Government is motivated by its own interests, or by pressure from vocal expressions of public opinion.

The report deals with government interference in this way:

For these reasons, we suggest that the Government should not be, nor appoint, the general regulatory body for the legal profession. However, the legal profession cannot expect to be excluded from the elected Government's general rights and responsibilities to govern.

Mr *Rozzoli*]

Certainly no one would challenge that statement. I have more regard for the Law Reform Commission than to suggest that it is only looking after its own members. The commission's report is pertinent to the bill. In England the Benson inquiry went through much the same process and reached a conclusion similar to that of the Law Reform Commission. There is no precedent in this State for this type of legislation. It is shameful for the Minister to try to cover up by claiming that the bill seeks to ratify a power that has always been available and was used by the Opposition when it was in office.

It is an even greater shame for this legislation to be introduced by the Minister for Consumer Affairs who has such a good and honourable record in the field of responsible consumer legislation. The amending legislation is aimed not at the professions, the suppliers or the shonky operators *per se*, but at the consumers. A Minister for consumer affairs who presides over the introduction of legislation with such grave ramifications for consumers is abrogating his responsibilities to the persons he purports to represent. Having referred to the reports of such august bodies as the New South Wales Law Reform Commission and the Benson inquiry in England, I shall now deal with the common law as it concerns contracts of service.

One essential aspect of a consultation with a professional is that one seeks advice and assistance. One does not go along and ask for \$5 worth of legal advice or \$5 worth of medical opinion. One goes to a professional to seek advice of an indefinable dimension. The contract of service between a professional and his client does not have to be in writing. I am confident that the Minister realizes that the moment a person consults a professional a verbal contract is established between the two parties. One basic element of that contract of service between professional and client is confidentiality. The Government will not be able to protect that essential element of the contract of service if confidentiality is breached. If this bill becomes law, a professional may codify his records in an attempt to protect the confidentiality of his client, and perhaps as a result will not always give the correct advice. Alternatively, the client may say, "I really do not know whether I am willing to open my heart and mind to my professional adviser for I cannot be certain that the confidence I have reposed in him will be respected". The latter situation concerns me most.

Members of Parliament may face the same situation when they are approached by constituents seeking assistance. Though a member of parliament is not a professional person in the usual sense of the word, nevertheless on many occasions when a constituent seeks help there is a necessity of confidentiality. On such occasions the member realizes that he must know as much as possible about the problem before he can assist the constituent to obtain the help sought. Often a member is given information that the constituent does not wish to go any further. A member of parliament could not give proper advice to his constituent and a professional person could not give proper advice to his client if the person seeking the advice were holding back information that was vital to the provision of the best solution to the problem. One does not need much imagination to conceive of possible repercussions after work is undertaken on behalf of people who have not given the professional information that it is in their best interests to release.

I do not question the integrity of the officers of the Department of Consumer Affairs. I do not suggest that they will abuse the powers that will be given to them if this legislation is enacted. I am not accusing them of being vindictive, or anything of that type. Nevertheless, the work that they do could breach the confidentiality aspect of the professional and client relationship, and bring about all the problems consequent

upon that breach. No assurance by the Minister or by the Parliament that confidentiality will be maintained will be given much credence by a person who considers that his confidence will be breached if he seeks professional advice in a controversial or sensitive matter.

It is not good enough for the Minister for Consumer Affairs to say to the professions that these powers will not be abused by future ministers for consumer affairs. I am certain that the present Minister would not abuse any powers given to him, but I understand he is to retire at the end of the present parliamentary session, and there is no way in which he can give an undertaking on behalf of some other person. Certainly he cannot give an undertaking that will bind future ministers for consumer affairs in the view they will take of legislation of this type. All honourable members will agree that occasions have arisen when legislative powers have been abused. We must look at the original legislation and at the purport and the limits and extent of the bill. This measure contains the powers of which I have spoken and honourable members must be willing to assume that they will be able to be used in any way authorized by the legislation.

In case the point I am making about confidentiality should be misconstrued, I point out that section 16E of the Consumer Protection Act contains provisions for the preservation of secrecy that allow for a request for secrecy in relation to any information or the contents of any document furnished or produced by a person. Notice of that request having been given, certain things follow. However, permission must be sought for that request to be granted.

It is a shame that the Minister has not delayed this legislation even further. I have had ample time to examine the provisions of the bill and prepare my comments on it but the Parliament has a moral obligation to the public at large, not only to the professions, which can disseminate information to their members and assist them to arrive at conclusions. This type of legislation should be given far more publicity and be subjected to far more scrutiny than it has. It should have been explained more than it has. Then the public, and not simply the professions and organizations such as the Privacy Committee and the Council for Civil Liberties, would be able to comment on it. Despite the publicity that the legislation has received, the average person in the street would not even know it is before the Parliament; he would not be aware of its repercussions.

Section 16 (1) (b) (ii) gives any person the right to make a complaint. It is not a matter of a client bringing a complaint to the Commissioner for Consumer Affairs for investigation. A complaint may be made by any person; for example, a person who has lost a case and may, through sheer vindictiveness, cleverly hidden behind a mass of documentation, bring a complaint that may harass and embarrass the person who won the case in a fair and proper manner in the courts. The section gives a good deal of scope for vindictiveness. I should not like the Minister to think I am fabricating such a possibility. I am aware of a case in which some years ago a member of the medical profession was the subject of a complaint of unethical practice. Though he was subsequently cleared on the charge, he was subjected to a considerable amount of humiliation and personal distress. The person who initiated the complaint had received a peremptory note from the doctor's secretary regarding a considerably overdue account. The person who lodged the complaint felt he had been unfairly treated by the doctor and he caused the doctor a good deal of trauma. Subsequently the doctor was exonerated completely.

Mr Einfeld: With whom was the complaint lodged?

Mr ROZZOLI: In that case it was a complaint before a medical disciplinary tribunal.

Mr Einfeld: It was not a consumer?

Mr ROZZOLI: No.

Mr Einfeld: Why did you not say so?

Mr ROZZOLI: If the Minister would ~~listen~~—

Mr Einfeld: I am listening as carefully as I can.

Mr ROZZOLI: I shall repeat what I said. I cannot talk about what ~~has~~ happened to date, for nothing has happened to date. This type of legislation lays the foundation for vindictive complaints. Complaints may be brought not only by distressed clients but by any person who suspects an unfair or fraudulent practice. Lest the Minister refuses to believe that people would make complaints through sheer vindictiveness, I cited a case in which a matter was brought before a tribunal. It does not matter whether it was a medical disciplinary tribunal or the Department of Consumer Affairs; it was brought before a tribunal. It was brought through sheer vindictiveness and, without foundation, it caused heartache and distress. That is the sort of situation that will be brought about by this massive change, and no amount of good intention on the part of the Government—even if it had an impeccable record—could prevent it. There is a vast difference between matters that arise between a professional man and his client and matters that arise in the conduct of trade and commerce. No matter how strongly the Minister may assert that there is no difference between going to a doctor and having one's tonsils extracted and going to the butcher and buying a pound of sausages, there is a considerable difference. To make that sort of comparison is an insult to the intelligence of the general public and members of professions.

Section 16 (1) (b) (ii) contains no definition of words such as fraudulent, unfair or practice. This opens the door wide to what may well happen in the future. My concern is for the consumer, not so much for the professions. This legislation is directed at protection of consumers. But regulations are not always in the interests of the persons they are intended to protect. There comes a point when overregulation tips the scales and disadvantages the persons meant to benefit. In this case, in the long term the consumer will be gravely disadvantaged. I have used that term previously but it is worth repeating. I believe the Minister has not the slightest intention of consenting to the Opposition's amendment to delete certain words from the bill, but even at this late stage I ask him to consider its ramifications and defer the passage of the bill. In a letter dated 16th February to the *Sydney Morning Herald* the Minister stated: "in fact, I am at present studying it"—that is, privacy—"carefully in connection with the Consumer Protection Act". Since that time the Minister has had little opportunity to consider the matter in depth. Accordingly, one comes to the inevitable conclusion that the Minister has given little or no consideration to the matter. Again I ask the Minister to defer the legislation while a much closer analysis of its provisions is made.

The Opposition is extremely concerned about two other matters. The first is individual price marking. The Minister has introduced amendments that will give the Government the power to specify by regulation certain classes of goods the display of which, in the absence of ticketing to the individual item, will constitute an offence against the bill. In his second reading speech the Minister said that the purpose of the legislation was to counter the effects of a new system of checkout which is coming into vogue in Australia and has had wide acceptance overseas. I refer to the computer scanning technique, a system officially called the Australian product number. It uses symbols to identify each and every item that passes through a supermarket. In other words, it ensures that an item is identified in it; own tight by a scanner at the checkout

register. It occurs when the customer passes through the checkout and obtains the checkout slip. The description of the item purchased would appear on the slip as would the individual price of each item.

There are many excellent reasons for having such a system, and I do not believe the Minister would disagree with the introduction of this concept as an aid to efficient retailing of items through supermarkets. The system has great benefits—for example in re-ordering, price uniformity, the reduction of staff involvement, the elimination of other tedious operations and many other benefits. One hopes that these benefits will be passed on to the consumer in reducing prices or containing prices. I do not believe in Father Christmas in this sphere, and I do not believe there will be any dramatic drop in prices in the supermarkets that introduce computer scanning techniques. However, I believe it is highly likely that prices will be contained within the present system. If prices are reduced for the consumer that will be a major benefit.

Let us examine the rationale behind this legislation. One asks, in what respect does the system of computer price scanning let down the customer? There must be some area in which the Minister believes the customer gets less than a fair deal from the supermarket through the introduction of this system, otherwise there would be no reason for introducing this amendment. I have come to the conclusion that there are only two types of occasion under which the customer could lose under this system. The first occurs when the customer takes an item off the shelf, puts it in the trolley and carries it to the checkout. The second is some time later when the customer asks himself, "I wonder how much that can of Mortein fly spray cost me two months ago?". The customer is then able to go to his cupboard and under the individual price marking system ascertain exactly what the can of fly spray cost. In those two areas it is true to say that the public is not fully informed as to the price of the actual article. One must examine the advantages of having such knowledge and the disadvantages that may accrue because the customer has that knowledge.

To offset the second situation, which is probably the more important, the person concerned will have a comprehensive computer checkout record. Whether customers keep the record is their business, and I agree that the average person probably will not do so. Nevertheless, the price conscious shopper will make adequate use of the checkout in determining day to day price fluctuations between one supermarket and another. Therefore, the customer will have a much better capacity to judge differentials in price than if he or she has to go to the cupboard and consult the price marked on the can of fly spray. In considering the process that occurs in the time that elapses between the customer taking an item off the shelf and presenting it at the check out, I feel that knowledge of the pricing of individual items in that period is of little value.

I should like to examine the credit side of the picture and also deal with modern trends in supermarket retailing. Let us examine a number of products that are now individually price-marked and a number that are not. Perhaps from that information one may be able to draw a conclusion as to the role of individual price marking as it affects the public. A recent phenomenon in the retail trade has been the growth of the Half Case Markets. The minimum amount of handling involved in semi-bulk buying has considerably reduced prices. By leaving the customer to total the bill and serve himself, the Half Case Markets have in many instances managed to bring the price down dramatically. There are no individual markings in Half Case Markets, and it is true to say that the public has welcomed with open arms such markets as a concept. Certainly the customers in Half Case Markets are not screaming their heads off for the individual marking of items. One suspects that the customers in such markets are fairly shrewd. It must be said that in such markets the service given to

the customer is not so great as in the ordinary supermarket. Therefore, the person who is not so concerned about the price of an article might prefer to go to the supermarket and have the advantage of a greater degree of service. In this context I am thinking of the price-conscious, canny, budget-minded consumer—the person who is vitally concerned with the price of a product and would reject the requirement of individual price marking.

In respect of the orthodox supermarket, there are already supermarkets that do not operate a system of individual price marking but have introduced computer scanning techniques. Certainly there is no indication that trade in those supermarkets has dropped off. In fact, the reverse is the case, and the procedure has been well accepted by customers. There has been no adverse customer reaction. The ultimate right of redress for the customer is the fact that he or she does not have to buy in such a market. The normal type of supermarket has to be compared with the supermarket that introduces computer scanning and rejects the practice of individual price marking.

Between the extremes of supermarkets that incorporate the computer scanning technique and the Half Case Markets, which do not price mark for entirely different reasons, there is the ordinary supermarket. I should like for a few moments to examine the practice in that respect. One finds that between 15 per cent and 30 per cent of all items sold in those supermarkets are not individually price marked. They involve bulk turnover lines where individual price marking will be costly and where the public do not demand it. Where customers buy half a dozen tins of Pal or a number of cartons of Daffodil margarine—in other words where there is a high volume turnover—the public accepts the situation. Those customers know better than anybody else the price they are paying and want to buy a commodity at the cheapest possible price.

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

Mr ROZZOLI: Before dinner I was talking about individual price marking of items in supermarkets. I was referring to the manner in which the system works, and about the advantages and disadvantages of that system. I made the point that on balance the advantages of the new system outweighed the disadvantages and that the amendments proposed by the Minister for Consumer Affairs were against the interests of consumers. It is difficult to estimate what effect this practice might have upon the individual price of a commodity. Oversea surveys provide some estimate of this cost. The most reliable figure that can be ascertained is that for a store with a gross turnover of \$100,000 a week—which places that store into the reasonably large supermarket size—the cost would be 0.467c in the dollar. In terms more easily understood by the consumer, that equates to the employment of two and a half to three extra persons a week to fulfil the requirements of the proposed amendment. Many persons would not consider half a cent an extraordinarily large amount, but over a period half cents accumulate. At the end of twelve months' shopping one is talking about a considerable sum of money. The consumer will not be able to purchase the same number of items for the same amount of money.

Price marking and the computer scanning technique is being considered by ministers responsible for consumer affairs in all States of Australia. A special State-federal committee has been established to consider this matter. In typical form—perhaps because the Wran Government is bent on establishing at all costs the reputation of being the first in with whatever is going in the way of consumer legislation—the Minister has sought to move quicker than his counterparts in other States and prior to

a joint decision being made. The Tasmanian Minister for Consumer Affairs, the Hon. B. K. Miller, has said that in his view the individual price marking of goods on the supermarket shelf will not be necessary when product numbering is introduced, so long as the items are accurately shelf-marked and there are means of ensuring that the consumer receives adequate information at the checkout point.

One of the problems with consumer legislation, and it is not a criticism of the legislation of any particular State, is that there is inconsistency between the States. I am not suggesting that there should be a passing of authority to the federal Government to deal with consumer legislation—heaven forbid. There should be uniform consumer legislation throughout Australia. On the information available to me, this part of the legislation is a little precipitate. One of the problems caused by introducing this type of amendment with a lead-handed approach is that it will slow down the acceptance by the community of new techniques in supermarkets, if not prevent them. With legislation like this the need for which is difficult to sustain, close scrutiny should be given to it to determine whether it should be introduced.

One area of trading that cannot be streamlined is the individual price marking of commodities. It has to be done the hard way; there is no alternative. Many tasks can be streamlined, such as those envisaged by the Australian product number system, where the marking is carried out at the point of manufacture. It results in considerable saving. There is no substitute for the old-fashioned method. If the Government wishes to introduce this type of amendment, and if it has the interests of consumers at heart—and I have no doubt the Minister does—it should conduct a series of surveys in main supermarket outlets to ascertain consumer reaction on whether people want the price marked on the individual article or whether they are willing to accept the Australian product number system. The present system facilitates the purchasing process and product information available to consumers, and keeps the cost of the commodity more stable. Honourable members may feel I have loaded the argument, but I am just illustrating the questions that can be put to consumers. In this way the Government would ascertain whether consumers are concerned about the matters referred to in this legislation. I cannot see any evidence of concern.

In his second reading speech the Minister did not refer to any surveys that disclosed that this legislation has been introduced because of concern felt by anyone other than the officers of his department. Those officers, with all the best intentions in the world, are human and may not always interpret correctly the views of consumers. The amendment will not make or break the retail marketing systems and will not make or break the consumer. It is not a matter for histrionics. Careful analysis of consumers' views is needed before introducing such legislation. Because of the doubts that the Opposition has about the proposed amendment it will oppose the provisions at the Committee stage.

The third area of particular concern to the Opposition is proposed new section 33B, which will have the effect of establishing a class action. The Opposition is philosophically opposed to a departure from the traditional requirement that a plaintiff go before a court to establish a claim in damages arising from a tort. The Opposition is opposed to the extension of facilities for the recovery of damages by way of the type of class action referred to in the bill. Although the proposed section is not couched in the terms commonly used for establishing a class action, the Government's proposal will have the effect of creating a class action. The Opposition is certainly not opposed to the concept of establishing an action for tort by a person who suffers damages as a result of false or misleading advertisements. The Opposition does not condone the actions of persons who advertise in any of the false or misleading forms envisaged in the Act. When citizens suffer damages as a result of false or misleading advertising, those responsible should attract the full rigour of the law.

The Opposition supports the legal concept that each alleged breach must be considered. Although I have some reservations as I am not a lawyer, I understand that the Government's proposal is for a partial class action provision by which each person bringing an action must establish that he suffered damage and the extent of that damage. The Opposition supports the establishment of a civil action for false or misleading statements but considers that the extending provisions which will establish a class action are not in the interests of the community. For the reasons I have given, **in Committee** the Opposition will oppose proposed section 33B and I envisage that it will move an amendment to it.

I repeat, a number of the proposed provisions, particularly the amendment to section 16 (1) (b) (ii), to which I have devoted the greatest amount of time, are of such consequence that the Opposition is compelled to oppose the whole bill. I qualify that assertion by saying that some clauses of the bill are acceptable to the Opposition and if the Minister had brought them alone before the House, they would have received the Opposition's support. Opposition members do not seek in any way to restrict the rights and protections of the consumers or of those who administer consumer protection legislation in New South Wales. I am rather sad that the Opposition has been put in the position of having to oppose the bill. The gravity with which the Opposition views the proposal to include professional services rendered to consumers can be measured by its decision to oppose the whole measure.

Mr BRERETON (Heffron) [7.45]: In speaking in support of the Consumer Protection (Amendment) Bill, I acknowledge how well the honourable member for Hawkesbury led for the Opposition, particularly when one understands that the words "work of the professional nature" were inserted in the legislation in 1975 by the former Liberal Party-Country Party Government. One would think that that had never happened. The honourable member glossed over the fact and suggested that the legislature did not really mean to do what it had done. It is a great shame that the honourable member did not inform the House what the legislature meant on that occasion. After listening to the honourable member for Hawkesbury, one is compelled to ask oneself what is so sacrosanct about the so-called professions? Are not consumers entitled to every protection from professionals? Honourable members on the Government benches have no doubt that consumers are entitled to that protection, and the bill now before the House is confirmation of that view. I refer the House to the honourable member for Hawkesbury's using out of context the Law Reform Commission report on the future regulation of the legal profession in New South Wales. The bill has nothing to do **with** the regulation of the legal profession. The question of the legal profession's independence simply does not arise. The Government's proposal is that the rights of consumers of professional services should be assured in the same way as if the services were provided by other than so-called professionals.

One must not confuse the two fundamentally different considerations that have been the subject of a number of misinformed comments on the bill: the consumer's right to protection on the one hand and the public's right to privacy on the other. The Government stands firm behind both principles. The Act in its final form will guarantee both. The proposed amendment to section 16 (1) (b) (ii) is not intended, nor may it realistically be claimed, to confer any new powers upon the Commissioner for Consumer Affairs. The proposed amendment will do no more than reaffirm the intention of an amendment to the Act passed by this Parliament in 1975 to allow the commissioner to receive and investigate specific complaints from dissatisfied consumers of professional services—an amendment that was introduced by the former Liberal Party-Country Party Government. The Government's proposal is to remove any doubt that might have arisen as a result of the 1979 Supreme Court ruling in the Holman and Macquarie cases. Honourable members will no doubt recall that this ruling

emerged from a challenge to the Consumer Claims Tribunal Act. In 1976 the Government, taking the lead from the 1975 amendment to the Consumer Protection Act, purported to make all professions—including doctors, dentists and lawyers—amenable to the jurisdiction of the Consumer Claims Tribunal with respect to all the services they rendered their consumers. That tribunal is empowered to hear and determine consumer claims referred to it. Apart from other things, a consumer claim was defined as a claim for some specific remedy arising out of a contract for the provision of services rendered between a consumer and a person who in relation to those services is a trader. A trader was defined as a person who in the field of trade or commerce carried on the business of providing services.

The Government's 1976 amendment to the Act altered the definition of services to include work of a professional nature. I repeat the lament of Lord Denning, Master of the Rolls, who said that it is indeed unfortunate that the courts are not permitted to have regard to *Hansard* reports in attempting to find the real intention of Parliament from the language of its statutes. Although *Hansard* made it plain that the amendment was intended to cover all professions, the Supreme Court ruled that even though those practising professions such as law, medicine and dentistry were obviously engaged in work of a professional nature and in that regard were engaging in a business activity, they did not carry on their business in the field of trade and commerce and were, therefore, not amenable to the tribunal's jurisdiction.

Last year the Government was quick to overcome the effect of that decision by introducing a further amendment to the Act. On reflection I wonder whether a claim against an unincorporated profession would have met the same fate. I am quite certain that it would not have done so. Section 16 (1) (b) (ii) of the Consumer Protection Act compels the commissioner to the extent from time to time directed or approved by the Minister to receive and investigate complaints from persons as to fraudulent or unfair trade or commercial practices in relation to the supply of services, which are defined to include work of a professional nature.

The proposed amendment is designed to dispel any argument that the words trade or commercial restrict the commissioner's role to investigate complaints against the lesser professionals, whatever they might be. The absurdity of such an interpretation being placed upon those words becomes more apparent when one examines section 16 (1) (b) (iii) of the Act, which empowers the commissioner, again subject to ministerial direction or approval, to investigate matters affecting the interests of consumers. When one examines closely the definition of consumer it is clear that the investigation may be in relation to services rendered by all professions. Since 1975 the Department of Consumer Affairs has been empowered to investigate and has investigated complaints with the tacit acknowledgment of some of those now opposed to the granting of that power, including the New South Wales Law Society. The proposed amendment is nothing more than a re-affirmation of that power.

Since the bill was introduced much has been said about confidentiality and privacy difficulties that it allegedly raises, particularly in regard to medical records and solicitor-client communications. The reaction of some persons has bordered on the hysterical. Section 16C of the Act specifically confers important powers of investigation on some departmental officers. Though sparingly used, those powers are necessary if the department is to continue effectively to perform its role as a watchdog of consumer interests. One person described the powers as the worst example of breach of privacy that he had seen. I shall say something more about that at a later stage. From a legislative viewpoint the powers will have no worse effect on privacy considerations than do powers conferred by many other State and Commonwealth Acts.

Mr Brereton]

It is interesting to consider some of those other Acts. Section 75 of the Motor Vehicle Repairs Act, 1980, allows an inspector to enter at a reasonable time any business premises for the purpose of ascertaining whether the Act or the regulations are being complied with. In that regard the inspector may require the production of records and documents. The Business Names Act, 1962, by section 13 enables the Corporate Affairs Commission to require production of information for the purpose of determining whether offences are being committed under the Act. Section 92 of the Landlord and Tenant (Amendment) Act enables the controller or an authorized officer to require production of books, documents or writings. Section 20 of the Ombudsman Act, 1974 provides that the ombudsman may at any time enter and inspect premises occupied or used by a public or local authority and thereat inspect any documents. The person to whom I referred previously but refrained from mentioning by name would know about the invasion of privacy.

Section 16 of the Privacy Committee Act enables the Privacy Committee to require any person to produce to it any document or thing or require a person to make a statement of information. The committee has similar powers of inquiry and investigation to those of a Royal commission. It has far greater powers than those envisaged in the present legislation. Any exemptions from those powers are only in the area of policy and privilege. Apart from that, the powers of a Royal commission exist for the use of the Privacy Committee. One might consider also the powers available under the Companies Act, the Stamp Duties Act or the Petroleum Act.

It is interesting to examine the federal Income Tax Assessment Act, 1973. Section 264 of that Act provides that the commissioner may require any person to furnish him with such information as he may require to produce documents relating to his or any other person's income or assessment. Despite those existing requirements, one would think the whole issue of confidentiality or privacy, so far as it concerns professional services, was something that had been raised for the first time in the measure before the House. Nothing could be further from the truth. Even if the so-called objectionable item (2) (b) of schedule 2 were omitted from the bill, the same objections—some of which I believe to be valid—would remain. They have existed since 1972.

When one considers the effect of section 16C one realizes that it enables an investigating officer to require the production of documents or the disclosure of information which may be relevant to the subject-matter of an investigation. That existing provision was introduced by the Liberal Party-Country Party Government in 1972. Regardless of whether the department is empowered legally to investigate specific complaints against professional persons and requires material for that purpose, investigating officers could, and still can, require the production of information or documents in the possession of professional persons, provided they relate reasonably to the subject-matter of an investigation. Contrary to some now convenient suggestions, those powers cannot be construed as allowing investigating officers to search premises and seize documents. There can be no doubt that the department has been extremely mindful of privacy considerations. The investigative powers granted to the department by section 16C have been exercised in extreme circumstances only; in situations where no other real alternative existed. In general investigative work the practice of the department has been to obtain wherever possible the consent of any person whose privacy might be in jeopardy.

I shall give the House an example to demonstrate that the Department of Consumer Affairs is acutely aware of its role with sensitive issues. Recently one of the department's investigating officers was contacted by a sister at a hospital about a patient who had been admitted for a particular operation. The sister told the officer that the patient's record showed that during the operation a complication had arisen and that

a second procedure was carried out on the patient. According to the sister the second operation could have had some effect on the woman's child-bearing ability. The sister said that the patient's file carried a note that she had not been informed and was not to be informed of the second operation. The sister wanted some action to be taken, but the officer declined on the basis that though he could obtain the hospital record, it was the doctor's responsibility to inform his patient about what had happened. In that instance one might easily conclude that the department had erred in favour of confidentiality over public interest.

The department has experienced no real privacy difficulties. However, that does not mean that improvement of legislation should not be effected wherever possible. The reaction to the bill has highlighted two obvious deficiencies within the investigative powers provided by section 16c. Those deficiencies have existed since the inception of that provision. The first is that though section 16E contains a provision for preservation of secrecy of information or documents furnished under section 16c, secrecy is not mandatory but attaches only if a request is made by the person furnishing the information or documents. If no request is made, no secrecy attaches. The second obvious deficiency is that there exists no real statutory recognition of the desirability for control over the issuing of all section 16c notices. The Act should vest responsibility in the Minister to decide whether there is sufficient reason for those powers to be used. The Minister has authorized me to announce that at the Committee stage he will move a number of amendments to this effect.

To overcome the problems that I have mentioned, the proposed amendments will further ensure confidentiality of all documents or information which come into the possession of departmental investigating officers. The amendments that the Minister will formally move at the Committee stage will have the effect of greatly strengthening the right to privacy. In effect they will guarantee the citizens of New South Wales protection from investigation without their prior knowledge and consent. An investigation will be extended past the written consent of the patient or client, as the case may be, only in circumstances where such investigations reveal a pattern of misconduct—and even then only with the express permission of the Minister. An example of a pattern of irregularity which comes to my mind concerns the recent investigation of a number of complaints about a large insurance company. The officers who carried out the investigations noted that the initials H.D.K. appeared on a number of files. Questioning revealed that the abbreviation meant "Husband doesn't know". That is a breach of the Money Lenders Act. In such circumstances obviously such lawbreaking should be properly and fully investigated. Subsequent inquiries in that matter revealed tens of thousands of breaches. One company had 80 000 similar notations on its books. The Act as amended will provide for investigation of similar matters only with the express permission of the Minister.

The most important provision, the right to privacy, will be protected by mandatory provisions that will make it an offence to reveal information so learned. There is a real need for all honourable members to have a sense of perspective about the measure before the House. Honourable members should ask themselves what statutory protection at law a patient or a client has from a doctor's receptionist or a solicitor's clerk. The answer is, not very much when compared with the statutory requirements that will apply to officers of the Department of Consumer Affairs.

The vested interests that have tried to frustrate the passage of the bill through the House have stretched their imagination to the extreme in predicting its effects. The spectre has been raised of a veritable army of inspectors marching through the personal affairs of the citizens of this State. This suggestion paints a totally untrue picture. In reality, the number of staff authorized under section 16c is indeed small, as inspectors are not authorized at all. In point of fact, if one looks at the number of

officers of the department below the rank of commissioner, deputy commissioner and assistant commissioner, one finds only ten investigators with authority to use those powers. Some army. That is all I shall say on that issue.

It is easy to discount the claims of vested interests as expressed in recent weeks in letters to editors of newspapers. They represent a desperate attempt by some professionals to escape scrutiny and their responsibilities. I commend to honourable members the views of the New South Wales Council of Social Service as expressed in the *Sun* of 19th January, 1981. In an article in that paper the council's director said:

If the Government gives certain people the sole right to deliver medical, legal and similar professional services, it must also protect their clients against fraudulent malpractices arising from dealings with professional people.

I am proud to be associated with the Minister in the passage of this legislation through the House. The Minister has a great reputation, rightly earned, as the most popular Minister in our Government. To find why that is, one need only speak to the small businessmen, the farmers and the persons who have been saved by the product safety regulations that the Minister has introduced. One need only ask the housewives who have been protected by the date-stamping of foodstuffs or speak to persons who, until the Minister assumed his office, had no redress against harsh and unconscionable contracts. One need only talk to persons who have been afforded protection in the purchase of motor vehicles and the quarter of a million persons who last year telephoned the Department of Consumer Affairs to make complaints of various sorts about the provision of services. In short, the whole of the consuming public can vouch for the Minister's popularity. The passage of this legislation will represent one more vital advance, and its championing does great credit to the Minister.

Mr GREINER (Ku-ring-gai) [8.4]: Before I deal with the main aspects of my speech I should like to take up at least three points made by the honourable member for Heffron. First, he gave a long dissertation on the Acts of this Parliament and the federal Parliament where the powers of members of the public service, he says, are similar in scope and substance to the powers conferred by this piece of legislation. There is one fundamental difference, to which I shall return time and again when I come to the positive part of my comments. There is the difference that every piece of legislation that he mentioned concerns itself with discovery of facts. It concerns itself with the discovery of a concrete situation. It concerns itself with discovery, with the revelation of what has actually happened. It does not concern itself with the formation of opinions as a piece of advice, explanation or exposition provided as a service by a professional to a client.

That is the difference. It is indeed a fundamental difference between someone seeking to discover the true, factual situation and someone seeking to undertake an investigation for the purpose of forming an opinion for a client. I do not think the analogy the honourable member for Heffron seeks to draw is accurate. It does not go to the defence of the legislation that he seeks to defend.

The honourable member for Heffron went to some length to stress that to date the legislation has always been implemented with consideration and care. I believe I quote him precisely when he says that the department has experienced no difficulties with respect to privacy. I suggest to the House that it is scarcely surprising that the department has experienced no difficulty in that respect. No one is suggesting that officers of the department would do other than exercise their powers with consideration and care. This matter must be looked at not from the point of view of the department but from the point of view of the consumer and the provider of the service.

I do not think it is reasonable to use the fact that departmental officers indeed give those delicate matters consideration and care, and the fact that they have not experienced difficulties to date. It does not seem to me to be relevant to the principle, which is really what counts. What counts is whether, in principle, it is right that officers should have these powers—powers that require them to use great consideration and care. The honourable member for Heffron assures us that they exercise that measure of consideration and care.

Opposition members have not had the advantage of seeing the amendments that the Minister will introduce by way of a sop. From the brief description given by the honourable member for Heffron, the amendments are to be made after the fact. Secrecy will become mandatory, but will be after the intrusion has taken place. Opposition members are not concerned about the *ex post facto* protection of a situation. The only reason the Minister is introducing that amendment is to bring about a situation where he will create the intrusion and then seek, by way of a sop after the event, to provide for making secrecy mandatory when provisions for secrecy already exist. At face value, and without the advantage of being privy to the Minister's comments at the Committee stage, it seems that he is attempting to close the door to relieve a situation after the damage or potential damage has been done. It is the potential damage that concerns members of the Opposition. The honourable member for Hawkesbury dealt at some length with the point that this is clearly an expansion, in effect, of what the Minister and his supporters would say is a simple reaffirmation of the *status quo*. Members of the Opposition believe that it is clearly an attempt to extend the scope of the legislation. One wonders why the honourable member for Heffron several times asked, what is the difference? He asks, why should the higher professions be given some sort of protection not given to lower professions, as the honourable member for Heffron would title them?

There are clear differences between the professions—accountants, dentists, doctors and lawyers—and the services to which the legislation, as the honourable member for Hawkesbury pointed out quite clearly at some length, was intended to refer. I should think that the differences between the provision of a building service or a plumbing service and the provision of advice on taxation matters are clear.

What objective standard is to be used to make the judgment? Clearly, for a plumber who repairs a sink there is an objective standard. For instance, the question of how well a seal or junction works requires an objective standard. Often, Australian standards can be used as a basis for validating a point at issue but they do not apply to the provision of service. Let us consider that point. The sorts of professional advice being discussed today involve a whole series of unique cases. Each person who consults a doctor presents him with a unique set of circumstances. Each person who seeks to have a tax return prepared is in a unique position.

One could take examples *ad nauseam* and go through all the professions but the important difference is that, in the sort of case about which we have been arguing, each one is unique. That is not the sort of case the legislation has in mind, as the honourable member for Hawkesbury clearly showed. One might ask, who will judge the unique case when in almost every instance there is no objective standard against which to make an evaluation? The honourable member for Heffron told honourable members that there would be only a small army of inspectors and it would not become a large army.

Mr Brereton: I referred to ten inspectors.

Mr GREINER: One might ask where those ten inspectors will get the experience and ability to make their evaluation. The decision will be purely a matter of judgment. Where are they to get expertise in matters involving medicine, the law and

architecture? Without that it would not be possible for them to seek the sort of objective criteria that it is possible for them to seek out in the vast array of matters that they now investigate. The Government and the Minister cannot gloss over that fundamental difference. One is dealing with individual cases that are not susceptible of objective, concrete assessments. If that is so, I should think that it is abundantly clear that the inspectors, whether there are ten of them or 1 000, are patently not suited to carry out the sort of investigation and judgment that they will be called upon to make if this piece of legislation is enacted.

It is interesting that today the Premier and Treasurer backtracked on a civil liberties issue—the making of searches without warrants. I wonder whether an analogy is to be drawn between his reply to a question without notice and this editorial in today's *Sydney Morning Herald*:

What does matter is the potential infringement of one of the most cherished principles of democratic States—the freedom of citizens from arbitrary searches . . .

That editorial must be considered in the context of the warrantless search proposal. I recognize both the differences and the similarities of the situation. What honourable members are being asked to look at today, regardless of the bleatings of the honourable member for Heffron, is quite clearly an intrusion into the privacy of the client and into the confidentiality of the relationship between the person supplying the service and the client who receives the service. I should think it axiomatic that it is a term of the contract—albeit an unwritten one—between a professional man such as a doctor, lawyer or accountant, and someone who comes to him, that that relationship is confidential.

It does not seem to me that to try to close the door after the event to make sure that the Minister has more control over the situation, by passing legislation to make the secrecy provision mandatory, will remove the basic problem of this piece of legislation. In principle it represents a real intrusion, a real breakdown, and a privacy loss in terms of confidentiality in the relationship between the provider of the service and the client. If one considers the proposed amendment to section 16 (1) (b) (ii) one soon recognizes how wide the scope of the amendment might be. Section 16B (1) (a) refers to the place where services are provided. Presumably that means that if a doctor operates a surgery or office away from his home and also operates one at his home, his house can be the place where the service is, or may be, provided. That would mean that inspectors are to have the right to enter the surgery in a doctor's home to seek to make an inspection. Section 16B (1) (d) is effectively a *carte blanche* clause. By its terms an investigator may make an inspection in any such place as he considers to be necessary or desirable.

One returns to the problem of not having an objective standard. How will the investigator make an assessment? It must be by reference to something. One of the careful and considerate investigators to whom the honourable member for Heffron referred might reasonably seek, having entered a home or office, not only to see the file relating to the complaint or situation in question, but also, in an endeavour to obtain a comparison of how the provider of the service provided this particular piece of advice, reach the conclusion that he wants to see other, similar files. Why should they not be relevant? If the complaint is made that an accountant incorrectly advised on a deduction for taxation purposes, it might well be relevant to see how other people, in a broadly similar situation, were treated by the same accountant. An investigator might well feel that it is necessary, or desirable, to see the files of other persons in a similar situation, that is, people who went to the same provider of the

service to ask for similar advice and, presumably, were given it. It seems to me that that presents virtually a *carte blanche* for the inspector to go through the files of others in similar circumstances. I cannot believe that could be considered desirable.

The honourable member for Heffron glossed over section 16C of the Act. It would enable an investigating officer to require the furnishing of information. Section 16C provides that an investigating officer making an investigation may orally or by notice in writing require a person to furnish any specified information or to produce any document that the investigating officer believes on reasonable grounds to relate to the subject matter of the investigation. Surely an officer possessed of the best intent could decide reasonably in his view to make a broad investigation of the practice of a particular doctor, dentist or lawyer.

Clearly it is possible to conclude that reasonably it would be relevant to investigate matters that go beyond a particular complaint. I should be interested to hear the Minister and other government supporters explain why that would not be a reasonable conclusion. If it is, the comments of the chairman of the Privacy Committee that were quoted without acknowledgment by the honourable member for Heffron, are accurate. It is potentially an extremely serious invasion of privacy and an extremely serious breach of the confidentiality of a professional relationship. At first blush I do not believe, though I shall give the Minister the benefit of the doubt until honourable members have heard from him on the matter, that the *ex post facto* amendment he proposes to move will answer effectively the problems that have caused such a furore in the community.

Proposed new section 33B (1) is effectively a backdoor class-action section. It seeks not only, as the honourable member for Hawkesbury said, to establish a tort for making false and misleading statements—the Opposition agrees with that part of the proposed new section—but also it spreads the web in such a way that it effectively represents the initiation by indirect linkage of a class action.

The Opposition believes that far from helping consumers, whom the Minister is undoubtedly eager to help, the legislation may help the legal profession by increasing the volume of litigation. If experience teaches us anything it is that this legislation is most unlikely to lead to consumer protection or benefit. That is why at the Committee stage the Opposition will move the amendments proposed by the honourable member for Hawkesbury. As with much that the Minister does, the Opposition agrees whole heartedly with many of the proposed amendments. However, as has happened all too often before, the Minister has been carried away by his enthusiasm and has gone too far. The proposed amendment to section 16 (1) (b) (ii) will certainly operate greatly to the detriment of the community.

Mr GABB (Earlwood) [8.21]: The Government is firmly committed to a policy of consumer protection and believes that it has the people's mandate to oversee the practices of all persons who supply goods or services to the public, to ensure that the false, the unethical, the fraudulent and the unfair do not flourish in our society. Because of the untiring efforts of the Minister for Consumer Affairs and his officers, great advances in the protection of consumers have been made in the five years since the Wran Government came to power. As the present Minister for Consumer Affairs will retire from Parliament before the year is out I take the opportunity to praise him as a true champion of the rights of the ordinary person. His task and that of his department is not—and has never been—an easy one.

We live in a dynamic, changing society. Every day new products are marketed and new procedures of marketing and advertising are invoked. To keep pace with these changing circumstances, the Consumer Protection Act needs to be revised and updated continually. The Consumer Protection (Amendment) Bill is a measure of

the Government's determination to maintain its proud record in consumer affairs. The volume and diversity of the activities of the department are such that often recourse must be had to the resources of other departments and of persons in the private sector with particular skills. The amendment proposed by item (3) of schedule 1 and item (4) of schedule 2 of the bill will ensure that such persons will have the same obligations, duties and protection as officers of the department. The proposed deletion of the words "trade or commercial" from section 16 (1) (b) (ii) of the Consumer Protection Act has drawn the greatest public comment, especially from members of the legal, medical and dental professions who see the proposal as having undesirable consequences.

In leading for the Opposition the honourable member for Hawkesbury made a rather pathetic attempt to distance himself and the Opposition from a fact that is clear to members on this side of the House and, I am sure, the public generally that it was the former Liberal Party—Country Pasty Government that in 1975 introduced the measures of which he now complains. It is of little use for the honourable member to shake his head in disagreement, for the record stands clear. It is interesting that the honourable member for Ku-ring-gai, who has now left the Chamber, chose not to take the same stand as the honourable member for Hawkesbury. The honourable member for Ku-ring-gai knows, as do Government supporters, that the Opposition can gain no credit by trying to distance itself from action it took when in government. The relevant part of section 16 (1) of the Consumer Protection Act provides that the functions of the commissioner shall be:

- . . . to such extent as the Minister may from time to time direct or approve.
- . . . to receive complaints from persons as to fraudulent or unfair trade or commercial practices in relation to the supply of goods or services or the disposal of interests in land and, subject to this Division, to make an investigation of the matter the subject of any such complaint or to refer any such complaint to that government department or instrumentality which he considers best able to take action or furnish advice in the matter.

The word services is defined in section 5 of the Act to include the rights and benefits that are supplied or are to be supplied under a contract for or involving the performance of work, including work of a professional nature. Until the decision of Mr Justice Lee in a matter relating to the Consumer Claims Tribunal Act, it had always been accepted that the Commissioner for Consumer Affairs had power to receive and investigate complaints against the suppliers of all professional services. However, His Honour has cast doubt upon this power by holding that those engaged in what are known as the traditional professions of law, medicine and dentistry are not traders within the meaning of the Consumer Claims Tribunal Act, as they do not carry on business in a trade or in commerce. Though the matter is certainly not free from doubt, the present situation is that, contrary to the intention of the legislature, the vast majority of people in New South Wales who conduct businesses are subject to the consumer protection legislation, but doctors, dentists and lawyers may not be so subject.

The simple purpose of the proposed amendment is to ensure the removal of doubt on this matter. In future those who supply professional services will be subject to the law in the same way as suppliers of goods and other services. In view of the reaction of doctors and lawyers to the proposed amendment, it must be emphasized that the Government is not seeking to confer new powers on the Department of Consumer Affairs. The simple purpose of the amendment is to clarify the situation

and to confirm powers that were previously assumed to exist. Since 1972 investigating officers have been able to require the disclosure of information and the production of documents by all professional persons. Section 16C (2) provides:

An investigating officer making an investigation—

- (a) upon giving a person, not being a corporation, an oral or written warning of his obligation to comply with a requirement under this section—may, orally or by notice in writing, require that person—
 - (i) to furnish to the investigating officer, by writing signed by that person, any specified information;
 - (ii) to furnish to the investigating officer orally any specified information; or
 - (iii) to produce to the investigating officer any specified document;

The section refers to corporations and then continues in this way:

. . . which the investigating officer believes on reasonable grounds to relate to the subject-matter of the investigation, and may further require that person so to furnish that information, or produce that document, at a specified place and at or within a specified time.

All that the investigating officer need establish is that he has reasonable grounds to believe that he requires the information or documents related to the subject-matter of a complaint under investigation. It is true that at the time that provision was enacted complaints relating to professional services could not be investigated, but that did not prevent the seeking of documents and information from professional persons in connection with a complaint.

The Commercial Law (Miscellaneous Provisions) Act, 1975, which came into operation on 1st January, 1977, inserted into the Consumer Protection Act a number of definitions, including that of services. They were defined to include the rights and benefits accruing under a contract involving the performance of work, including work of a professional kind. From 1977 it was accepted that the commissioner had power to receive and investigate complaints about services rendered by professional persons. That power allowed him to invoke the provisions of section 16C. By the Consumer Protection Act, 1978, which commenced on 1st July, 1978, the commissioner was given further powers to conduct research and make investigations of matters affecting the interests of consumers. Thus it was no longer necessary for a complaint to be lodged before the commissioner could act. He was entitled to make use of the powers set down in section 16.

The decision of Mr Justice Lee has thrown the legal position into doubt. I do not wish to become involved in a legal argument as to the effect of that decision. Differences between the Consumer Protection Act, the Consumer Claims Tribunal Act and, in particular, the 1978 amendment to the Consumer Protection Act may permit an investigation into professional matters affecting the interests of consumers, irrespective of the effect of the decision of Mr Justice Lee. It was clearly the intention of the legislature in 1975, when the present Opposition was in office, that the legislation was to cover all those engaged in the provision of professional services. Whether or not the Department of Consumer Affairs should have access to the records of professional persons is another argument that involves a consideration of the right to privacy. Certainly, those engaged in the professions often have within their files material of a highly confidential nature that should not be divulged except in exceptional circumstances. I can understand the reluctance of the professions to agree to powers that may lessen the confidentiality of their documents and records. But I can also understand the need of the Department of Consumer Affairs to have access to that

Mr Gabbl

material. If the department receives a number of complaints about a doctor or a lawyer who is allegedly charging for services which have not been rendered, it would naturally want to investigate all the records of that doctor or lawyer in order to determine the extent of any improper behaviour.

We are dealing with a clear case of competing legitimate interests. The Government, in its wisdom—as did the Opposition when it was in office—has decided that a possible invasion of privacy is the price that must be paid in order that the Department of Consumer Affairs may properly fulfil its functions. The history of the department's activities is evidence of the responsible manner in which it has exercised its powers. Only ten investigating officers have been appointed by the department. That number does not include the commissioner, the deputy commissioner and the assistant commissioner. This has meant that those who may exercise these powers under the Act have been limited to a few officers who obviously enjoy the complete confidence of the department. No departmental inspectors have this authorization. Since 1972 a requirement under section 16C has been issued on only fifteen occasions. Moreover, every requirement has been issued in writing. At all times the department has acted responsibly, with restraint and in the best interests of the consumers of New South Wales.

Although the Opposition has concentrated largely upon one of the amendments in this bill, many other matters deserve mention. Before I pass to those matters I shall refer briefly to the indication given by the honourable member for Heffron that the Minister, in Committee, will move several amendments that will tighten the legislation further. My understanding is that those amendments will result in there being only two sets of circumstances in which an investigating officer may exercise his powers under section 16C. The first of those sets of circumstances is where the consent has been obtained of the person to whom the information relates; the second is where the written permission of the Minister, specifically given in relation to the requirement, has been obtained. As to the first of those two sets of circumstances, it seems to me there can be no justification for opposing the exercise of the powers given under section 16C. If the privacy of an individual is waived voluntarily, the retention of that privacy is no longer an issue. Where consent is not obtained, ministerial permission is necessary before action may be taken. No Minister would give permission without a full consideration of all the circumstances. It seems to me that this proposed amendment is a reasonable compromise between the rights of the department and consumers in general and those of individuals who oppose disclosure of information that may be of a confidential nature.

I understand that it is proposed to amend section 16E. Under that section it has been necessary for a person to make an oral or written request that was—or substantially was—a request for secrecy; in other words, the onus was on the person affected to seek the retention of secrecy. The proposed amendment will no longer require a request before the secrecy provisions come into play. Item (5) of schedule 2 to the bill provides that members of the Products Safety Committee will not be liable personally for acts done or statements made bona fide in the course of the operations of the committee. The Products Safety Committee is made up of volunteers from the community in general, under the chairmanship of an officer of the department. The members of that committee have an important role in safeguarding the public against products that may be injurious to life or health. Members of that committee are entitled to the same exemption from liability as the Commissioner for Consumer Affairs, members of the Consumer Affairs Council and officers of the department. Other provisions of schedule 4 seek to omit those parts of the Act that enable the Products Safety Committee to grant certificates of safety which have the effect of excluding

otherwise included goods from the ambit of the products safety regulations. Those provisions also seek to extend the advisory role of the committee. The committee's role will thus revert to one of an investigatory and advisory nature. The ultimate responsibility of regulating unsafe products will rest with the Minister.

Experience has shown that twenty-eight days is not, in some circumstances, sufficient time to enable goods suspected of being unsafe to be tested and studied by the committee. Item (4) of schedule 4 proposes that interim bans on the supply of such goods should be extended to forty-two days. Item (6) of schedule 4 provides that consumers to whom banned goods are supplied may recover the purchase price as a debt due to the consumer. However, it may happen that the goods may be able to be modified or repaired to an acceptable standard, and in such cases the court is given a discretion to direct the repairs or modifications. Upon completion of the work, and the delivery to the consumer and his acceptance of it, the judgment debt will be deemed to be satisfied.

Where dangerous goods are impounded they may be destroyed or otherwise disposed of at the direction of the commissioner. It is proposed by item (8) of schedule 4 that the cost of destroying such goods should be borne by their owner or by the person having possession of them. Previously the goods were forfeited to the Crown pursuant to section 39J of the Act. However, it is recognized that such goods, particularly if constructed of metal, may have a substantial value as scrap. The omission of the forfeiture provision from section 39J will mean that the owner will now retain the benefit of this value.

The Government has expressed concern—and quite rightly so—at the possible effects of computerization of supermarket checkouts, and has introduced measures to ensure that the shopper is protected. There is no doubt that the computerization of checkouts brings great benefits to supermarket proprietors. Though stock levels can be adjusted automatically, and increased efficiency should help to contain price increases, the process also brings certain dangers. Computer scanners are able to read markings on goods which would be unintelligible to a consumer. Particular markings may represent a price to the computer but that price depends upon the way in which the computer is programmed. It is possible for a computer to be reprogrammed to increase the price of goods between the time the consumer selects the goods from the shelf and when he or she arrives at the checkout to pay for them. Proposed new section 28A will create an offence against the legislation where a supplier sells goods that do not have the price conspicuously appended or where a supplier sells goods at a price greater than that appended thereto. The upshot of this provision will be that consumers will know the price of the goods being purchased and will be able to check that price against the sale on the cash register slip.

In 1978 the Government introduced measures to control the unfair practice of double ticketing and those measures have achieved success. Several anomalies have arisen in relation to the policing of the current legislation. The proposed amendments to section 29 will cure those anomalies. It is conceded by the Government that a supplier of goods should not risk prosecution where one of the prices displayed in respect of goods is in a foreign currency or appears in an outdated catalogue or advertisement. One of the most important functions of the department is to control false or misleading advertising. Experience has shown that there can be grave difficulty in obtaining newspaper records necessary to prove that a supplier of goods or services caused the publication of an advertisement. Where the name, address or other particulars of a supplier appear in the advertisement, proposed section 31B deems the supplier to have caused the publication, unless there is evidence to the

contrary. Though this provision will not eliminate all the difficulties faced by a prosecutor attempting to prove who authorized an advertisement, it will lessen those difficulties.

Item (4) of schedule 3 contains an important remedial advertising provision. Where a false or misleading statement has been published the Supreme Court will have the power to order the person responsible to place further advertisements disclosing the true position. This provision will be of particular importance in the case of goods which may be a hazard to health or safety. A person convicted of false or misleading advertising is liable to compensate any party to the criminal proceedings brought against him or her under section 32 of the Act for any loss or damage that party has sustained by reason of such a statement. Item (6) of schedule 3 will enable an injured party to bring civil proceedings in his or her own right, without becoming involved in the criminal prosecution. Proposed section 33B (2) will result in substantial savings in court costs by allowing findings of fact of the criminal tribunal to be prima facie evidence in the civil proceedings. This bill represents another step in the Government's programme of protecting the rights of consumers and ensuring that unfair practices are stamped out. It deserves the support of the House.

Mr DOWD (Lane Cove) [8.43]: I was interested to hear the honourable member for Heffron, in his resume of bills and Acts, support this legislation by citing powers that have been granted to other departments and asking why those powers should not be granted to the Department of Consumer Affairs. He mentioned, among other things, section 16 of the Privacy Committee Act. It is six years tonight since I made my maiden speech in the debate on that legislation. The only argument that the honourable member for Heffron and the Minister for Consumer Affairs can advance in support of the bill is that, as the Government has granted similar powers to other departments and the federal Government has granted similar powers to Commonwealth departments, it is proper for similar action to be taken by this bill. We are elected as members of this House to protect the rights of the people who elect us and not to become carried away with the rights of government departments. The honourable member for Earlwood referred to the rights of the Department of Consumer Affairs.

Departments exist to serve people. They do not exist to be served by the people. Honourable members who talk about the department having rights to intervene for its own purposes or to investigate for its own purposes misconceive our function as legislators. They misconceive our duty to weigh the delicate balance between protecting the individual and providing protection for the individual. In dealing with this type of legislation honourable members must bear in mind the paternalism that is the hallmark of the Minister for Consumer Affairs. I do not question his sincerity in any way, but his attitude is that if we give the power to the responsible Minister everything will be all right. He makes the inevitable mistake of thinking that he will always be the responsible Minister. However, as the House was reminded tonight, we shall not always have the benefit of such a wise and understanding Minister in charge of the Department of Consumer Affairs. Nor, for that matter, shall we always have such wise administrators within that department. An Act of Parliament is our responsibility as legislators, no matter which public servant or Minister has to administer it. Honourable members must bear the responsibility for the less able and less humane persons in the department and for future Ministers who will implement the proposed legislation.

The honourable member for Earlwood said that only a small number of complaints, including complaints in writing, had been received by the department. That aspect has nothing to do with the passing of an Act of Parliament. It merely reflects the wisdom and benevolence of the Minister who has administered the Department

of Consumer Affairs. Honourable members are dealing with the bill which, when passed, will remain the law until this Parliament alters it. We are dealing with the powers that will be granted to public servants and we have a responsibility to balance the perception of their job with the needs of individuals. The honourable member for Heffron asked, in effect, why members of so-called privileged professions should be dealt with any differently from persons engaged in trades and the provision of various services.

Mr McIlwaine: The honourable member wants to protect dishonest lawyers.

Mr DOWD: That is absolute nonsense. I did not realize that the honourable member for Yaralla had something to be concerned about when he talked about dishonest lawyers. Supporters of the Government speak about the privileged classes. But the privilege we are talking about is not the lawyer's privilege or the doctor's privilege or the dentist's privilege. Remarks have been made tonight in this debate about the lawyer's privilege. Such remarks are utter tripe and nonsense. The privilege we are concerned with is that of the client. One may ask why the client has that privilege. If I wish to have the sewerage connected to my home, there is not a great deal of a private nature that I need to consult a sewerage contractor about.

Mr Einfeld: He might disclose that the honourable member had diarrhoea.

Mr DOWD: The Minister excels himself in the depths to which he goes to find something amusing in this legislation. The Deputy Premier, Minister for Public Works and Minister for Ports told the House earlier that the Dog (Amendment) Bill, which is soon to be debated, will deal with the problems the Minister has in mind. Here we are concerned with the ancient doctrine of privilege. Honourable members must understand why that privilege occurs. The House has been told that the Government proposed to omit the words "trade or commercial" from section 16 (1) (b) (ii) to clarify the practice. We are concerned here with what the law ought to be. This measure will become an Act of Parliament after it passes through this Chamber and through another place. It is a disgrace for the Minister for Consumer Affairs to arrange for this bill to be debated further without letting the Opposition know what further amendments he proposes to make to it. It is an absolute and utter disgrace to debate a bill and conduct Parliament by ambush in this way. Members of the Opposition were told that we may find out what the amendments are if we wait long enough. We got our first hint of the proposed amendment from the honourable member for Heffron.

Mr McIlwaine: The honourable member did not listen carefully enough.

Mr DOWD: On the contrary, I listened intently, waiting for some clarification after it was announced in this House that the Minister had confided in the honourable member for Heffron that amendments would be brought forward. Then the honourable member for Earlwood told us about the amendments. Though there is a great conspiracy of silence, Government supporters know what is proposed.

Mr Einfeld: There is a big difference. I trust them.

Mr DOWD: The real question is, do they trust the Minister?

Mr Einfeld: They do. You ask them.

Mr DOWD: I know how much they trust the Minister. That is why the Minister's term of office was not extended and it is why he is going out of this Parliament after the present session.

Mr Einfeld: That is completely untrue and you know it.

Mr DOWD: We shall not talk too much about how much they trust the Minister.

Mr Einfeld: The honourable member will have to go home and confess to his wife that he lied in the House about me.

Mr DEPUTY-SPEAKER: Order! The honourable member for Lane Cove will address himself to the question before the Chair and ignore interjections.

Mr DOWD: Honourable members have heard discussion tonight about privilege in professions as though there was something evil about it. I am sure the public would be disturbed to learn how little privilege there is in the medical and dental professions. The privilege that arises is not for the benefit of lawyers. Certainly, lawyers are happy to hide behind it; they are happy not to have inspectors inspecting their books. That would be similar to giving inspectors power to investigate the books of a credit union so that the public—and not only the Minister—would be aware of the position. The Minister decides what will be inspected and what will not be inspected. The department carries out investigations on behalf of the public but it does not always tell the public the facts. It does not always give a full report on what inspections of credit unions or co-operative societies disclose.

Mr McIlwaine: Or investigations of a company.

Mr DOWD: Or investigations of a company, for that matter.

Mr McIlwaine: Particularly in the time of the former Government.

Mr DOWD: The galah from Yaralla underlines the point that we are dealing with ministerial discretion. If the honourable member is so concerned about what he alleges previous administrations did, why does he support the granting of further ministerial discretion? The Minister for Consumer Affairs has been intent on protecting the public. He has administered his department—I have no evidence to the contrary—to ensure that it gives assistance to inspectors in the exercise of their duties to protect consumers. This legislation will give the Minister further discretion—and discretion is the enemy of the individual. Our job as parliamentarians is to protect the public against government. The party in government believes any power given to it will be supervised and properly used. If it wants matters publicized, that can be done; matters can be publicized in the press to show how great the department is, but if it is necessary to suppress matters, that can be done also. The whole of this legislation is replete with ministerial discretion. A number of hints have been thrown out about the amendments that are to be debated but the Minister has not made honourable members aware of them. On previous occasions I have had to debate a bill that honourable members had not seen. The Minister is in good company.

Mr Einfeld: No one noticed it.

Mr DOWD: The Minister would not notice it and neither would any of his colleagues. They do not have to read bills; they are not concerned about their obligations as legislators.

[Interruption]

Mr DOWD: Government supporters have approved legislation that they had not been shown. They have been happy to vote on it without seeing it, so let us not be too pious about our duty to protect the public. The Liberal Party—Country Party Government, when in office, brought in the original legislation to protect consumers. If in the 1950's and 1960's we had seriously tackled the Sale of Goods Act and the power to exclude warranties we would not have had the problem that exists today. The Minister's concern is to protect people who have no remedy, but this will

not solve many of the problems that the Minister and I see every day. Aggrieved persons cannot afford to seek a remedy because labour has become too expensive. The privilege that exists in legal and medical situations is the client's privilege. The ordinary citizen does not know what the law is and he does not understand medicine or dentistry. He must be guaranteed a certain amount of confidentiality in respect of the disclosure of private facts. To equate that with the work of a fencing contractor or a motor vehicle repair man is ridiculous, for the question of privacy does not arise in those areas. The doctrine of privilege for lawyers is ancient and is considered every day in our courts in dealing with the admissibility of evidence.

Some Government supporters have hinted that the Minister will bring in amendments regarding the protection of clients and the inspection of records. Perhaps the department will go to some client and say: "We want to investigate this record. We want to have a look at your file because it is the same as those fifteen other files." Most people have nothing to hide and many of them will consent. But if they do not consent, who is to decide whether the records will be inspected? From what the Opposition understands, purely on guesswork, it will be the Minister or his successor. Who knows what the Minister's successor's views will be about whether protection ought to be given? I respect the integrity of our public servants. They have a high level of integrity, if not the highest level in this country. That is why this State has a stable community. But the obligation of the legislature is to protect the community against overzealous public servants who get carried away because they believe they can make out a case against a company about whom they have heard reports.

Mr McIlwaine: What about dishonest lawyers?

Mr DOWD: The honourable member for Yaralla must have problems with dishonest lawyers. I shall not enlarge on what people think of the honourable member's abilities. I am not talking about dishonest lawyers, I am saying that in any government department public servants may form an intention to go after someone. I have heard that intention expressed by officers concerned with corporate affairs, but not by officers of the Department of Consumer Affairs. The same attitude is taken in many departments and instrumentalities, such as the Builders Licensing Board. That view is formed by public servants who are overzealous and too enthusiastic about their job. They become carried away with their powers of investigation.

Honourable members have been told about the small number of inspectors in the department. But what guarantees do we have that the Minister's restraining and paternal hand will continue to guide his department? His successor may do anything. Time and again we have seen examples of the growth of departments. Our obligation as legislators is not to say, "It is a good thing to protect people; therefore we will give inspectors certain powers." There are only ten inspectors now but that number will increase, particularly after the passage of this legislation. Much of the legislation passed by the former Government gave too much power to inspectors. In this Chamber today the Government hacked down on giving police power to enter premises for the purpose of searching for narcotics. It did that because the Society of Labor Lawyers said it would make it difficult for the Government. That was a gutless act on the part of the Government. The Opposition had supported the Government's proposed legislation in that area. Though the Government backed off about giving additional powers to the police, it is willing to give additional powers to other public servants who deal with much less important matters. This Government reacts to public opinion, and in the face of criticism backs off as it did today.

One would think that the Government introduced the original consumer protection legislation. That is not the case. In fact, the former Government gave inspectors powers that were too wide and that tendency has continued in much of the legislation

to which the honourable member for Heffron, quite fairly, referred. But that does not mean that we must have a lowest common denominator situation. Because something was included in an Act ten years ago that is no reason why it should be included now. Each piece of legislation must be examined on its merits to see the effects it will have on the community. In fact, in my maiden speech I said that the Act that sought to protect privacy contained powers of invasion.

I wish to refer to new section 33B. I have advocated and supported the creation in the form as appears here of a civil action in respect of false or misleading statements. However, I consider that the words that appear after the word breach in the fourth last line—"whether or not he is a person who purchased or used any goods or services"—are an unnecessarily wide power by which to create a cause of action. If the provision ended at the word breach it would establish a tort, a legal right of action under which any injured party could sue. I refer to a *Donohue v. Stephenson* type of extension, which would take the matter too far. Certainly the words to which I have referred go far beyond the third party cause of action with which the common law deals. To extend the provision in new section 33B (2) to cover, as it were, a class action goes way beyond what the community can afford.

The Minister bleats on about protecting the consumer, but it must be emphasized that every consumer pays for that protection. The myth that something free is being provided is perpetrated, but that is not the case. Ministers who talk so often about consumer issues do not inform the public what it costs or make clear what added cost goes on to every product. The phrase in proposed section 33B (2) to which I draw attention reads:

Where . . . a finding of fact is made by the court in which . . . proceedings are brought, a document under the seal of that court from which the finding of fact appears is admissible in evidence in proceedings brought under subsection (1) against that person and is prima facie evidence of that fact.

The fact that a certain situation has occurred between party A and party B has not, I understand, been allowed to become admissible in other proceedings. I regard the extension in the bill as the thin edge of the wedge in class actions. It gives the right to a person who seeks to recover damages to plead that a fact situation has been proved. It brings to mind the! over zealous inspector or the vicious complainant—the person who indulges in the practice of attacking somebody else so that he can harm a competitor. It is with some cynicism that I consider the biggest contributors to national parks and wildlife causes to be those companies with existing mining leases—in other words, companies which do not want to see competitors obtaining other leases. A good deal of industrial espionage occurs in battles involving companies against competitors, but worst of all are the cases involving disgruntled people who act in a malicious way against doctors or lawyers and cause such people to be investigated by the pressure of complaint.

Obviously where a complaint is frivolous or vexatious the department will not proceed, but why should the practitioner in whatever field have to undergo the kind of examination that is proposed in this legislation? Why should lawyers be treated as some kind of benevolent society by enabling their files to be examined in this way? Surely we must try to achieve some kind of balance to protect the community and at the same time to enable the lawyer to provide a service. Throughout the legislation: there appears to be an obsession with what are seen as the privileged classes. though they are not privileged at all. We seek to delete the phrase "trade or practice" to ensure protection to the lawyer or doctor who is providing a service. If the Government does not see the point as to the privilege vesting in the lawyer's client or in the doctor's patient, it fails to understand an important part of the law.

On other occasions I have praised the Minister for what he has done in protecting the consumer. For example, I applauded his efforts on date stamping, and it is true that he has brought about many protections for the consumer. This does not mean that I agree with him on every occasion that he brings forward some new protection that is thought to be good by him or by his department. I am sure that his department sincerely believes that it will administer the provisions properly. I am sure also that the Minister believes that they will do good. The example of contract review was mentioned, but I do not know how many cases have been brought or whether there has been a great deal of fuss over nothing. The Minister may know of such cases, but I know of none.

I appreciate that the Minister wants to provide protection and that his department wants powers to inspect. I appreciate also that the department believes it will not abuse the powers, and I am sure that in the bulk of cases it will not. Our democratic system must work to protect the people against malicious complainants and over-enthusiastic departments which want to go through records should they consider a doctor or lawyer to be indulging in some evil practice or in ripping off the public. Obviously a balance must be achieved. Privilege exists in order to protect the client. We do not wish to see a situation created in which a lawyer says to his client, "Do not give me that information, lest the inspector discovers it". Do we want to see a situation whereby a lawyer destroys as many records as he can so as to reduce the extent of possible investigation?

Mr McIlwaine: They do that only if they are crooks. You can pick the crooks by the number of complaints made against them.

Mr DOWD: The honourable member for Yaralla appears to know a lot about crooks.

Mr McIlwaine: I get many complaints, that is why.

Mr DOWD: I would remind the honourable member that the Law Reform Commission is examining these matters, though it is taking a great deal of time to make a report. If the Government is concerned about the legal profession it should ensure that the commission issues its report so that we may become aware of the problems. My point is that we in Parliament have an obligation to protect the public against any unreasonable extension of the power of public servants, however able they be. We in the Opposition are proud of our Consumer Protection Act. Some extensions to the Act have been very good; others have been unnecessarily bureaucratic and have extended the department's powers. We have raised objections to this legislation tonight because we have not had an opportunity to examine the amendments, though Government backbenchers appear to know about them. It is disgraceful that we are debating legislation dealing with powers in cases in which people do not give their consent. What will happen if the person involved rejects a department's request to look at certain papers because he considers that they have nothing to do with anybody else?

Is the Minister taking on to his shoulders the power of deciding such a matter? This underlines the fact that this Minister has an unreasonable view of what should be his own powers and those of his department. Whatever his motivation may be to protect the public, we as parliamentarians have the right to examine those powers. I have not referred to some provisions of the bill and have no criticism of some parts of it. I have highlighted certain matters because it is our obligation as parliamentarians to remind public servants and governments that they, too, have obligations. I have raised these matters as I am concerned about the extent of the powers sought. The Minister has gone too far in the amendment in proposed section 33B. It is proper that the Parliament should legislate in that area where the common law has failed, but the Minister's enthusiasm has taken him too far. That is why the Opposition hopes the Minister will

consider the amendment to be moved by the Opposition. The Opposition will oppose that portion of the bill. The Opposition's amendments have been circulated, which is more than can be said for the Minister's proposals.

Mr Einfeld: I am not interested.

Mr DOWD: The Minister is not interested, so I shall not enlarge on that matter. Honourable members should look at the Minister's paternalism and obsession towards getting at the privileged classes. As legislators, honourable members are required to protect the public and not just departments. The Minister spoke about the rights of departments. Departments do not have rights; members of the public do.

Mr ANDERSON (Nepean) [9.11]: I do not wish to talk about the rights of departments. I do not wish particularly to talk about the rights of professions. I wish to talk about the rights of consumers. The Government has obligations not to a department or to a profession, but to the consumers. That is not an obligation which is challenged. It is an extension of an alleged intention by the Opposition when in government to amend consumer protection laws as the need arose. The champion of the consumers, the Minister for Consumer Affairs, during the years he has held that portfolio has responded to the challenge to such an extent that if one reads the 1972 debate in *Hansard* one sees that the former coalition Government Minister stated that in 1970–71 there had been just under 10 000 complaints and inquiries made to the department, which had been set up in 1969. In the Minister's second reading speech, ten years later, it was revealed that the department is now dealing with a quarter of a million complaints a year. That indicates that not only does the legislation as it has been amended by different governments over a period provide protection, but also that we have a Minister and a department willing to use the provisions of that Act in the protection of the community. For that, in particular, the Minister should have the praise of this Parliament. He has the gratitude of each and every responsible person in the community. The honourable member for Hawkesbury led for the Opposition in quite a lengthy dissertation which I think was related to the matter before the House tonight.

Mr J. A. Clough: It was a good speech; I heard it.

Mr ANDERSON: It was a good speech, but had little to do with the bill before the House. The honourable member for Hawkesbury referred to the Australian Medical Association, the Law Society of New South Wales, the Australian Hospital Association, the Council for Civil Liberties, the Privacy Committee and the Law Reform Commission, and suggested that they represented the community at large. In fact, we as members of Parliament, represent the community at large. I have had no expressions of horror from the consumers and ordinary members of the community and those who have been the subject of—

Mr Rozzoli: You would if you were to spend some time in your electorate.

Mr ANDERSON: I spend more time in my electorate than the honourable member for Hawkesbury spends in his electorate. I hope that the honourable member comes into my electorate often as if he does it will help me. The Government has the responsibility to help everybody, not just sectional interests of the community. That is what these measures seek to do. The honourable member for Hawkesbury said that large sections of the community view this matter as a grave threat. They do not. I challenge the honourable member for Hawkesbury to produce any evidence, other than from the professions, that this is the situation. The honourable member for Hawkesbury spent a considerable time going through the history of the legislation in an attempt to show that the former Government—the Government of his political

party—had not introduced the provision affecting professions. The honourable member for Hawkesbury went to great length and talked about what was meant by trade and commerce. One has only to look at any dictionary to ascertain that it means any profitable pursuit. He said it was for the courts to interpret legislation; of course it is. If the courts interpret it in a way different to the intention of the Parliament, it is the Parliament's right to bring the legislation into line with the original intention. That is what is happening here.

With regard to professional services particularly—and this has been dealt with by the honourable member for Earlwood—I shall show shortly that that provision was inserted by a Liberal Party–Country Party Government in 1975. The honourable member for Hawkesbury referred to a debate in 1972 and he said that on that occasion section 32 had been extended. In fact the debate referred to that happening in 1970. I raise that for two reasons: the first is that in that particular speech on 22nd March, 1972, the Chief Secretary, the Hon. Sir Eric Willis, said, *inter alia*:

The amendment was aimed at persons offering to repair houses or domestic appliances or to provide other services encountered by the ordinary citizens in his or her everyday life.

That matter was quoted by the honourable member for Hawkesbury. I suggest that though twenty years ago the situation may have been different, today it is a commonly accepted fact of everyday life that a member of the public will have something to do with a member of the legal profession.

Mr Catterson: Not every day.

Mr ANDERSON: The honourable member for The Hills says not every day. That is the sort of inane comment I have come to expect from him in this Parliament, as have other honourable members. Clearly it arises with regard to the provision of medical and dental services. It does not happen every day. In the context of the real meaning of the phrase, it happens on a consistent basis. The honourable member for Hawkesbury said that the only conclusion to which he could come was that it was never the intention of the Parliament to include the professions in section 16 (1) (b) (ii). What the honourable member did not take into account was the particular piece of legislation briefly referred to by the honourable member for Earlwood, which is the Commercial Law (Miscellaneous Provisions) Act—Act 105 of 1975. The honourable member for Hawkesbury neglected to mention that Act, introduced by the previous Government. That Act defines services as follows:

"services" includes the rights and benefits that are or are to be supplied under—

- (a) a contract for or involving—
 - (i) the performance of work (including work of a professional nature);

Mr Rozzoli: Keep going.

Mr ANDERSON: I do not have to keep going. I shall show the honourable member why he should not suggest that to anyone. Clearly the honourable member for Hawkesbury should not say that it is something the Wran Government is introducing when it was the Liberal Party–Country Party Government that introduced the legislation. The Minister is to be praised for what he is doing in bringing these matters within the provisions that the former Government had enacted. There should be no more of this nonsense. The honourable member for Hawkesbury did not mention that Act but spent a considerable time telling the House that the former Government had not legislated in this way. The honourable member for Hawkesbury spent some time defining consumer. From the definition he was giving, I felt he was supporting the

Government's bill. Referring to services, the Consumer Protection Act, 1969, as amended, in section 5 says:

(b) a person who acquires services from a supplier, but only if—

The section goes on a little. What are services? Based on the dictionary definition alone they are work done for somebody. To supply is to furnish. Again courts, as well as anybody else, apply the literal translation if it is possible to do so.

Mr Rozzoli: How did Mr Justice Lee arrive at his conclusion?

Mr ANDERSON: I do not know how Mr Justice Lee arrived at his conclusion. For reasons that will become apparent, it is clear that the honourable member does not know either. During the debate in 1978 on this matter the Minister for Consumer Affairs gave in his second reading speech a new definition of a consumer, which was modelled to a large extent on the recommendations of the Swanson committee and incorporated in the Trade Practices Act. Put in simple terms, a consumer was any person who acquired goods or services up to the prescribed amount. The Minister said also:

It is intended initially that the prescribed amount will be \$15,000. Above this amount a person will be a consumer only where the goods or services are of a kind ordinarily acquired for personal, domestic or household use or consumption. However, the \$15,000 limit will not apply in respect of goods or services ordinarily acquired for farming purposes. . . . Similarly, the \$15,000 limit will not apply in respect of motor vehicles. . . .

I cannot understand how anybody could suggest that it was not the intention of the legislation over a considerable number of years to include professional services. The reprinted Consumer Protection Act defines services in these terms:

"services" includes the rights and benefits that are or are to be supplied under—

(a) a contract for or involving—

(i) the performance of work (including work of a professional nature);

That is the same definition as I read from the 1975 Act. The Opposition has not stated why the lower professions or trades, as described by it, should be subject to investigation but not the special people in other professions. I do not accept the argument of the honourable members opposite and I fail to see how it can be put in all sincerity. The honourable member for Hawkesbury said also that all honourable members of the community were consumers, and that we may suffer an invasion of our rights as members by the Government's proposed legislation. The honourable member for Hawkesbury and other honourable members opposite who contributed to the debate did not mention the invasion of consumers' rights as a result of the undersirable, illegal and crooked practices by some people against consumers. They said not a word about protecting consumers. Who is it that makes these complaints to the Department of Consumer Affairs or direct to the Minister? They are consumers who are dissatisfied with the goods or services provided to them whether by ordinary tradesmen or by professional people.

The honourable member for Hawkesbury referred to the word allow contained in the explanatory note to the bill. He shot down in flames his own argument by saying that the explanatory notes are only to assist those reading the bill. The honourable member asserted that the Minister for Consumer Affairs was hedging about this matter.

I am amazed that any member of this House, or any member of the public, should accuse this Minister of hedging about anything. The Minister when holding his various portfolios and as a member of the former Opposition has been a forthright champion of consumers of New South Wales.

Mr Cameron: The Minister has been the oppressor of every entrepreneur.

Mr ANDERSON: I do not agree. I suggest that Opposition members when in Government were merely cosmeticians so far as consumer affairs were concerned. I refer the House to the remarks of the former Chief Secretary on 22nd March, 1972, when he said:

The Government, in its endeavour to ensure the utmost protection for the consumers of New South Wales, has, in the light of this position, and in view of the resolution of the Consumer Affairs Council, decided to introduce legislation to strengthen the powers of the bureau.

The former Government introduced the provisions contained in sections 16A to 16F relating to the investigatory powers of its officers. The former Chief Secretary said:

In the light of this proposed extension of the powers of the commissioner and the bureau, clause 2 also provides for the addition of new sections 16A to 16F in the principal Act. These deal with investigating officers, power of investigating officers to enter and inspect premises, power of investigating officers to require the supplying of information and production of documents, copying and retaining of documents, preservation of secrecy, and co-operation by government departments and instrumentalities.

Nevertheless, Opposition members have castigated the Government about a matter that they when in Government included in the Act but did not choose to utilize. Either the provision was intended to be used or the former Government was seeking to have the people of New South Wales believe that the Government was interested in protecting consumers from greedy operators. As I said previously, some ten years ago fewer than 10 000 complaints and inquiries were received each year, which contrasts with the 250 000 that will be received this year by the Department of Consumer Affairs. I find difficulty in comprehending the Opposition's argument on the two matters.

When referring to the Government's proposal to include professional people in the Consumer Protection Act, the honourable member for Hawkesbury spent a considerable time discussing the New South Wales Law Reform Commission report about the legal profession. Though it has little to do with the bill before the House, I said earlier that I shall make some comments on this matter. The honourable member for Hawkesbury referred first to the three major reasons commonly given for arguing that a profession should be empowered to regulate itself as an independent group in the community, as appears on page 119 of the commission's report. The honourable member did not read the lengthy comments that follow relating to professional expertise and other matters. On the question of professional expertise, the Law Reform Commission said:

On the other hand, we do not accept the proposition that only professionals can understand issues concerning the regulation of their profession. There is a considerable body of experience in support of our view.

The additional comments of the commission put a different complexion on the comments of the honourable member for Hawkesbury. At page 121 of its report the commission said also:

The claim that only lawyers can judge lawyers attracts the comment that every day many lawyers, whether as judges, or legal advisers, make judgments about or criticize the conduct of doctors, architects and members of other professions and occupations. So do jurors.

At page 122 of its report the commission refers to professions and the public interest in these terms:

The second proposition, that professionals can be trusted always to put the public interest ahead of sectional professional interests, is one which few people will accept today.

The honourable member for Hawkesbury referred to the commission's conclusions that appear at page 127 of its report. The honourable member read the first part of the conclusions but omitted to read the part following, which must be read in conjunction with the first part. The part omitted by the honourable member is in these terms:

However, we do not consider that this contribution will be lost if the body consists partly of people who are not lawyers and, for reasons which we discuss in greater detail later in this chapter, we consider that some lay membership would have much to offer. The arguments against a regulatory body consisting solely of lawyers are even stronger if that body is also a professional association expected by its members to advance the sectional interests of the profession.

The role of Government was referred to by the honourable member for Hawkesbury. Again the honourable member referred to selected parts of the Law Reform Commission's comments about government control. The honourable member read a passage on pages 127 and 128 of the commission's report but did not read the following comments that appear on page 129:

Having made this case against Government control, we hasten to add that there is a strong case for some government role in professional regulation. Despite all the weaknesses in the democratic process, the Government has two major claims in this context. One is that it, alone of the institutions in the community, is accountable at regular intervals to the whole community at the ballot box. The other is that (putting aside the qualifications of federalism) the Government is responsible for the whole range of public policies throughout the community. These two factors mean that the Government may be more in touch than a professional body with changing public needs and attitudes, and with the impact on the profession of policy considerations arising in other areas. The Government, too, has a continuing responsibility to oversee the functioning of the professions in the public interest, and to propose to Parliament changes in the laws regulating the professions.

That is a totally different interpretation of the report from that espoused by the honourable member for Hawkesbury, who read the final paragraph of the report and said that the commission stated:

For these reasons, we suggest that the Government should not be, nor appoint, the general regulatory body for the legal profession. However, the legal profession cannot expect to be excluded from the elected government's general rights and responsibilities to govern.

The legislation says nothing about the Government or the department regulating the profession. It has nothing to do with taking away the existing rights of the self-regulating bodies. It is simply a question of giving the department the opportunity to investigate complaints made by clients, the people who have suffered at the hands of the professionals. The honourable member for The Hills shakes his head.

Mr Caterson: It is not competent to do that.

Mr ANDERSON: Coroners make similar investigations. Is it suggested that a coroner is not competent? Judges and magistrates consider these matters.

Mr Caterson: They have evidence available to them.

Mr ANDERSON: So would the inspectors. One does not gain any additional perception because one happens to have a degree. The honourable member for The Hills laughs. Some of the best police officers I have known did not have degrees; they went to the university of hard knocks and knew what it was all about. The Government is not seeking to do the things that have been alleged by the Opposition in this debate. The honourable member for Hawkesbury spoke of confidentiality between the profession and clients. The honourable member for Lane Cove also referred to that matter at some length, and spoke of the privilege that exists. I agree that the privilege exists for the client, but not for the professional. It is for the client to claim privilege or to complain if he is unhappy about what has happened. Many honourable members on both sides of the House have had complaints made to them about doctors, lawyers, and to a lesser extent dentists. This measure will provide an opportunity for those who may be carrying on in less than a proper manner to be investigated adequately.

The honourable member for Hawkesbury said that he had had ample time to prepare his case, but that the public had missed out. His contribution to the debate would suggest that he did not prepare his case well. The honourable member for Hawkesbury and the honourable member for Lane Cove said that this type of legislation would lay the basis for vindictive complaints. It might well be that from time to time vindictive complaints will be made, but for each vindictive complaint one hundred genuine complaints might be successfully investigated and resolved to the benefit of those who have suffered at the hands of unscrupulous operators. The honourable member for Hawkesbury suggested that the consumer would be gravely disadvantaged. The consumer is being disadvantaged if the department is unable adequately to carry out its investigations of complaints.

I should make some general comments about the provisions of the bill. The honourable member for Heffron and the honourable member for Earlwood told the House that the Minister proposed to move an amendment, which would provide that investigating officers would not be able to require a furnishing of any information without the written permission of the Minister, unless the person from whom the information is sought consents to furnish it. The secrecy provision will be strengthened, as any investigating officer who commits a breach of the secrecy provision as outlined in the proposed amendment would commit an offence under the Act. I fail to understand what better protection one could have. It has been said often that such things as class actions as expressed in proposed new section 33B should be pursued by way of legal action. Many persons most affected by such activities are those who can least afford to take legal action. No doubt more experienced members of this House are aware of the terrible situation that occurs when a person has been clearly aggrieved and his only recourse is by way of legal action, but he does not have the financial

resources to undertake that action. It is worth considering the report of the debate on the Consumer Claims Tribunals Bill in this House on 12th March, 1974. Sir Eric Willis, the Minister for Education at that time, said:

The average consumer who has a complaint is generally overawed by the prospects of a court action which is likely to be costly and uncertain and where lengthy delays may occur. This is borne out by the increasing number of representations received by the bureau from solicitors indicating that the circumstances of their clients' cases are such as to preclude the client from any avenues of redress at law or that the risks and costs of proceedings at law are such that the client should not be committed to them.

Clearly the consumer protection laws give an opportunity for consumers to obtain justice without having to spend large sums of money on protracted legal proceedings. Apparently members of the Opposition suggest that the professionals are beyond reproach.

Mr Cameron: Why does the honourable member hate the professionals?

Mr ANDERSON: I do not hate the professionals; I have the highest personal regard for many members of the medical profession, particularly those who look after my family and me. I have an enormous regard for the three dentists who have treated me in my lifetime. I have many close personal friends among the legal community in the Penrith district, and I have a high regard for them. In ten years of working in the courts of New South Wales I have met quite a few professionals for whom I do not have any time. In the ten years in which I spent a lot of time in the coroners courts dealing with inquests I saw the results of the malpractice and incompetence of members of the medical profession.

Mr McIlwaine: Members of the Opposition protect them.

Mr ANDERSON: I have seen people suffer in courts because of incompetent legal performances. The bill is not designed to deal with those who are competent, but is aimed at the unscrupulous minority. In 1978 the Minister for Consumer Affairs said:

The Government recognizes that the problem is with the small minority. It is to the advantage of the honourable majority, as well as to the advantage of the consumer, that the law make it as difficult as possible for that minority to carry on their exploitation.

The honourable majority have nothing to fear from the bill; it is aimed at the small minority. While this Government is in office it will continue to protect the honourable majority. While the Minister for Consumer Affairs is a member of the Government he will continue to protect them. It is a tragedy that later this year the Parliament and the people of New South Wales will lose the services of their great consumer champion. In the past the Government, and the Opposition when in government, have given commitments to protect the consumer. The former coalition Government made some attempts to do so. Those attempts have been reinforced today. I commend the measure before the House and again commend the Minister. I look forward to the bill being brought into effect to assist the consumers of this State who until recently have not been able to obtain the justice that they richly deserve.

Debate adjourned on motion by Mr Cameron.

ADJOURNMENT

Telecom Charges

Mr EINFELD (Waverley), Minister for Consumer Affairs [9.39]: I move:

That this House do now adjourn.

Mr MAHER (Drummoyne) [9.39]: I am pleased to have the opportunity to raise on the adjournment an appalling problem facing disabled persons and shut-ins. I refer to a decision of Telecom to charge \$10 to subscribers who want unlisted telephone numbers. This matter was brought to my attention by a disabled lady, on calipers, who had her telephone number removed from the telephone book as she had been plagued by canvassers and persons who rang her wanting her to buy **raffle** and **art** union tickets. She was also troubled by pest calls from persons conducting surveys. She told me that on many occasions she had great trouble getting to the telephone to answer **it**, that she had often slipped on the floor and almost fallen over. Her number has been unlisted for many years. She cannot work, and has to live on a **fixed income**. Now she finds that the federal Government monopoly, Telecom, will place a charge of \$10 on every subscriber who wishes to have an unlisted telephone number.

Mr Mochalski: It is a rip-off.

Mr MAHER: Indeed it is. Last year Telecom **made** a profit of \$211.5 million. That is equivalent to the profit made by Broken Hill Proprietary Company Limited from all of its enterprises and activities. Elderly persons, widows and women living alone have been treated in a cavalier manner by the imposition of this charge on them. It is unfair to women living alone, to shut-ins and to women who have been pestered by nuisance callers and obscene callers. The additional charge is not a problem for high income earners, but it is a burden on retired persons and those on **fixed** incomes.

I congratulate the *Daily Telegraph* and the *Daily Mirror* on running campaigns against Telecom on this issue. The *Daily Mirror* pointed out that the basic cost of installing a telephone is \$141. The *Daily Telegraph* pointed out that not only will there be a charge henceforth for persons wanting an unlisted telephone number but also in future there is to be a charge of \$3 for every subscriber who does not connect into the international subscriber dialling system. Thus pensioners, aged persons and shut-ins will be obliged to pay \$3 a year if they do not have their telephones switched over to international subscriber dialling. In many instances that would mean that the telephone number would have to be changed. Therefore, a shut-in person must go through the trauma of having his telephone number changed, which would necessitate his telling all his friends and relations his new telephone number. This is a worry to those getting on in years.

This matter has been brought forcefully to my attention by several of my women constituents who feel they are being set upon by Telecom in its latest exercise. Should that exercise flush out the number of the federal member for Lowe, I might look upon it more kindly. However, those who are wealthy can escape the impost; they just pay the money and continue to have their numbers unlisted. The low-income earner, the poor, the widowed and those living alone will have to face this extra burden imposed by a federal Government enterprise that made \$211.5 million profit last year.

Telecom proposes also to limit the duration of calls to three minutes. This is a worry to shut-ins—persons who cannot get out of their homes to transact business. The disabled lady to whom I have referred told me it took her half an hour recently to speak on the telephone to a local hospital to check a bill sent to her. This is another part of Telecom's campaign to increase its profit at the expense of the disabled and

shut-ins. It is a real threat to persons who cannot manage on their own, to those who are frail and aged. The extra charge is to be introduced by Telecom in the International Year of Disabled Persons. It will place this latest impost on those who are most fragile, those who can do little about it, and those who wish to have their telephone numbers kept out of the telephone book.

Mr McIlwaine: The federal member for Lowe has never had his telephone number in the book.

Mr MAHER: What the honourable member for Yaralla says about the federal member for Lowe is true. It is impossible to contact many federal members of Parliament. Telecom is supposed to be a trading corporation. It is said that Telecom is trading in the market-place. What other business enterprise could be so insensitive to the aged, to widows and to men and women who live alone, or to the disabled? What other organization could cause such worry and stress to women, particularly to those who have had their telephone numbers taken out of the telephone book because of obscene callers? Doubtless every honourable member has been confronted by constituents who have received obscene telephone calls. This is an unsavoury problem which, unfortunately, exists in all societies. My advice to women who have been victims of obscene callers has always been to approach Telecom and have the telephone number taken out of the book. The police force gives the same advice to women who are pestered by obscene callers. Most obscene callers are juveniles who dial at random. The incident is usually not repeated and people are happy because their numbers have been taken out of the telephone book.

Aged people, widows and pensioners will have to pay \$10 a year for the right not to have their telephone number listed. Many of those people already have trouble paying their telephone bills. Many of them had to struggle to have the telephone connected. One disabled woman in my electorate just could not afford to have the telephone connected. I had to approach the local Rotary Club to pay the installation fee for her. Many of the people who **are** affected are marginal subscribers in the sense that they have no income except their pensions and they are paying rents for Housing Commission houses or other homes. Those people will now have to pay \$10 a year extra to have the telephone remain connected to their homes. The telephone is really not a luxury, it is an essential item. The telephone is a necessity for aged people and shut-ins who may have to contact a doctor or a chemist. In some cases the only contact by people with their families is over the telephone.

It is contemptible that such a burden should be placed on subscribers. I congratulate the *Daily Telegraph* and the *Daily Mirror* for the campaign that has been run against Telecom's proposal. The *Daily Telegraph* has rightly pointed out that Telecom's profit in the past year was almost obscene for a public instrumentality. The top management of Telecom obviously has a policy of socking the disabled. I agree that the profit margin of this public utility has reached obscene proportions. Considerable money is being taken from subscribers who can ill-afford to pay it. I condemn Telecom for compelling shut-ins to reveal their telephone numbers through the telephone book and for compelling ladies who live alone to reveal their telephone numbers to cranks, crackpots, canvassers and nuisance callers. The evils of a monopoly are evident in this latest move. **Exemption** must be made for the disabled and for women who live alone. Without such an exemption women will be frightened to answer the telephone at night.

Generally, Telecom is well run. I appreciate the hard work of its employees. But idiocies such as the proposed \$10 impost must be rethought and removed, otherwise all the good work and the good public relations of the employees of Telecom will be wasted. I shall condemn the federal Government unless it intervenes and shows this act of good faith in the Year of the Disabled, so that shut-ins are removed from the list of people who will pay the impost.

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

Mr EINFELD (Waverley), Minister for Consumer Affairs [9.49], in reply: I **have** listened with keen interest to the matter raised by the honourable **member** for **Drummoyne**. There is **no** doubt that since he became a member of this Parliament he has demonstrated a magnificent interest in people who are, unfortunately, treated badly or poorly. He has shown also a keen interest in persons in indigent circumstances and those who are worried and anxious. The honourable member brings to **Parliament** a serious complaint against a Commonwealth authority that has acted **unfairly**, as the honourable member rightly points out.

This must be the first **time** that a proposal has been made to charge people for something that they do not get. For example, for not having international subscriber **dialling**, a person will have to pay **\$3**; for not having his name in the telephone book, a person will have to pay \$10. The matter raised by the honourable member for Drummoyne is serious and should be attended to. Recently the Minister for Communications has had many things to worry him. He is now considering the establishment of new broadcasting stations and television channels when he should be doing **something** about the unfair and unjust profit made by a statutory authority under the **aegis** of the Commonwealth Government. I pledge to the honourable member for **Drummoyne** that the New South Wales Government will ask the federal Minister whether exemptions can be given so that the people for whom the honourable member far Drummoyne shows such anxiety will be looked after.

Mr McIlwaine: The federal Minister has never had his name in the phone book.

Mr EINFELD: I have always believed that any man who accepts public responsibility has a duty to make himself available to the community and to the public and that he should have his name in the telephone book. It is a matter of choice. If some persons do not want their names in the telephone book and do not want to be available, that is their business. The New South Wales Government is concerned about those who are suffering social injustice, which will be exacerbated by their having to bear additional telephone costs. I undertake to ensure that the responsible federal Minister is approached on this matter.

Motion agreed to.

House adjourned at 9.50 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers* this day.

MINISTERIAL TRAVEL

Mr MOORE asked the Attorney-General and Minister of Justice—

- (1) (a) Where, and (b) when, has he travelled overseas on official **business** since 1 May, 1976?
- (2) What was the total cost to the Government of each visit?
- (3) Who accompanied him on each occasion?

Answer—

- (1) Since May, 1976, I have travelled overseas on three occasions. **Details** are as follows:
 - (i) In 1977 I travelled to Edinburgh, Scotland to attend the 5th Commonwealth Law Conference.
 - (ii) In 1979 I travelled to Papua New Guinea to attend a Meeting of the Standing Committee of Attorney's-General.
 - (iii) In 1980 I travelled to Caracas, Venezuela, to attend the 6th Annual Nations Congress on the Prevention of Crime and the Treatment of Offenders.
- (2) (i) Approximately \$18,000.00.
(ii) Approximately \$4,800.00.
(iii) Approximately \$15,000.00.
- (3) (i) My wife and Private Secretary.
(ii) My Press Secretary and an officer of my Department.
(iii) My wife and my two children, my Press Secretary and the **Under** Secretary of Justice.

Naturally, all expenses referable to my children were met from my private resources and not at any Government cost.

DEPARTMENTAL HIRE CARS

Mr MOORE asked the Attorney-General and Minister of Justice—

- (1) Has his department paid the account for drive-yourself hire cars used **by** him or his personal staff since 1 May, 1976?
- (2) If so, what was the (a) rental and (b) points of hire and return, for each vehicle?

Answer—

- (1) Yes.
- (2) (a) The total amount paid between 1 May, 1976, and 3 December, 1980, in respect of drive-yourself hire cars is \$2,626.52.

- (b) The information requested by the honourable member is not kept by my Department in a manner which would enable it to be readily collated.

The amount of time required for officers to extract, collate, and check this information is very extensive.

It is not practicable therefore to provide the details sought by the honourable member.

COMPANIES ACT

Mr MOORE asked the Attorney-General and Minister of Justice—

Will he examine the need to legislate to remove the possible nullity of service of process on a company (being an owner of a home unit) under the Companies Act, where a person seeking to effect service must do so at (a) the registered office of the company and (b) the address on the strata roll under the Strata Titles Act, which can result in different addresses applying for each Act?

Answer—

The advice of the Crown Solicitor has been sought with respect to the honourable member's question. The Crown Solicitor is of the opinion that there is no problem requiring legislative action as envisaged by the honourable member.

I fully agree with the Crown Solicitor's opinion.

GOVERNMENT ADVERTISING

Mr MOORE asked the Minister for Police and Minister for Services—

(1) What was the value of advertising placed through his Department with the advertising agency Mullins, Clarke and Ralph during the financial years 1976–77, 1977–78 and 1978–79?

(2) What was the total amount of advertising placed through other agencies during each of these periods?

(3) What was the total amount of advertising placed directly with media outlets during each of these periods?

(4) What was the basis of selection of Mullins, Clarke and Ralph for any advertising placed with that organization?

Answer—

(1) The value of advertising placed by Departments and Statutory Authorities presently within my administration with the advertising agency Mullins, Clarke and Ralph Pty Ltd during the financial years 1976–77, 1977–78 and 1978–79 was:

1976–77—Nil.

1977–78—\$35,724.00.

1978–79—Nil.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration during each of those periods was:

1976–77—\$94,005.00.

1977–78—\$186,929.00.

1978–79—\$328,239.00.

(4) In 1977, the Government approved the introduction of a Master Media Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation. The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved. On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

(a) Electronics (radio and TV).

(b) Press Display Advertising.

(c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd were appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October, 1977—this period also applying to the appointments of the other Master Agents. Mullins, Clarke and Ralph Pty Ltd were not appointed as a Master Agent in either of the other two categories.

(Note: In March, 1980, Mullins, Clarke and Ralph Pty Ltd was renamed as Forbes, Macfie, Mitchell, Hansen Pty Ltd.)

GOVERNMENT ADVERTISING

Mr MOORE asked the Premier and Treasurer—

(1) What was the value of advertising placed through the Premier's Department with the advertising agency **Mullins, Clarke and Ralph**, during the financial years 1976–77, 1977–78 and 1978–79?

(2) **What was** the total amount of advertising placed through other agencies during each of these periods?

(3) **What was** the total amount of advertising placed directly with media outlets during each of these periods?

(4) What was the basis of selection of **Mullins, Clarke and Ralph** for any advertising placed with that organization?

Answer—

(1) The value of advertising placed by Departments and Statutory Authorities presently within my administration, as Premier, with the advertising agency **Mullins, Clarke and Ralph Pty Ltd** during the financial years 1976–77, 1977–78 and 1978–79 was:

1976–77—Nil.

1977–78—\$45,383.

1978–79—\$42,242.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration, as Premier, during each of those periods was:

1976–77—\$452,849.

1977–78—\$614,054.

1978–79—\$777,319.

(4) In 1977, the Government approved the introduction of a Master Media Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation. The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved. On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

- (a) Electronics (radio and TV).
- (b) Press Display Advertising.
- (c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd was appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October, 1977—this period also applying to the appointments of the other Master Agents. Mullins, Clarke and Ralph Pty Ltd was not appointed as a Master Agent in either of the other two categories.

(Note: In March, 1980, Mullins, Clarke and Ralph Pty Ltd was renamed as Forbes, Macfie, Mitchell, Hansen Pty Ltd.)

GOVERNMENT ADVERTISING

Mr MOORE asked the Premier and Treasurer—

- (1) What was the value of advertising placed through the Treasury with the advertising agency **Mullins**, Clarke and Ralph, during the financial years 1976–77, 1977–78 and 1978–79?
- (2) What was the total amount of advertising placed through other agencies during each of these periods?
- (3) What was the total amount of advertising placed directly with media outlets during each of these periods?
- (4) What was the basis of selection of **Mullins**, Clarke and Ralph for any advertising placed with that organization?

Answer—

(1) No advertising was placed by Departments and Statutory Authorities presently within my administration, as Treasurer, with the advertising agency Mullins, Clarke and Ralph Pty Ltd during the financial years 1976–77, 1977–78 and 1978–79.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration, as Treasurer, during each of those periods was:

1976–77—\$22,833.

1977–78—\$210,418.

1978–79—\$246,793.

(4) In 1977, the Government approved the introduction of a Master Media-Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation.

The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved. On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

- (a) Electronics (radio and TV).
- (b) Press Display Advertising.
- (c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd were appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October, 1977—this period also applying to the appointments of the other Master Agents. Mullins, Clarke and Ralph Pty Ltd were not appointed as a Master Agent in either of the other two categories.

(Note: In March, 1980, Mullins, Clarke and Ralph Pty Ltd was renamed as Forbes, Macfie, Mitchell, Hansen Pty Ltd.)

GOVERNMENT ADVERTISING

Mr MOORE asked the Attorney-General and Minister of Justice—

- (1) What was the value of advertising placed through his Department with the advertising agency **Mullins, Clarke** and Ralph, during the financial years **1976–77, 1977–78 and 1978–79**?
- (2) What was the total amount of advertising placed through other agencies during each of these periods?
- (3) What was the total amount of advertising placed directly with media outlets during each of these periods?
- (4) What was the basis of selection of Mullins, Clarke and Ralph for any advertising placed with that organization?

Answer—

(1) The value of advertising placed by Departments and Statutory Authorities presently within my administration with the advertising agency Mullins, Clarke and Ralph Pty Ltd during the financial years 1976–77, 1977–78 and 1978–79 was:

Nil.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration during each of those periods was:

1976–77—\$19,918.

1977–78—\$19,809.

1978–79—\$10,523.

(4) Not applicable.

GOVERNMENT ADVERTISING

Mr MOORE asked the Minister for Transport—

(1) What **was** the value of advertising placed through his Department with the advertising agency **Mullins, Clarke and Ralph** during the financial years 1976–77, 1977–78 and **1978–79?**

(2) What was the total amount of advertising placed through other agencies during each of these periods?

(3) What was the total amount of advertising placed directly with media outlets during each of these periods?

(4) What was the basis of selection of **Mullins, Clarke and Ralph** for any advertising placed with that organization?

Answer—

(1) The value of advertising placed by Departments and Statutory Authorities presently within my administration with the advertising agency Mullins, Clarke and Ralph Pty Ltd during the financial years 1976–77, 1977–78 and 1978–79 was:

Ministry of Transport (including the State Transport Study Group of N.S.W.)

Available records show:

1976–77—Nil.

1977–78—Nil.

1978–79—Nil.

Department of Motor Transport (including the Traffic Authority of N.S.W.)

1976–77—Nil.

1977–78—Nil.

1978–79—\$3,860.97.

Public Transport Commission (now the State Rail Authority and Urban Transit Authority)

1976–77—\$7,633.26.

1977–78—\$98,551.80.

1978–79—\$39,961.19.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration during each of those periods was:

Ministry of Transport (including the State Transport Study Group of N.S.W.)

Available records show:

1976-77—\$12,650.

1977-78—\$13,910.

1978-79—\$30,565.

Department of Motor Transport (including the Traffic Authority of N.S.W.)

1976-77—\$7,702.63.

1977-78—\$115,124.32.

1978-79—\$108,507.74.

Public Transport Commission (now the State Rail Authority and Urban Transit Authority)

1976-77—\$365,423.43.

1977-78—\$427,142.04.

1978-79—\$273,019.31.

(4) In 1977, the Government approved the introduction of a Master Media Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation.

The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved. On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

(a) Electronics (radio **and** TV).

(b) Press Display Advertising.

(c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd was appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October 1977—this period also applying to the appointments of the other Master Agents. Mullins Clarke and Ralph Pty Ltd was not appointed as a Master Agent in either of the other two categories.

GOVERNMENT ADVERTISING

Mr MOORE asked the Minister for Sport and Recreation and Minister for Tourism and Assistant Treasurer —

(1) What was the value of advertising placed through his Department with the advertising agency Mullins, Clarke and Ralph during the financial years 1976-77, 1977-78 and 1978-79?

(2) What was the total amount of advertising placed through other agencies during each of these periods?

(3) What was the total amount of advertising placed directly with media outlets during each of these periods?

(4) What was the basis of selection of Mullins, Clarke and Ralph for any advertising placed with that organization?

Answer—

(1) The value of advertising placed by Departments and Statutory Authorities presently within my administration with the advertising agency Mullins, Clarke and Ralph Pty Ltd during the financial years 1976–77, 1977–78 and 1978–79 was:

1976–77—Nil.

1977–78—\$75,584.

1978–79—\$165,708.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration during each of those periods was:

1976–77—\$179,822.

1977–78—\$144,743.

1978–79—\$147,868.

(4) Advertising for the Department of Sport and Recreation is undertaken by the Government's Master Media Agency Scheme.

In 1977, the Government approved the introduction of a Master Media Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation. The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved.

On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

(a) Electronics (radio and TV).

(b) Press Display Advertising.

(c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd were appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October, 1977—this period also applying to the appointments of the other Master Agents. Mullins, Clarke and Ralph Pty Ltd were not appointed as a Master Agent in either of the other two categories.

In so far as advertising for the Department of Tourism is concerned the Department's specialized needs covering marketing and promotion require that it has special access to its own advertising agency. Mullins, Clarke and Ralph Pty Ltd were appointed the Department's advertising agency in November, 1977. The Department of Tourism invited submissions from several advertising agencies.

These submissions were examined by a Departmental Panel and some agencies were requested to make personal presentations to the Panel. Mullins, Clarke and Ralph Pty Ltd was then selected by the Panel as the most suitable agency to meet the Department's requirements.

GOVERNMENT ADVERTISING

Mr MOORE asked the Minister for Corrective Services—

(1) What was the value of advertising placed through his Department with the advertising agency Mullins, Clarke and Ralph during the financial years 1976–77, 1977–78 and 1978–79?

(2) What was the total amount of advertising placed through other agencies during each of these periods?

(3) What was the total amount of advertising placed directly with media outlets during each of these periods?

(4) What was the basis of selection of Mullins, Clarke and Ralph for any advertising placed with that organization?

Answer—

(1) During the financial years 1976–77, 1977–78 and 1978–79 there was no advertising placed by Departments and Statutory Authorities presently within my administration with the advertising agency Mullins, Clarke and Ralph Pty Ltd.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration during each of those periods was:

1976–77—\$15,760.

1977–78—\$27,689.

1978–79—\$30,851.

(4) In 1977, the Government approved the introduction of a Master Media Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation. The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved.

On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

- (a) Electronics (radio and TV).
- (b) Press Display Advertising.
- (c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd were appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October, 1977—this period also applying to the appointments of the other Master Agents. Mullins, Clarke and Ralph Pty Ltd were not appointed as a Master Agent in either of the other two categories.

GOVERNMENT ADVERTISING

Mr MOORE asked the Minister for Industrial Development and Minister for Decentralisation—

(1) What was the value of advertising placed through the Department of Decentralisation with the advertising agency Mullins, Clarke and Ralph during the financial years 1976–77, 1977–78 and 1978–79?

(2) What was the total amount of advertising placed through other agencies during each of these periods?

(3) What was the total amount of advertising placed directly with media outlet during each of these periods?

(4) What was the basis of selection of Mullins, Clarke and Ralph for any advertising placed with that organization?

Answer—

(1) The value of advertising placed by Departments and Statutory Authorities presently within my administration with the advertising agency Mullins, Clarke and Ralph Pty Ltd during the financial years 1976–77, 1977–78 and 1978–79 was:

1976–77—Nil.

1977–78—\$161.

1978–79—Nil.

(2) and (3) The total amount of advertising placed through other advertising agencies and directly with media outlets by Departments and Statutory Authorities presently within my administration during each of those periods was:

1976–77—\$61,280.

1977–78—\$43,883.

1978–79—\$76,090.

(4) In 1977, the Government approved the introduction of a Master Media Agency Scheme to handle Government advertising. Detailed investigations had demonstrated that the introduction of such a scheme would result in the saving of thousands of dollars annually when compared to other modes of operation.

The scheme operates at no cost to the Government.

Submissions were sought from leading advertising agencies within the State and were assessed for appointment as Master Agents according to demonstrated expertise and capacity to effectively handle the operations involved.

On this basis, Master Agents were appointed in three (3) categories of Government advertising, viz.:

(a) Electronics (radio and TV).

(b) Press Display Advertising.

(c) Classified Advertising.

Mullins, Clarke and Ralph Pty Ltd were appointed, in competition with other agencies, as the Master Agents in Category (b) for a period of three years from October, 1977—this period also applying to the appointments of the

other Master Agents. Mullins, Clarke and Ralph Pty Ltd were not appointed as a Master Agent in either of the other two categories.

(Note: In March, 1980, Mullins, Clarke and Ralph Pty Ltd was renamed as Forbes, Macfie, Mitchell, Hansen Pty Ltd.)

GOVERNMENT OPINION POLLS

Mr MOORE asked the Premier and Treasurer—

(1) How many Opinion Polls or Surveys have been commissioned or carried out by his Department or any instrumentalities or statutory corporations under his control during:

- (a) 1977;
- (b) 1978; and
- (c) 19791

(2) For each of the Opinion Polls or Surveys:

- (a) which companies or private individuals were commissioned;
- (b) what was the subject matter and the purpose; and
- (c) what was the cost in each case?

Answer—

(1) The number of Opinion Polls, or Surveys, commissioned or carried out by my Departments or any instrumentalities or statutory corporations under my control during 1977, 1978 and 1979 was twenty.

(2) The details are set out below:

1977

Women's Co-ordination Unit

- (a) The N.S.W. Council of Social Service.
- (b) "A Survey of Unemployed Women."
- (c) \$130,000.

1977-78

Anti-Discrimination Board

- (a) Staff of the Board assisted by students and staff of the University of Sydney.
- (b) The purpose of the surveys was to provide materials used in the Board's Report, titled "Discrimination in Government Policies and Priorities", published on 31 May, 1978, in five volumes.
The surveys covered aspects of discrimination in fields such as maternity leave, hospital staffing, aboriginal employment, employment, police, primary schools, women in agriculture, private sector superannuation schemes, life offices and State superannuation schemes.
- (c) The actual costs of these surveys are not readily available and to attempt to identify the discrete cost of each would require extensive and time consuming calculation. The cost and manpower required to secure information to answer this part of the question would make such an exercise unjustified.

1978

Ethnic Affairs Commission

- (a) Staff of the Commission with temporary assistance.
- (b) "Ethnic Groups and the Police."
- (c) \$9,700.

1978–79

(i) (a) *Anti-Discrimination Board*

Staff of the Board assisted by the Sample Survey Centre of the University of Sydney.

- (b) Under certain provisions of its Act, the Board was required to carry out surveys to identify discriminatory employment policies and practices in respect of employers generally, employment agencies, real estate agents, and leading financial institutions.
- (c) \$3,305.

(ii) (a) Staff of the Board assisted by the Sample Survey Centre of the University of Sydney.

- (b) Telephone survey in respect of discrimination on the grounds of homosexuality.
- (c) \$1,000.

1979

Ethnic Affairs Commission

- (i) (a) Staff of the Commission.
- (b) "The use by Barristers and Solicitors of State Government Interpreter Services."
- (c) Nil.
- (ii) (a) Staff of the Commission, together with community-based Task Force.
- (b) "Services for Indo-Chinese Refugees in Australia."
- (c) \$11,000, service costs of the Task Force.

Women's Co-ordination Unit

- (a) Staff of the Unit with temporary assistance
- (b) "Effect of Introduction of Word Processors on Women Workers in the Public Service."
- (c) \$1,640.

Cultural Activities Division

- (a) Staff of the Museum.
- (b) "Survey of visitors to Museum's Outer Urban Exhibitions."
- (c) Nil.

Government Insurance Office of New South Wales

- (a) Peter Dubern and Tina Stephens, North Sydney.
- (b) "To ascertain and evaluate consumer perceptions of and attitudes towards Motor Vehicle insurance."
- (c) \$2,400.

GOVERNMENT OPINION POLLS

Mr MOORE asked the Attorney-General and Minister of Justice—

(1) How many Opinion Polls or Surveys have been commissioned or carried out by his Department or any instrumentalities or statutory corporations under his control during:

- (a) 1977;
- (b) 1978; and
- (c) 1979?

(2) For each of the Opinion Polls or Surveys:

- (a) which companies or private individuals were commissioned;
- (b) what was the subject matter and the purpose; and
- (c) what was the cost in each case?

Answer—

(1) (i) *Corporate Affairs Commission*

Although the Corporate Affairs Commission does not conduct opinion polls or surveys, it does from time to time initiate surveys within the business community to more fully acquaint itself with current commercial practice. These surveys are principally directed at the operations of financial institutions, borrowing corporations and persons licensed under the Securities Industry Act.

Over the past three years the following surveys have been conducted. In all cases cost has been minimal even to the extent of hand delivery of questionnaire documents to save on postage.

Brief details of these surveys are set out below.

A. Surveys and Surveillance of Borrowing Corporations

The procedures followed by the Commission in association with the examination of prospectuses and accounts lodged by borrowing corporations include the following:

- (1) an assessment of each company's ability to meet its financial obligations during the currency of its prospectus;
- (2) a review of the directors' report pursuant to paragraph 23 of the Fifth Schedule of the Companies Act to ensure that adequate and accurate disclosure is made;
- (3) a detailed analysis of the financial standing of all borrowing corporations;
- (4) examination of the accounts to ensure compliance with the disclosure provisions of the Act;
- (5) a review of the accounting policies adopted by borrowing corporations;
- (6) an examination and review of the s. 74F quarterly directors' reports, newspapers and other reports.

These surveys are conducted on a continuous basis.

B. Surveys and Surveillance of Corporations and other Persons Licensed under the Securities Industry Act.

(1) *Options Market Survey 1977*

As part of a surveillance programme of the Australian Options Market, letters and questionnaires were sent to Sydney stockbrokers seeking information on the accounting and bookkeeping practices employed by the Clearing Member firms.

(2) *Trust Account Survey 1977*

Letters and questionnaires were sent to Sydney stockbrokers seeking information on trust account procedures and, in particular, the banking treatments accorded to client moneys.

(3) *Merchant Banks Survey 1978*

Towards the end of 1978, a questionnaire was submitted to forty merchant banks. The questionnaire was directed towards evaluating industry practice in matters relating to the extent of principal or agency transactions, maturity patterns or investments, turnover statistics and underwriting commitments.

(ii) *Bureau of Crinze Statistics and Research*

The Bureau's information often comes off written records, e.g., court records, or from interviews with criminal justice and welfare personnel. The only approach to members of the public was made during a pilot test of a survey of lawyers' clients, carried out after consultation with the N.S.W. Law Reform Commission. The cost of this pilot test was approximately \$4,000.00 in total Bureau staff time. The purpose was to explore the possibility of doing a larger-scale study, to ascertain the reasons which lead to a particular person's choice of a lawyer, fees, the inter-relationship of client, solicitor and barrister, and the time taken to process the person's case.

(iii) *Privacy Committee*

- (a) 1977—3.
- (b) 1978—1.
- (c) 1979—nil.

(2) (i) *Corporate Affairs Commission*

The answer to this sub-part of the question is dealt with in (i) above.

(ii) *Bureau of Crime Statistics and Research*

- (a) Nil.
- (b) The answer to this sub-part of the question is dealt with in (1) above.
- (c) The answer to this sub-part of the question is dealt with in (1) above.

(iii) *Privacy Committee*

- (a) All were conducted by the Privacy Committee at its own cost.
- (b) 1977—Personal Data Systems in the Public Sector: survey of data collection and storage practices of Government Departments to ascertain privacy issues.
1977—Access to the Electoral Roll by Government and Statutory Authorities: to ascertain what information was sought and for what purposes.

1977—Access by Government Departments to the Criminal Records Office: for what purpose and procedures when information received.

1978—Reasons why individuals obtained record searches from the Department of Motor Transport Records: to ascertain the privacy issues.

- (c) In each instance the cost was offset printing of the letters or survey form through the Government Printer, and postage.

ABORIGINAL EDUCATION

Mr RYAN asked the Minister for Planning and Environment—

- (1) Is a pilot project, to bring the home and the school closer for aboriginal children, being conducted by the Department of Education?
- (2) Is a pilot project for the training and employment of aboriginal teaching assistants also being conducted?
- (3) If so,
 - (a) have both projects been successful, according to all concerned;
 - (b) will funding by the Commonwealth Department of Aboriginal Affairs continue; and
 - (c) will he ensure that both projects are continued?

Answer—

- (1) Yes.

With the support of the Department of Education, the Aboriginal Education Council (N.S.W.) in 1978 initiated an Aboriginal Home/School Co-ordinator Project, funded jointly from its own resources and Schools Commission moneys. The Council is a voluntary organization, comprising Aboriginal and non-Aboriginal people and affiliated member organizations, which has been working since 1963 to meet the specific educational needs of Aboriginal children and to inform the general community of the problems confronting Aboriginal people. Three Home/School Co-ordinators were appointed in 1978 to the inner city, Kempsey and Brewarrina, and an evaluation of the effectiveness of the programme which the Council commissioned is now nearing completion.

The Department also employs 8 Support/Remedial Teachers in primary and high schools to assist Aboriginal students in relation to their personal, social and academic progress and development. These officers are able to assist teachers in the design and implementation of appropriate educational programmes. Currently, the Support/Remedial Teachers are located at Bomaderry Public School, Bourke High School, Brewarrina Central School, Cleveland Street Boys' High School, Dareton Public School, Narrandera Public School, South Sydney Boys' High School and Taree Public School.

Increasingly over the past few years, schools and Aboriginal communities have seen a need to work more closely together to achieve the best offering the school can provide for its clients. Several parent/teacher liaison committees and Aboriginal Education Advisory Groups have been formed or are

in the process of being formed at Cowra, Wilcannia, the outer western suburbs of Sydney, Bourke, Nowra and the North Coast Region. Their endeavours have been supported by Regional Directors of Education, and by the New South Wales Aboriginal Education Consultative Group which was established in 1977 to provide the Director-General of Education and myself with an Aboriginal perspective to educational provisions affecting Aboriginal children and their communities.

(2) Under the provisions of the Arrangement between the Governor-General of Australia and the Governor of the State of New South Wales with respect to Aboriginal Affairs (1975), Clause 4 on page 5 states:

"The Australian Government may from time to time conclude with the Health Commission of New South Wales, the Housing Commission, the Department of Education, the Department of Youth and Community Services and any other relevant Departments or Authorities of the State arrangements for the provision of special services for Aboriginals and shall for its part provide for and meet the cost of those services in accordance with the arrangement so made."

In this State, the Arrangement is usually referred to as the Commonwealth-State Arrangement (1975).

The employment of Aboriginal citizens in schools was seen as one of the most important strategies to be undertaken by the Department of Education under the Arrangement. It was considered that the appointment of Aboriginal Teachers' Aides would increase the teachers' understanding of the Aboriginal child's kinship ties and value systems; provide motivation for pupils in creating additional vocational opportunities for Aboriginals of post-school age; encourage Aboriginal communities to identify more closely with schools; provide direct assistance to teachers in group and individual activities; and provide a meaningful channel of communication between home and school.

At the request of the Department of Education, and with the approval of the Public Service Board and the agreement of the New South Wales Teachers' Federation, the Adult Education Department of the University of Sydney devised and provided a "sandwich type course of training for the first group. The course covers such aspects as Educational Psychology, Educational Methods, English and Language Skills, Social Science, Government, Anthropology and Current **Affairs**.

The Aboriginal Teachers' Aide Training Programme at the University of Sydney is thus the first of its kind in the State, and is no longer considered a pilot project. Other tertiary institutions may well have a contribution to make in the future to this and related fields of training, and the Department of Education, in consultation with representative Aboriginal groups, will seek the best programmes on offer.

(3) (a) and (b) The Aboriginal Teachers' Aide Training Programme has, in general terms, been successful in preparing its students for work in schools.

With regard to the **Home/School Co-ordinator Project**, the evaluation report, which is nearing completion, will indicate the effectiveness with which it has been carried on over the past two years. Funding through the Schools Commission has terminated in respect of all 3 positions, and the Aboriginal Education Council (N.S.W.) will have inadequate resources of its own to continue the project.

The Aboriginal Teachers' Aide Programme is funded on a year-to-year basis, and I have reason to believe that funds will again be available for the 1980–81 financial year, and most likely until the end of the 1981 calendar year at least.

(c) Under the terms of the 1975 Arrangement, I shall use every endeavour to ensure that the Commonwealth Government honours its obligations to the State for the funding of these and other specific educational programmes designed to benefit Aboriginal children and communities.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

Why did the Public Transport Commission agree to transfer the lease of 107–109 Darlinghurst Road, Kings Cross, from Constance Developments Pty Ltd to Togima Leasing Pty Ltd on 7 March, 1977, knowing that sub-leases had been made with neither his nor the Commission's consent to two companies belonging to the Saffron organization, namely Persian Theatre Restaurant Pty Ltd and Tungarina Investments Pty Ltd?

Answer—

The Commission consented to the transfer of the Headlease to Togima Leasing Pty Ltd concurrent with its consent to the subleases mentioned which had been granted by Constance Developments Pty Ltd for stated uses which could not be objected to by the Commission. It was the Commission's view that consent to the subleases could not have been withheld on the basis of ownership, or the interests of any party, in the sublessee Companies.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

Did the Public Transport Commission regard the action of Constance Developments Pty Ltd in entering into sub-leasing arrangements with certain companies on 1 November, 1974, as a breach of covenant under clause 11 of the head lease from the Commission for a property at 107–109 Darlinghurst Road, Kings Cross?

Answer—

The Commission did not. In its view it is not uncommon for Subleases which have been negotiated in anticipation of, and subject to, the Headlessor's consent, to be submitted in an executed form for the Headlessor's consideration and formal consent, in compliance with clauses 11 and 14 of the Headlease.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

(1) As Togima Leasing Pty Ltd had an issued capital of only two dollars, why did he, or the Public Transport Commission, agree to the transfer of the head lease to that company without any external guarantor?

(2) Were any of the directors or shareholders of Togima Leasing Pty Ltd in any way connected with the Saffron organization when the Commission agreed to the transfer of the head lease of 107–109 Darlinghurst Road, Kings Cross, to that company?

Answer—

(1) I did not. The commission in March 1977 approved the transfer of the headlease to Togima Leasing Pty Ltd and formalized the sub-leasing arrangements which had been operative by way of occupation since 1974. Parkes Developments Pty Limited, the original guarantor of the Headlease, being in liquidation, could not extend any guarantee for the performance of the terms of the assigned Headlease. In the circumstances the commission took the view that the value of the improvements on the leasehold was adequate security for the Commission, in the event of any breach of the rental provisions or any other terms of the Headlease.

(2) The Commission has advised that there was no evidence that they were in any way connected.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

Did he, or the Public Transport Commission, consent to the lessors of 107–109 Darlinghurst Road, Kings Cross, permitting the occupation of whole or part of the premises by any person or other company, as required under clause 14 of the head lease?

Answer—

I did not. Concurrent with consents to the assignment of the Headlease and to the two subleases mentioned, the commission consented to a sublease of a shop to Trejbal and Company Pty Limited for the retail sale of jewellery. No other subleases were consented to by the commission and all occupations on the headleasehold were conducted by the three approved subleases.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

(1) Were any notices served on Constance Developments Pty Ltd or upon Togima Leasing Pty Ltd when either company was the head lessee of 107–109 Darlinghurst Road, Kings Cross, specifying particular breaches of covenant which were known and recognized by the Public Transport Commission and the Public Transport Commission's solicitor?

(2) If not, why not?

Answer—

(1) No. The City Council received and granted applications for usages outside the terms of the lease which in the commission's view did not give rise to any legal basis for termination of the occupancies.

(2) There was no evidence available to enable the **commission** to effectively cite a breach of **covenant** to be remedied by the Headlessee, but the Commission did seek counsel's advice.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

Did not the provisions of clause 32 of the head lease over 107–109 Darlinghurst Road, Kings Cross, extend the responsibility of the lessee to ensure that all persons having anything to do with the premises refrained from breaching any covenants of the lease?

Answer—

Yes.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

How could the Public Transport Commission have contact and correspondence with both Togima Leasing Pty Ltd and the Sydney City Council for twelve months prior to July 1978, in relation to breaches of the leasing agreement, without **his—**

- (a) knowing of this correspondence; or
- (b) having been vested with the ministerial responsibility therefor, particularly in the light of his observations and comments as to the ministerial responsibilities of the previous Government when it entered into the lease?

Answer—

(a) It is possible for me not to be informed of administrative correspondence normally exchanged between the Commission and other parties unless a decision by me is necessary. This relationship with the Commission or other statutory authorities in my portfolio has applied in respect of other Ministers for some time.

(b) I have performed my ministerial responsibility in bringing the matter to an end.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

(1) Did the Public Transport Commission receive a deed of covenant from Togima Leasing Pty Ltd upon the transfer of the lease of 107–109 Darlinghurst Road, Kings Cross, from Constance Developments Pty Ltd on 7 March, 1977,

as provided under clause 12 of the head lease, which would have required Togima Leasing Pty Ltd to comply with all the covenants and conditions of **the** lease?

(2) If not, why not?

Answer—

(1) ~~Yes~~.

(2) Not applicable.

PUBLIC TRANSPORT COMMISSION LEASES

Mr McDONALD asked the Minister for Transport—

(1) Will he, through the Attorney-General, request the opinion of the Crown Solicitor as to whether there was any method of causing the head lessee to ensure that the users of 107–109 Darlinghurst Road, Kings Cross, desisted from illegal and immoral activities, so that the Public Transport Commission would not have to pay out the lessee?

(2) If so, will ~~he~~—

(a) detail the request; and

(b) table the advice when received?

Answer—

(1) The opinion of the Crown Solicitor had been obtained and taken into consideration prior to the Public Transport Commission taking action to resume the property.

(2) (a) and (b) I do not intend to detail the request or table the advice in Parliament. Since the property has been resumed, I consider this matter at an end.

GOVERNMENT REGULATIONS

Mr MASON asked the Minister for Industrial Development and Minister for **Decentralisation—**

How many regulations were administered by his departments and statutory authorities under his current ministerial control as at:

June 30, 1976;

June 30, 1977;

June 30, 1978;

June 30, 1979; **and**

June 30, **1980?**

Answer—

(1) The following five regulations are administered by my Department or statutory authorities under my Ministerial control:

- No. 159 of 30 June, 1967 made under the State Development and Country Industries Assistance Act, 1966.
- No. 204 of 11 June, 1976 made under the Growth Centres (Development Corporations) Act, 1974.
- No. 396 of 4 November, 1977 made under the Country Industries (Pay-roll Tax Rebates) Act, 1977.
- No. 51 of 10 March, 1978 made under the Albury–Wodonga Development Act, 1974.
- No. 394 of 29 August, 1980 made under the Small Businesses' Loans Guarantee Act, 1977. This regulation amended all but the title of Regulation No. 64 of 17 March, 1978 made under the same Act.

(2) The following regulations were administered under the Regional Organization Act, 1972 which was repealed with effect from 18 June, 1979:

- No. 296 of 29 September, 1972.
- No. 406 of 29 December, 1972.
- No. 72 of 16 March, 1973.
- No. 90 of 5 April, 1974.

(3) In summary the number of regulations operative as at 30 June in each of the years mentioned was:

- 1976—Six.
- 1977—Six.
- 1978—Nine.
- 1979—Five.
- 1980—Five.

GOVERNMENT REGULATIONS

Mr MASON asked the Minister for Industrial Development and Minister for Decentralisation—

How many regulations were administered by the Department of Agriculture and statutory authorities under the current control of the Minister for Agriculture as at:

- June 30, 1976;
- June 30, 1977;
- June 30, 1978;
- June 30, 1979; and
- June 30, 1980

Answer—

The number of regulations administered by the Department of Agriculture and other statutory authorities are as follows:

- (i) Up to June 30, 1976—39.
- (ii) Up to June 30, 1977—40.
- (iii) Up to June 30, 1978—41.
- (iv) Up to June 30, 1979—46.
- (v) Up to June 30, 1980—50.

REPORTS OF STATUTORY AUTHORITIES

Mr MASON asked the Minister for Mineral Resources and Minister for Technology—

- (1) What outstanding annual reports of statutory authorities under his current ministerial control have not been tabled in Parliament in the past 14 months?
- (2) When will he table these reports?

Answer—

- (1) Nil.
- (2) Not applicable.

STATUTORY AUTHORITIES

Mr GABB asked the Minister for Industrial Relations and Minister for Energy—

- (1) Which New South Wales statutory authorities have provision for representatives on their governing bodies to be elected by employees or nominated by trade unions?
- (2) Is there any legislative basis for this representation?
- (3) If so, (a) what is the basis; and (b) when was it established?
- (4) Who are the current employee or trade union representatives on such governing bodies?
- (5) Who have held the positions previously?

Answer—

- (1) Two separate schedules of statutory authorities with representatives on the governing bodies are set out below: Schedule A shows representatives elected by employees; Schedule B shows representatives nominated by trade unions.
- (2) Yes, in most cases. Details are shown on Schedules A and B.
- (3) This information, where relevant, is included in Schedules A and B.
- (4) Current employee or trade union representatives are shown in Schedules A and B.
- (5) It is not practicable to provide this information. One authority has had employee representatives since 1926.

SCHEDULE A

Employees' Representatives elected to the Boards of Statutory Authorities

Statutory Authority	Legislation	Elected Representative	Trade Union
Board of Fire Commissioners	Fire Brigades Act of 1909 (as amended) s9 (5) & s9 (5) (a).	Volunteer Firemen's Representative— Mr Alec McMurtrie	F.B.E.U. & A.M.W. & S.U.
Education Commission	Education Commission of 1980	Permanent Firemen's Representative— Mr Warwick Rogers Primary Teachers' Representative— Mr Ray Cavenagh Secondary Teachers' Representative— Mr Jack Shield T.A.F.E. Teachers' Representative— Mr Alan Jones Mr Joseph Dimmock Mr Barry Fair	F.B.E.U. Teachers' Federation. Teachers' Federation. Teachers' Federation. Miners' Federation. Hunter District Water and Sewerage Employees Union.
Elcom Collieries Pty Ltd Hunter District Water, Sewerage and Drainage Board.	Companies Act of N.S.W. 1961 Hunter District Water, Sewerage and Drainage (Elections) Amendment Act, 1979.	Mr Brian Phipps Mrs Joy Burke Mr Tom Blood Mr John Palmer	Electrical Trades Union. P.S.A. M.S.B. Clerical Officers Association. Water and Sewerage Employees Union Salaried Division.
Huntley Collieries Pty Ltd Library Council of N.S.W. Maritime Services Board	Companies Act of N.S.W. 1961 No. Legislation Maritime Services (Election) Amendment Act, 1979.	Mr Neville Andrews	Federated Ironworkers Association.
Metropolitan Water, Sewerage and Drainage Board.	Metropolitan Water, Sewerage and Drainage (Elections) Amendment Act of 1980.	Mr Ron Fowler Mr Trevor Thorpe Mr John Lennon Full-Time Contributors' Representative— Mr Victor Grant Part-Time Contributors' Representative— Mr Geoff Hammond Mr John Dean	Miners' Federation. A.M.W. & S.U. A.T.O.F. Teachers' Federation.
Newcastle State Dockyard	N.S.W. Government Engineering and Shipbuilding Undertaking Act, 1943, as amended.		
Newcom Collieries Pty Ltd Railway Workshops Board State Rail Authority State Superannuation Board	Companies Act of N.S.W. 1961 Transport Authorities Act of 1980 Transport Authorities Act of 1980 Superannuation Act, 1916, as amended.		
State Superannuation Board	Superannuation Act, 1916, as amended, Part 6 s69 (a).		
Urban Transit Authority	Transport Authorities Act of 1980		Public Service Association. Australian Tramways and Motor Omnibus Employees Association.

SCHEDULE B
Unionists Appointed to the Boards of Statutory Authorities

Statutory Authority	Legislation	Trade Union Nominee	Trade Union
Builders Licensing Board	Builders Licensing Board Act sections (4) (2) (d).	Mr Colin Bignell	N.S.W. Plumbers & Gasfitters Union.
Dust Diseases Board	Workers Compensation (Dust Diseases) Act, 1942 as amended. See Energy Authority Act of 1976	Mr Bob Davies Mr Ralph Spooner Mr Ray Perriam	F.I.A. Federated Moulders Union. Electrical Trades Union.
Electricity Board of N.S.W.	Energy Authority Act of 1976	Mr John McBean	Labor Council of N.S.W.
Energy Authority of N.S.W.	Legislation does not specify	Miss M. V. Henlen	N.S.W. Nurses Association.
Nurses Education Board	Nurses Registration Act of (1953) as amended.	Patricia Lloyd-Lucas Sylvia Martin	N.S.W. Nurses Association. N.S.W. Nurses Association.
N.S.W. Meat Industry Authority	Meat Industry Act of 1978 s45 (1) (d).	Mr Reg Schofield	A.M.E.I.U.
N.S.W. Film Corporation	Legislation does not specify	Mr Damien Stapleton	A.T. & A.E.A.
N.S.W. Retirement Board	Retirement Board Act of 1972	Mr James Walshe	A.R.U.
N.S.W. Science & Technology Council.	Legislation does not specify	Tricia Cavanagh	A.W.U.
N.S.W. Board of Adult Education	Legislation does not specify	Michael Johnston	A.C.O.A.
N.S.W. Board of Senior School Studies.	Education Act, 1961 (amended)	Michael Easson	Labor Council of N.S.W.
Plumbers, Gasfitters and Drainers Examiners Board.	Plumbers, Gasfitters and Drainers Examiners Board Act of 1979.	Mr Colin Bignell	N.S.W. Plumbers & Gasfitters Employees Union.
Public Servant Housing Authority	Public Servant Housing Authority Act of 1975.	Mr Alec Hannah	Public Service Association.
Railway Workshops Board	Transport Authorities Act of 1980	Not yet appointed.	
Secondary Schools Board	Education Act, 1961 (amended)	Michael Easson	Labor Council of N.S.W.
State Rail Authority	Transport Authorities Act of 1980	Not yet appointed.	
Sydney Cove Re-Development Authority.	Legislation does not specify	Mr David McLeish	Electrical Trades Union.
Teacher Housing Authority	Teacher Housing Authority Act of 1975, s7.	Mr Bob Rumming	N.S.W. Teachers Federation.
Urban Transit Authority	Transport Authorities Act of 1980	Not yet appointed.	

PRISON SECURITY

Mr HEALEY asked the Minister for Corrective Services—

- (1) What additional perimeter security is being provided at women's prisons at Silverwater, Long Bay and other prisons to reduce the number of escapes?
- (2) What additional staff is to be employed to provide this security?
- (3) What consultation is being made with prison officers to facilitate the introduction of these changes?

Answer—

(1) Since the present Government assumed office security at all prison institutions has been monitored and improvements have been made where necessary.

There is no women's prison at Long Bay, however, the Mulawa Training and Detention Centre for Women at Silverwater and all other secured institutions have been provided with improved perimeter security.

Staffing levels have also been increased dramatically. As at 30 June, 1975, under the former Government, there was a total of 998 custodial staff. As at 7 November, 1980, a total of 1 508 custodial officers were employed.

As a result of the improvements to security there has been a decrease in the number of escapes under the present Government in all years except that ending 30 June, 1980. In that year there were very few escapes from secured institutions. The majority of escapes were effected either by prisoners housed in open institutions or by prisoners involved in minimum security programmes. In order to remedy this situation, the criteria for entry to the "day leave" programme have been made far more restrictive. Also, an interdepartmental committee has been convened to examine the prisoner classification process in order to determine ways in which the number of escapes from open institutions might be reduced.

Details in regard to improvements in perimeter security are set out hereunder:

Mulawa Training and Detention Centre for Women

When the Government assumed office in 1976, perimeter security at Mulawa consisted of two cyclone fences plus daytime surveillance by one perimeter post officer. At night time, there was a periodic patrol around the complex by male officers from the Silverwater Complex.

Since the establishment of the Corrective Services Commission, the following action has been taken to improve perimeter security at Mulawa:

A double coil of stainless steel barbed wire has been attached to the top of the existing fence to deter climbing. A double coil of barbed wire has been fitted at ground level against the inside of the existing fence in order to deter digging under the fence.

An electronic beam system has been set up at ground level to give an early alarm when inmates attempt to approach the existing fence and barbed wire barriers.

Tenders have been received for the construction of a new high-security fence to replace the existing fence and barbed wire barriers. The new fence will be made of tough expanded metal mesh and will be provided with electronic alarms, an anti-climb cylindrical topping and a subterranean barrier. Construction of the new fence will commence in December this year.

Perimeter security staffing at Mulawa has also been increased with two perimeter posts currently being manned 24 hours a day.

Parramatta Gaol

A closed-circuit television system has been installed to cover the entire inside wall area. This is the most advanced system of its type in Australia and is able to automatically detect attempts to climb the wall and then alert officers by an alarm. Video recording equipment will film any unauthorized activity in the vicinity of the wall.

Perimeter staffing has been increased with six towers now being manned 24 hours a day. Formerly only four towers were manned continuously. During the day-time all eleven towers are manned.

Maitland Gaol

Under the former Government perimeter posts at Maitland were manned during the day shift. Currently, four towers are manned 24 hours a day and five towers are manned during the day-time. Also since 1978 officers of the "Northern Emergency Unit" have been posted at the outer gate to check all vehicles entering and leaving the institution.

As a further security measure a closed circuit television detection and surveillance system identical to that operating at Parramatta will be installed shortly at Maitland Gaol.

Malabar Complex

Three extra towers have been constructed in order to increase perimeter security. There are now ten towers around the Complex all of which are manned 24 hours a day. Additional catwalks are to be constructed shortly.

Personal body-worn electronic alarm systems are now held by all wing officers in order that they can raise an immediate alarm if attacked or if security is threatened in any way.

Cessnock Corrective Centre

Prior to 1978, perimeter towers at Cessnock were not manned. Since that time two towers have been manned from 6.30 a.m. to 2.30 p.m. and four towers are manned from 2.30 p.m. to 10.30 p.m.

As a further security measure, an electronic alarm system which operates 24 hours a day has been installed around the perimeter of the institution.

Goulburn Training Centre

Under the former Government, three towers were manned from 7.00 a.m. until 4.20 p.m. with no towers being manned at lunch-time when the inmates are confined to cells. Currently, five towers are manned from 7.00 a.m. to 5.00 p.m. except at lunch-time when two towers are manned.

A new and improved security floodlighting system is presently being designed and will be operating at Goulburn by June next year.

All Secured Institutions

All officers on perimeter posts in all maximum and medium security gaols now operate body-worn radio equipment similar to that used by the Police Department. This equipment allows rapid voice communication for improved perimeter security control and co-ordination.

(2) Staff numbers for the Department of Corrective Services were increased by 200 in the recent State Budget and more than 150 new Prison Officers will be recruited in the current financial year. The nature of the physical improvements which have been made to perimeter security at institutions is such that, in the main, additional custodial staff will not need to be allocated specifically to provide this security.

(3) There has been extensive consultation between prison staff and senior departmental officers concerning the introduction of changes affecting security.

MEDICAL PRACTITIONERS ACT

Mr SINGLETON asked the Minister for Health—

(1) Is a change to be made to the Investigating Committee set up under the Medical Practitioners Act?

(2) Is the medical content of this Committee to be reduced to one doctor, the other doctor being replaced by a non-medically qualified member of the community?

(3) If so, when are the changes to take place?

Answer—

(1) (2) and (3) The Medical Practitioners (Amendment) Bill, 1981, will provide for the investigating committee constituted under section 27A of the Medical Practitioners Act, 1938, to consist of:

- a stipendiary magistrate as chairman;
- a medical practitioner nominated by the New South Wales Medical Board (not being a member of that Board);
- a medical practitioner nominated by the Minister (not being a member of the New South Wales Medical Board or an officer, servant or commissioner of the Health Commission);
- a person appointed by the Minister (not being a medical practitioner).

Having regard to the possibility that the four members of the committee could be equally divided when arriving at a decision the chairman of that committee would be given a casting, as well as a deliberative, vote.

ANIMAL EXPERIMENTATION

Mr MOORE asked the Minister for Health—

How much New South Wales taxpayers' money was spent on animal experimentation in 1977, 1978 and 1979?

Answer—

The information sought is not readily available and, in view of the detail required its collation would require extensive research and be time-consuming.

In the circumstances, the cost and manpower that would be required to secure information to frame a comprehensive reply would make such an exercise unjustified.

APPOINTMENTS TO THE PUBLIC SERVICE

Mr EGAN asked the Minister for Transport—

(1) What was the classification and salary of each position available to outside applicants advertised by his department and authorities under his administration in June and July, 1980?

(2) What were the duties of, and qualifications and experience required for, each position?

(3) How many applications were received for each position?

Answer—

In respect to the *Ministry of Transport* no positions were advertised in the period mentioned.

(1) to (3) Insofar as the *Department of Motor Transport* (including the Traffic Authority of New South Wales) is concerned, outside applicants were invited to apply for the following positions advertised during June and July, 1980:

Positions advertised during June, 1980

Position—Part-time typist—Kogarah Motor Registry

Salary—\$82.05 per week.

Duties—General typing.

Qualifications—School or Intermediate Certificate, capable of typing at a speed of at least 30 w.p.m.

Experience—Previous clerical experience.

Number of applicants--45.

Position—Maintenance Electrician—Temporary position

Salary—\$235.80 per week.

Duties—Electrical maintenance on Departmental properties.

Qualifications—Licensed Electrician.

Experience—Experience in electrical maintenance work.

Number of applicants—2.

Position—Inspectors: 5 vacancies.

Salary—Range \$10,951 per annum to \$12,026 per annum

Duties—To carry out inquiries and investigate complaints associated with the department's activities, and submit reports and recommendations in connection therewith.

Qualifications—Applicants to be between the ages of 25 and 40 years, of personable appearance, educated to the Intermediate or School Certificate standard and be the holder of a current motor vehicle driver's licence.

Experience—Not necessary.

Number of applicants—38.

Positions advertised during July, 1980

Position—Behavioural Scientist Class 2.

Salary—Range \$16,657 per annum to \$18,478 per annum.

Duties—To take charge of the drink-driving research of the Traffic Accident Research Unit and provide advice and expertise in the area of alcohol and other drugs in relation to traffic safety.

Qualifications—A recognized honours degree in psychology or other area of behavioural science.

Experience—Experience in communications research and the preparation of clear and concise reports.

Number of applicants—3.

Position—Technical Officer/Engineering Assistant.

Salary—Range \$9,973 to \$12,185 per annum, applicants who have successfully completed a Certificate Course are eligible for appointment as an Engineering Assistant with a salary range of \$12,548 to \$13,960 per annum.

Duties—To operate computer programmes to analyse records of traffic accident statistics, participate in traffic engineering field work and assist in the preparation of reports, graphs and charts for traffic accident research projects.

Qualifications—Applicants must have completed, or be near completion of an appropriate Certificate Course conducted through the Department of Technical and Further Education, or equivalent.

Experience—Not necessary.

Number of applicants—9.

Position—Junior Clerk—Cammeray Motor Registry.

Salary—\$143.04 per week for Higher School Certificate holders, \$120.19 per week for School Certificate holders.

Duties—General clerical duties.

Qualifications—Higher School Certificate or School Certificate.

Experience—Not necessary.

Number of applicants—1.

Position—Professional Engineers: 12 vacancies.

Salary—Within the range of \$12,272 and \$22,616 per annum depending on qualifications and experience.

Duties—Within the Traffic Authority Secretariat, the Traffic Accident Research Unit or the Mechanical Engineering Branch of the Department.

Qualifications—Recognized degrees in Mechanical, Civil or Traffic Engineering.

Experience—In Mechanical, Civil or Traffic Engineering.

Number of applicants—18.

Position—Typists—Adult/ Junior: 25 vacancies.

Salary—21 years or over \$192.33 per week. Under 21 years, School Certificate holders \$120.19 per week. Higher School **Certificate** holders \$143.04 per week. In addition, allowances of up to \$435.00 per annum are payable according to the level of efficiency in **typing**.

Duties—General typing within the Department's Head Office, some positions involve relieving in metropolitan and country motor registries.

Qualifications—Typing speed of 30 words per minute or better. Intermediate Certificate standard or better.

Experience—Not necessary.

Number of applicants—45.

Position—Junior Clerks: 15 vacancies.

Salary—\$143.04 per week for Higher School Certificate holders, \$120.19 per week for School Certificate holders.

Duties—Relate to a wide range of functions associated with administering the registration of motor vehicles and the licensing of drivers.

Qualifications—Higher School Certificate or School Certificate.

Experience—Not necessary.

Number of applicants—18.

Insofar as the State Rail Authority is concerned, outside applicants were invited to apply for the following positions advertised during June and July, 1980.

Position—Shorthand/Typists and Typists

Salary—Under 17 years of age—\$4,960 p.a.

at 17 years of age—\$5,682 p.a.

at 18 years of age—\$6,481 p.a.

at 19 years of age—\$7,654 p.a.

at 20 years of age—\$8,413 p.a.

at 21 years of age—\$9,198 p.a.

(with annual increments to \$10,877 p.a.)

Note—Salary of applicants 19 years of age or over qualified in Shorthand at a minimum of 80 words per minute and Typing at 40 words per minute \$9,370 p.a. with annual increments to \$11,379 p.a.

Duties—General secretarial work—taking dictation, typing and clerical functions such as telephone duties and filing.

Qualifications—Shorthand/Typists—Two groups recruited, the first of which were required to possess qualifications in Shorthand at least at 80 words per minute and Typing at 40 words per minute, and the second qualifications in Shorthand at 60 words per minutes and Typing at 40 words per minute.

Typists—Required to possess a Typing speed of at least 40 words per minute.

Experience required—Previous experience desirable in some cases but not essential.

Number of applicants--49.

Position: Professional Civil Engineers.

Salary: \$12,797–\$16,689 p.a. (Appointments made at salaries commensurate with qualifications and experience).

Duties: Track maintenance and contract supervision.

Qualifications: Eligibility to membership of the Institution of Engineers, Australia, in Civil Engineering at graduate level or higher.

Experience required: Preference given to applicants with experience in track or road maintenance, earthworks, drainage, bridges or supervising the use of plant and equipment.

Number of applicants: 7.

Position: Professional Electrical Engineers—4.

Salary: \$12,797—\$16,689 p.a. (Appointments made at salaries commensurate with qualifications and experience).

Duties: Responsible to the Circuit Design and Locking Engineer for the design of railway signalling layouts and circuits and preparation of specifications for railway signalling contracts.

Qualifications: Eligibility to graduate membership of the Institution of Engineers, Australia, in Electrical Engineering.

Experience required: No specific experience stipulated.

Number of applicants: 10.

Position: Professional Mechanical Engineers.

Salary: \$12,797—\$16,689 p.a. (Appointments made at salaries commensurate with qualifications and experience).

Note: Whilst the salaries quoted in the above positions are those applicable at the time press advertisements were placed, these were subsequently increased by the decision handed down in the National Wage Case operative from the 20th July, 1980.

Duties: Responsible to the Engineer, Mechanical and Structural Design, for the design of mechanical signalling equipment, preparation of specifications and checking of mechanical drawings.

Qualifications: Eligibility to graduate membership of the Institution of Engineers, Australia, in Mechanical Engineering.

Experience required: No specific experience stipulated.

Number of applicants—6.

Insofar as the *Urban Transit Authority* is concerned, no positions that would have been available to outside applicants were advertised in June, or July, 1980.

EXPENDITURE IN WAGGA WAGGA ELECTORATE

Mr SCHIPP asked the Premier and Treasurer—

(1) What was the total (a) budgeted and (b) actual expenditure for (c) non-capital purposes and (d) capital works in the Wagga Wagga electorate by Departments, Statutory Instrumentalities or Authorities under his control for each year of the years 1976–77—1979–80, inclusive?

(2) What are the levels of projected expenditure for 1980–81?

Answer—

(1) By the nature of the administration of the Premier and Treasurer expenditures of a capital or non-capital nature that are incurred in respect of State Electoral Districts are necessarily of a limited nature.

However, for the years in question the following capital and non-capital grants were attracted by the Wagga Wagga Electoral District.

Capital Cultural Grant

1980—To Wagga Wagga City Council towards establishment of City Art Gallery—\$124,000.

Non-Capital Cultural and Library Grants

1976–77—\$5,850.

1977–78—\$50,100.

1978–79—\$88,200.

1979–80—\$61,110.

(2) Some applications for assistance in 1980–81 have been received and will be considered in the light of funds available on a State-wide basis.

EXPENDITURE IN WAGGA WAGGA ELECTORATE

Mr SCHIPP asked the Minister for Consumer **Affairs—**

(1) What was the total (a) budgeted and (b) actual **expenditure** for (c) **non-capital** purposes and (d) capital works in the Wagga Wagga electorate by his Department and Statutory Instrumentalities or Authorities under his control for each of the **years** 1976–77—1979–80, **inclusive?**

(2) What are the levels of projected expenditure for 1980–81?

Answer—

(1) Expenditure incurred by the Department of Consumer Affairs in the Wagga Wagga Electorate since July, 1976, to November, 1979, was in the main related to the administration of the Weights and Measures Act, 1915. The Department operated a Weights and Measures Office from Unit 4, 23 Dobney Avenue, Wagga Wagga, with an inspector based at that office.

Budgeted and actual expenditure incurred by the department in respect of this office involved normal recurrent costs associated with salaries, travelling, motor vehicle maintenance and running costs and general stores expenses.

The accommodation occupied comprised a joint leasing arrangement with another government department and in such circumstances individual departments do not meet rental costs.

There was no expenditure of a capital nature incurred by the department in the Wagga Wagga Electorate.

As a government initiative, the department increased its presence in this Electorate on 26 November, 1979, by establishing a District Advice Centre at 45–51 Morgan Street, Wagga Wagga. Additional services were provided

with the operation of a Consumer Claims Tribunal and other functions undertaken include general complaint resolution, debt and credit advice, weights and measures activities, rental advisory service and mediation in disputes on warranties over new and used motor vehicles.

The establishment of this office was increased with the employment of a part-time clerical assistant on 19 November, 1979, **who** is paid a yearly rate equivalent of \$5,679. The inspector based at this **office** received \$13,198 per **annum**.

Rental costs associated with these premises are met by the department and amount to \$11,482 per annum.

The premises used as a former Weights and Measures Office are continuing to be leased on a reduced area basis on the department's behalf for storage of weights and measures equipment.

Since establishment of the District Advice Centre the Department has not undertaken any major capital works projects. Expenditure incurred in respect of the fit out of the **office** are controlled by the Department of Public Works and this may have involved the purchase of some local materials and supplies and the use of local contractors.

(2) Levels of projected expenditure for 1980-81 for non-capital purposes relate to costs of administration of the District Advisory Centre. The department does not budget separately the costs of operation of any office; however, a reasonable assessment is provided by way of assistance:

	\$
Salaries	21,406
Rent	11,482
Travelling	2,100
Motor Vehicles	2,650
Stores, Minor Plant and Equipment	350
Estimated Total	<u>\$37,988</u>

EXPENDITURE IN WAGGA WAGGA ELECTORATE

Mr SCHIPP asked the Minister for Corrective Services—

(1) What was the total (a) budgeted and (b) actual expenditure for (c) **non-capital** purposes and (d) capital works in the Wagga Wagga electorate by his Department and Statutory Instrumentalities or Authorities under his control for each of the years 1976-77—1979-80, inclusive?

(2) What are the levels of projected expenditure for 1980-81?

Answer—

Details of expenditure by the Department of Corrective **Services** in the Wagga Wagga electorate are set out in the following table. As is indicated, details in regard to 1976-78 are not readily available.

				(a) Budgeted	(b) Actual expenditure
(d) Capital works	..	..	..	Nil	Nil
(c) Non-capital—					
				\$	\$
1976–78	..	..	..	Not available	Not available
1978–79	..	..	..	55,800	54,500
1979–80	..	..	..	60,000	62,900
1980–81	..	..	..	70,000	—

BUILDING SOCIETIES

Mr GABB asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) Are there any international conferences held by, or for, people involved in the building society movement?
- (2) If so, are arrangements made for officers of the Departments of Housing and Co-operative Societies to attend these conferences on a regular basis?
- (3) Do these officers take other steps to keep abreast of policy developments overseas in so far as building society activity is concerned?

Answer—

- (1) An international conference is held by the International Union of Building Societies and Savings Associations each third year in a different country.
- (2) The Director of Housing and Co-operatives usually attends these conferences but did not attend in 1980. His overseas visits are subject to financial considerations and whether he is to present papers.
- (3) The Department of Housing and Co-operatives subscribes to such overseas publications as the *United Kingdom Building Societies Gazette* and the *United States Savings and Loan Fact Book*. In addition, the Director is in regular communication with his overseas counterparts.

BUILDING SOCIETIES

Mr GABB asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) What restrictions are placed on the so-called “1901” building societies so far as
 - (a) the level of dividends they pay; and
 - (b) the proportion of funds lent annually that can be lent for purposes other than home purchase?
- (2) Does he have any proposals to alter these requirements?

Answer—

(1) (a) Building societies registered under the Building and Co-operative Societies Act, 1901, are subject to the same restrictions on the level of dividends on share capital as apply to non-terminating building societies registered under the Co-operation Act, 1923, except in respect of shares issued up to 30 June, 1972. At present, the maximum rates of dividend payable in respect of—

(i) shares in the Share Capital issued by a society after 30 June, 1972; and,

(ii) shares in the Share Capital issued by a society before 30 June, 1972, that are withdrawable pursuant to the rules of a society and are transferred after that date,

are as follows—

	Per cent per annum
shares of no fixed term	8
shares of amounts of not less than \$5,000 with- drawable between the following periods—	
not less than 3 months but less than 6 months	9
not less than 6 months but less than 12 months	9.75
not less than 12 months	10.5
shares of amounts of not less than \$500 requiring at least 30 days notice of withdrawal ..	9

(b) "1901" building societies are also subject to the same restrictions as are imposed on non-terminating building societies concerning the proportion of lending that may be advanced on special loans. If the balance outstanding in respect of special loans made by a society at the end of a financial year does not exceed 10 per cent of total loans a society may make special loans of up to 10 per cent of its total lending during the following year. If the outstanding balance of special loans made at the end of a year exceeds 10 per cent but does not exceed 25 per cent of total loans a society is restricted to 2½ per cent in special loans during the following year. If the outstanding balance of special loans exceeded 25 per cent a society cannot make any special loans during the following year.

(2) No.

SINGLE TRACK TRAIN SERVICES

Mr ROGAN asked the Minister for Transport—

(1) How many single track train services are there in the Sydney metropolitan area?

(2) What areas do they serve?

(3) What were the passenger traffic figures for each of those services over the past 12 months?

(4) Are there any proposed works programmes to duplicate any of these services?

(5) On what **cost/benefit** bases have any **such** programmes been implemented?

Answer—

(1) 413.

(2) Kirrawee to Cronulla.
Padstow to East Hills.
 Marayong to Richmond.
 Camellia to Carlingford.
 Camellia to **Sandown**.
 National Park.

(3) Passenger traffic figures for each line based on the number of tickets sold each year are as follows:

Line	Ordinary Tickets	Season Tickets	Weekly Tickets
Kirrawee to Cronulla	1 468 927	1 545	191 999
Padstow to East Hills	739 220	829	172 016
Marayong to Richmond	484 864	219	70 993
Camellia to Carlingford	175 589	251	28 865

(4) Plans are in hand for the duplication of the Cronulla line between stations Gymea and Caringbah.

(5) The study showed that duplication of the section Gymea to Caringbah would result in an improvement to the reliability of services and improved customer satisfaction.

Duplication of other single track sections of the suburban rail system, where **justified**, will receive appropriate consideration in future years in the light of available funds.

GOVERNMENT PUBLICATIONS

Mr SCHIPP asked the Minister for Consumer Affairs—

(1) What publications or posters have been printed since 1 July, 1976, relating to **departments** or authorities within his (or his predecessor(s)) administration?

(2) In respect of each of the publications or posters what was the:

- frequency of publication
- quantity produced
- cost of publication
- date of printing and
- frequency of use of his and/or the Premier's photograph?

Answer—

The information sought is not readily available and, in the view of the detail required, its colation would require extensive research and be time-consuming.

In the circumstances, the cost and manpower that would be required to secure information to frame a comprehensive reply would make such an exercise unjustified.

GOVERNMENT PUBLICATIONS

Mr SCHIPP asked the Minister for Youth and Community Services—

- (1) What publications or posters have been printed since 1 July, 1976, relating to departments or authorities within his (or his predecessor(s)) administration?
- (2) In respect of each of the publications or posters what was the:
 - (a) frequency of publication
 - (b) quantity produced
 - (c) cost of publication
 - (d) date of printing and
 - (e) frequency of use of his and/or the Premier's photograph?

Answer—

The information sought is not readily available and, in view of the detail required, its collation would require extensive research and be time-consuming.

In the circumstances, the cost and manpower that would be required to secure information to frame a comprehensive reply would make such an exercise unjustified.

HOME PURCHASES

Mr WEBSTER asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) How many houses were purchased in the Sydney metropolitan area in the period July, 1979–June, 1980?
- (2) Of this number, what percentage were bought by first-house buyers?

Answer—

- (1) No official statistics are available in the Department of Housing and Co-operatives on total purchases of homes.
- (2) No official statistics are available in that Department on the percentage sought.

HOUSING COSTS

Mr WEBSTER asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) What is the cost of an average house in the Sydney metropolitan area?
- (2) Is this cost higher than that of other capital cities?
- (3) If so, why is this so?

Answer—

(1) The purchase of an average house and land package including home units in the Sydney metropolitan area is estimated at \$74,000 as at September, 1980.

This assessment is based on a review of typical properties sales by the Valuer-General's Department and the medium property sale price established by the Real Estate Institute of New South Wales.

(2) As at September 1980 the medium cost of a house and land as established by the Real Estate Institute of New South Wales was—

Melbourne, \$44,900.

Canberra, \$49,500.

Brisbane, \$38,000.

Adelaide, \$38,000.

Perth, \$41,000.

(3) Since the mid 1970's New South Wales has had a far lower rate of dwelling construction than that of other States, but now has entered into a period of rapid growth, with a very tight housing stock situation.

Skilled labour has already emerged as a constraint on house production.

Planning restrictions are also a factor in the higher cost of land as are higher development standards required by local Municipal and Shire Councils.

A desire by the general public to move into the inner city areas has also been a factor in forcing up all average prices within the metropolitan area of Sydney.

However, the major factor for Sydney's prices being higher than those of other capital cities is the shortage of available serviced residential land.

TAXI DRIVERS

Mr HATTON asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

(1) Is he aware that many co-operatives issue no receipts for payments made by taxi drivers at the end of each shift?

(2) Are unreceipted payments in the vicinity of \$4,000 per day made by taxi drivers to Legion Cabs Pty Ltd?

Answer—

See Answer to Question 494.

LEGION CABS CO-OPERATIVE

Mr HATTON asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

(1) Does the balance sheet of Legion Cabs Co-operative understate revenue from leased cabs?

- (2) If so,
 (a) by how much;
 (b) what was the
 (i) stated and
 (ii) actual income and
 (c) will he take disciplinary action?

Answer—

(1) I am aware that **some** co-operatives do not issue receipts for driver's pay-ins at the end of each shift and the matter is under consideration by the Department of Housing and Co-operatives.

(2) In respect of Legion Cabs (Trading) Co-operative Society Ltd, current figures in respect of unreceipted drivers' pay-ins are not known to the Department but I am informed that the daily average calculated over 365 days in the 1978-79 year was almost \$2,900.

The absence of acquittances for cash paid in by drivers in the normal course is a cause for concern. The management of the society is reluctant, because of the extra costs which would be involved, to provide additional staff "around the clock" to issue receipts to drivers.

Presently, driver's pay-ins are in sealed envelopes which they personally lodge into a night-safe which has been especially designed with a combination and key locking facility requiring two management staff to open. Inspectors of the Department of Housing and Co-operatives consider that these arrangements concerning the custody of cash do provide adequate security. However, when and if the society introduces modern self-serve computerized petrol bowsers operated by a centralized cashier, arrangements could be economically altered to provide drivers with receipts for their pay-ins.

(1) and (2) I am aware that the question posed has been a cause for concern to some members of Legion Cabs (Trading) Co-operative Society Ltd.

The Department of Housing and Co-operatives considers that the operating profit in respect of the society's leased cabs operation has been reported to members on a consistent basis in recent years, notwithstanding that the full amount of gross driver "pay-ins" is not divulged in the published accounts. It has been the practice of the society to disclose in the published accounts a net figure only being gross drivers' "pay-ins" reduced by various direct expenses.

The validity of this accounting treatment is arguable and, as the Department is not satisfied with the lack of full disclosure, it is accordingly pursuing the matter with the board of directors of the society.

TAXICABS

Mr HATTON asked the Minister for Industrial Relations and Minister for Energy—

- (1) Is he aware that co-operatives do not provide to the drivers of lessee cabs a copy of the bailie agreement, and do not execute these agreements?
 (2) Does failure to execute a bailie agreement in such instances mean that the driver is not covered by Workers' Compensation?

(3) If so, will he act, or has he acted, to safeguard the interests of taxi drivers and their families?

Answer—

(1) No, but I am prepared to investigate the circumstances of specific cases upon receipt of relevant details.

(2) This question should properly be directed to the Attorney-General and Minister of Justice who is responsible for the administration of the Workers' Compensation Act, 1926. However, I understand that drivers of the type referred to would be covered by workers' compensation.

(3) I will take any action deemed necessary after an investigation of the nature referred to in (1) above. However, any question of legislative amendment of compensation laws would have to be referred to the Attorney-General and Minister of Justice.

BEGA PRIMARY SCHOOL

Mr HATTON asked the Minister for Planning and Environment—

(1) How many demountables are in use at the Bega Primary School?

(2) What are the planned improvements for this school?

(3) What is the projected time-scale for these improvements to be effected?

Answer—

(1) There are nine (9) demountable classrooms and a demountable administration unit at Bega Public School.

(2) It is anticipated that this project will involve the construction of permanent classrooms and an administration unit. A firm decision as to the overall composition of the work will be made at the time that architectural planning is to commence.

(3) Bega Public School has a priority which places it in the next group of schools scheduled for planning. However, this depends on the availability of funding. Therefore, it is not possible to set an exact date for formal commencement of planning.

POLICE VISIT TO EAST BALMAIN PREMISES

Mr ARBLASTER asked the Minister for Police and Minister for Services—

(1) Were members of the Balmain Police called to premises in East Balmain on the night of 3 November, 1979, to answer a complaint about noise coming from those premises?

(2) If so, did one of the persons present, Rodney Neville Madgwick, behave offensively towards the Police and hinder them in the carrying out of their duties?

(3) What were the facts and circumstances on that occasion? Has action been taken, or are any Court proceedings current, against any person as a result of such actions?

Answer—

- (1) Yes.
- (2) and (3) These matters are currently before the Court.

ALBURY—WODONGA CORPORATION

Mr GREINER asked the Minister for Industrial Development and Minister for Decentralisation—

- (1) What was the reason for the delay in submission of the Annual Accounts of the Albury—Wodonga (New South Wales) Corporation for the year ended 30 June, 1980?
- (2) When were the Accounts submitted to the Auditor-General?
- (3) What were the reasons for the delay?
- (4) Have steps been taken to ensure this situation does not arise in the future?

Answer—

(1) to (4) There has been no delay in submitting the Annual Accounts of the Albury—Wodonga (New South Wales) Corporation for the year ended 30 June, 1980 for audit.

Any seeming delay in the formal processing of the Corporation's accounts arises because of the three Corporation structure of the Albury—Wodonga growth centre and the arrangement whereby the accounts of the Corporations are first examined by the Commonwealth Auditor-General and subsequently by his counterparts in New South Wales and Victoria.

As I understand the situation the Commonwealth Auditor-General carries out all detailed audit work up to the trial balance stage and then reports to the respective State Auditors-General. At that point, each State Auditor-General carries out whatever additional investigations and inspections he may choose in order to satisfy his obligations under the appropriate legislation. In the New South Wales case this is section 28 (3) of the Albury—Wodonga Development Act, 1974.

I have been advised that staff of the Commonwealth Auditor-General's office have completed the detailed audit for 1979—80 but some time is expected to elapse before the Commonwealth Auditor-General's certificate^s are issued and he communicates with his colleagues in New South Wales and Victoria.

BUILDERS LICENSING BOARD

Mr GKEINER asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) Did the General Fund of the Builders Licensing Board have accumulated funds at 30 June, 1980, of approximately \$5 million?

- (2) If so,
- (a) where were these moneys paid to and
 - (b) is it necessary or desirable for the Board to accumulate such large amounts in its General Fund?
- (3) Did the Education and Research Fund of the Builders Licensing Board have accumulated funds at 30 June, 1980, in excess of \$400,000?
- (4) If so,
- (a) to where are such moneys payable and
 - (b) is it necessary or desirable for this Fund to accumulate such large balances?
- (5) Does the General Insurance Fund have assets in the form of cash in Treasury deposits of approximately \$3.9 million?
- (6) If so,
- (a) to where are such funds payable and
 - (b) is it necessary or desirable for this Fund to accumulate such large liquid reserves?

Answer—

- (1) The General Fund of the Builders Licensing Board as at 30 June, 1980, had accumulated funds of \$4,968,198.
- (2) (a) In accordance with section 39 of the Builders Licensing Act, 1971 these funds are held in a specially identified Builders Licensing Board Account within the Special Deposits Account in the New South Wales Treasury.
- (b) It is both necessary and desirable for the Builders Licensing Board to accumulate large amounts to:
- (i) meet future needs and expenditure of a non-recurring or capital nature;
 - (ii) enable transfers to the Board's Education and Research Fund; and
 - (iii) to avoid the necessity to frequently increase licence fees to meet inflationary costs.
- (3) The Education and Research Fund of the Builders Licensing Board had accumulated funds, at 30 June, 1980, of \$439,706.
- (4) (a) These moneys too are held in the Special Deposits Account in the Treasury.
- (b) In order to finance worthwhile projects in the education and research field, it is sometimes necessary to accumulate large balances.
- As at 30 June, 1980, a total of \$404,086 was committed. This commitment is represented by \$350,856 for continuation, up to 1984, of the Group Apprenticeship Scheme financed by the Builders Licensing Board and administered by the Master Builders' Association and \$53,230 for further financial assistance over the next four years to the Building Careers Information Centre conducted by the Australian Institute of Building.
- (5) The General Insurance Fund had investments of \$3,604,723 on interest bearing deposit within the Special Deposits Account in the Treasury.

- (6) (a) Accumulated funds of the General Insurance Fund are included in funds deposited in interest bearing Special Deposits Account in the Treasury. As at 30 June, 1980, the accumulated funds totalled \$1,639,366.
- (b) It is both necessary and desirable for this fund to be represented by large liquid reserves.

Under the consumer protection insurance provisions of the Builders Licensing Act and related House Purchasers Agreement, the Board can be called upon to accept claims for a period of seven years after the building work has been completed. As the scheme has been in operation for only $7\frac{1}{2}$ years, there is insufficient history on which to make firm decisions as to the adequacy of reserves. Accordingly, a conservative approach is adopted.

The liability flowing from the House Purchasers Agreement was initially wholly underwritten by the Government Insurance Office and others. The Builders Licensing Board, when confronted with escalating premiums for re-insurance took a policy decision to gradually increase the percentage of risk accepted from the Board's own finances. Thus, as from 1 July, 1978, the Board accepts 10 per cent of the risk itself and as from 1 July, 1979, 25 per cent. Of the reserves invested with the Treasury as at 30 June, 1980, an amount of \$988,011, was payable to the Board's insurance underwriters.

HANDICAPPED CHILDREN

Mr MOORE asked the Minister for Health—

(1) How many physically or mentally handicapped children were placed in residential care and convalescent homes, principally occupied by elderly people, in

- (a) 1977,
(b) 1978 and
(c) 1979?

(2) How does this compare with each of the other States and Territories?

Answer—

The information sought is not readily available and, in view of the detail required, its collation would require extensive research and be time-consuming.

In the circumstances, the cost and manpower that would be required to secure information to frame a comprehensive reply would make such an exercise unjustified.

JURY SERVICE

Mr MOORE asked the Attorney-General and Minister of Justice—

- (1) How many citizens have been called up for jury service on more than
(a) four occasions,
(b) three occasions,

(c) two occasions and

(d) one occasion, since 30 June, 1979?

(2) During that period, how many people from the roll of potential jurors have not been called up at all?

(3) What is the size of the roll of potential jurors?

(4) Do safeguards exist to prevent persons being repeatedly called up for jury service whilst others are never required?

Answer—

(1) (a) and (b) So far as I am aware no persons have been called at the frequency stated since the commencement of operation of the Jury Act, 1977, in any jury district. I am not aware of any persons having been called more than four times or more than three times since 30th June, 1979, in any jury district in New South Wales.

(c) So far as I am aware, only in the Sydney jury district have jurors been summoned on more than two occasions since the application of the Jury Act, 1977. It is not possible to quantify the number of persons called on more than two occasions since 30 June, 1979.

(d) So far as I am aware, every juror in Sydney has been called up at least twice since 18 September, 1978. As at 21 October, 1980, 17 443 jurors from the Sydney roll had received their third, and last, jury summons since 18 September, 1978.

Figures are not available with respect to other jury districts.

(2) Every person on the Sydney jury roll has been called up at least once since 30 June, 1979.

(3) As at 25 August, 1980, the date of the last statistical survey of the Sydney jury roll, there were 48 343 potential jurors.

There are 71 other jury districts in New South Wales, each with its own jury roll.

(4) So far as I am aware, and with the exception of the Sydney jury district, no jurors have been called up repeatedly anywhere in New South Wales since the application of the Jury Act, 1977.

The safeguards existing against undue frequency of calls are, firstly, that any juror now enrolled on a current jury roll may claim exemption from inclusion in the next.

Additionally, no juror is called more than once until every other juror on the roll has been called at least once. It is not possible, therefore, for one person to be repeatedly called for jury service whilst others remain uncalled.

The present demand on the Sydney jury roll is not equalled anywhere in New South Wales, and Sydney jurors will be called only three times during the three-year life of that particular jury roll.

The present system gives every indication of working extremely well. It should not be confused with the system which existed before the new Jury Act was introduced and applied, when repeated enrolment and repeated calling were commonplace, particularly in Sydney.

MATERNITY LEAVE ACT

Mr MOORE asked the Minister for Industrial Relations and Minister for Energy—

As he agreed during debate on the Industrial Arbitration Act, that a separate Maternity Leave Act was desirable, can he give any indication of when it will be introduced?

Answer—

It was realized, when the Maternity Leave legislation was introduced in April, that in all likelihood problems would arise with its implementation.

Such problems would need to be monitored over time. Any minor amendments to the Act seen as being necessary would then be made to facilitate its smoother operation.

Sufficient time has not elapsed since April 1980 to allow detailed monitoring to occur. Therefore it would be premature, at present, to reproduce the current Maternity Leave provisions in a new Maternity Leave Act.

However, after the current provisions have been in force for some time, it will be desirable for a separate Maternity Leave Act to be introduced.

ELECTRICITY CHARGES

Mr ROZZOLI asked the Minister for Industrial Relations and Minister for Energy—

(1) Do accounts, issued by the Sydney County Council and other electricity supply organizations after a rise in tariffs, have that rise charged over the whole of the meter reading period, rather than *pro rata* over that period relative to the period at the increased charge, compared to that at the old charge?

(2) As all other forms of supply of goods and services have retrospective price increases banned, is he acting to prevent all electricity consumers being treated in this fashion?

Answer—

(1) Yes. Electricity supply undertakings in New South Wales do apply electricity price increases in the manner indicated. This is known as retrospective billing and the problems inherent in this method have long been recognized in the electricity supply industry. The various alternatives available are listed hereunder with appropriate comments.

- (i) *Read all meters on the day of the tariff increase.* This is the ideal solution but it would mean doing in one day what normally and satisfactorily is spread over three months. The Sydney County Council, for example, has nearly a million customers and the impracticability of reading all these meters on one day can be readily appreciated.
- (ii) *Pro rata basis.* Accounts could be estimated *pro rata* to the number of days that the new tariff applies in the accounting period. Some supply authorities have in fact tried this in the past but have reported that the additional cost involved, which must of course be met by the customers, was often greater than the adjustments being effected. Furthermore, because the consumption is estimated and not related to the pattern of usage, this produces further complaints from customers who, for various reasons such as absence on holidays, claim that the estimate is incorrect. Such averaging would be merely an assessment or arbitrary approximation and could result in providing incorrect consumption figures in the periods before and after the specified date.

The pattern of consumption varies greatly with the individual customer from year to year, season to season, his presence on the property for certain periods of the billing cycle, or usage of new or existing appliances at different times. At Christmas or other holiday seasons many customers are absent from their homes for lengthy periods. Commercial and industrial customers could have a totally different pattern of supply due to the closing of factories and offices. Many customers could have a dramatic change in their electricity consumption arising purely from abnormal weather fluctuations.

- (iii) *Prior Notice.* Some undertakings give three months' notice or whatever the normal billing period happens to be. This still does not eliminate the anomaly of different customers paying **different** rates for electricity used at the same time but it does enable the customer, if he so desires, to exercise control over his electricity usage at the higher rate. It has been recognized, however, that since the purpose of tariff increase is to recoup more revenue, any deferment of this increase by three months results in an accumulating deficit by the undertakings which could necessitate an even higher tariff increase.

(2) No. The impossibility of reading all meters on the same day must be recognized and therefore the alternatives reduce themselves to (ii) and (iii) above. Because of the many conflicting factors involved, it does not seem desirable to make either method mandatory on all of the individual undertakings in the State. Retrospective billing has been adopted as the most consistent and simple method of charging customers for electricity consumed by them in the metering period just elapsed. As discussed above, alternative methods are either inequitable or ultimately more costly to the consumer in many cases.

Electricity councils are autonomous bodies whose responsibilities under the Local Government Act require them to supply electricity as cheaply as possible while operating without financial loss.

CORONIAL INQUIRIES

Mr HATTON asked the Attorney-General and Minister of Justice—

- (1) Can a **coronial** inquiry not compel witnesses to give evidence which may incriminate them?

- (2) If so, did this prevent witnesses and potential witnesses from giving evidence, answering questions or being cross-examined at the Azzopardi coronial inquiry?
- (3) Were Chris Raper and George Christos (also known as George Christopoulos) two such people?
- (4) What were the names of other witnesses similarly placed?
- (5) What persons or organizations have made requests to him for a judicial inquiry?
- (6) As a judicial inquiry is the only effective method of obtaining a full inquiry into this matter, will he grant Mr Azzopardi a judicial inquiry?
- (7) If not, why not?
- (8) Were the full records of the history of Sergeant Jones not presented at the coronial inquiry?
- (9) Was this the case also for George Christos and others who gave evidence on behalf of Sergeant Jones?
- (10) Are there any records held within the police computer concerning the history of vehicles previously owned by Sergeant Jones?
- (11) If so, what are the details?

Answer—

- (1) The Coroners Act, 1980, provides that a coroner holding an inquest or inquiry is not bound to observe the rules of procedure and evidence applicable to proceedings before a court of law. Section 33 does, however, provide that no witness shall be compelled to answer any question which criminate him or tends to criminate him of any offence.
- (2) A witness declined to give evidence under section 33, however, the honourable member will appreciate I am unable to comment upon whether potential witnesses would have been placed in this situation.
- (3) and (4) Within the constraints imposed by limitations on time and personnel resources within my Department, I am able to state that the transcript of proceedings of the Coronial Inquiry numbering 1 201 pages has been examined and that Mr Raper and Mr Christos were not two such people. It appears that Mr Azzopardi was the only witness who availed himself of the provisions of section 33 of the Coroners Act.
- (5) The subject matter of private correspondence between members of the public and myself, as Attorney-General, is confidential as is the name of any person who signs such correspondence. I do not intend to breach the normal principles of privacy which are upheld in our community by answering this question.

(6) Already there have been two inquiries into the matter to which I presume the question relates, that is, a fire at premises occupied by Mr Azzopardi. I am not of the opinion any further inquiries into this matter are warranted. As to whether an inquiry of another nature is warranted concerning matters other than the fire, I have not been presented with evidence or information which would warrant such a decision.

(7) See (6).

(8) The Coroner allowed Sergeant Jones' personal Police record to be presented to the inquiry.

(9) The Coroner directed Mr Christos to answer a question relating to his private life, however, the evidence presented to the inquiry can not be divulged in view of the Coroner's direction that such evidence should not be released for publication.

(10) These records do not come within my Ministerial control.

(11) See (10).

RAILWAY SERVICES

Mr R. J. CLOUGH asked the Minister for **Transport**—

(1) In view of its importance, why was it necessary for the St Marys–Rooty Hill suburban lines to be closed for 9 months for the Ropes Creek Bridge and isolated line to be demolished and re-constructed?

(2) Were there any periods when work on this project stopped completely?

(3) If so, for how long and for what reason?

(4) Why is it necessary for the Doonside–Rooty Hill tracks to be closed for the erection of the Eastern Creek and Angus Creek bridges for a period of 14 months?

(5) Have there been any periods when work on this project stopped completely, or will stop completely?

(6) If so, for how long and for what reason?

(7) In view of the Government's intention to quadruplicate the line between Doonside and St Marys to improve services to the Blue Mountains and outer western suburbs, will he act to expedite the return to service of the Doonside–Rooty Hill tracks?

(8) From a possible 35 months of service, will the inside tracks in either or both sections between Doonside and St Marys have been out of service for 23 months, for two relatively simple engineering matters?

Answer—

(1) Construction programme provided for new (outside) tracks to be operating prior to closure of inner tracks for bridge reconstruction. There was no reduction in operating facilities. It is not economical or practical to renew these bridges and resurface the track under operating conditions without severe traffic interference. The 9 months was a realistic time for work involved.

(2) and (3) No.

(4) Similar comment to (1) applies. In addition to bridge works extensive regrading at Eastern Creek and piled support of outside tracks was involved. These tracks were closed in April 1980 and will be reopened in April 1981.

(5) and (6) No.

(7) Action is being taken to expedite commissioning of the final stage of quadruplication which will provide four operating tracks between **Doonside** and Rooty Hill. Civil works have been practically completed and wiring of signalling equipment, relay huts, etc., will be completed in March 1981. Restoration of temporary trackwork at either end of the section, together with final track surfacing and overhead wire adjustment, is programmed for commissioning of down track at the end of March 1981 and up track early April 1981.

(8) The section of track referred to in Questions 1 and 4 are expected to have been out of service for a total period of approximately 21 months.

By completion of those projects, the periods that each section of track has been out of action will have coincided with programmed transfer of services to newly constructed tracks, thus causing minimal interference to passenger services. The quadruplication works also involve erection of overhead wiring and alterations to signalling. The work, therefore, requires co-ordination of a large number of different engineering groups and the activities of each has had to be co-ordinated with commitments to many other projects in what is a mammoth capital works programme. The limitations of labour and engineering resources do not permit the western quadruplication to be accelerated at the expense of electrification, signalling, track upgrading and train depot modernization in other areas. This staged programme did not extend the total project time.

HEALTH FUNDING

Mr KEANE asked the Minister for Health—

What was the level of federal and state Government funding in New South Wales in each year 1974–1980 inclusive (with State funds expressed in dollars as well as percentage of the total funding) for the following:

- (a) State operated (Health Commission) Community Health Centres and
- (b) voluntary agency operated Community Care Centres?

Answer—

Attached is a table detailing the level of Federal and State Government funding in New South Wales from 1973–74 to 1980 inclusive (with State funds expressed in dollars as well as percentage of the total funding) for:

- (a) State operated Community Health Centres.

(b) Voluntary Agency Operated Community Care Centres

	Commonwealth Contribution	State Contribution	Total	Per cent State Contribution of Total	Commonwealth Contribution	State Contribution	Total	Per cent State Contribution of Total
	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000	
1973-4	2,289.3	..	2,289.3	..	2,704.9	..	2,704.9	..
1974-5	11,875.6	2,087.2	13,962.8	14.95	974.3	..	974.3	..
1975-6	20,442.8	3,111.9	23,554.7	13.21	1,864.6	..	1,864.6	..
1976-7	28,255.3	3,850.6	32,105.9	11.99	1,804.2	*78.4	1,882.6	4.16
1977-8	27,471.3	9,523.9	36,995.2	25.74	2,412.2	†624.2	3,036.4	20.56
1978-9	10,081.7	18,081.7	36,163.4	50.0	2,121.4	‡855.6	2,977.0	28.74
1979-80	19,567.8	19,567.8	39,135.6	50.0	2,375.7	§940.9	3,316.6	28.37
1979-80	¶220.1	..	220.1	..	..	..	..	..

* Includes \$35,000 paid by Youth and Community Services for Women's Refuges.

† Includes \$320,000 paid by Youth and Community Services for Women's Refuges.

‡ Includes \$342,000 paid by Youth and Community Services for Women's Refuges.

§ Includes \$374,300 paid by Youth and Community Services for Women's Refuges.

¶ Relates to ethnic health workers and interpreter services funded by the Commonwealth in 1979-80 at 100 per cent.

(b) Voluntary agency operated Community Care Centres.

The Commonwealth Funding Percentage Contribution from 1973-74 is as follows:

						<i>Operating</i> %	<i>Capital</i> %
1973-74	..	..	..	..	..	100	100
1974-75	..	..	..	..	..	90	75
1975-76	..	..	..	..	..	90	75
1976-77	..	..	..	..	..	90	75
1977-78	..	..	..	..	..	75	75 (1)
1978-79	..	..	..	..	..	50	50
						75 (2)	50 (2)
1979-80	..	..	..	..	..	50	50
						75 (2)	50 (2)
						100 (3)	100 (3)

(1) 23 per cent of capital expenditure was funded by the Commonwealth at 50 per cent.

(2) relates to Women's Refuges only.

(3) relates to Ethnic Health Workers and **Interpreters/Translator** Services.

The Commonwealth contribution in 1973-74 was \$2,289,300 and increased to \$28,255,300 in 1977-78. From this year the Commonwealth contribution has decreased.

RAILWAY CROSSING FOR SUTHERLAND

Mr KEANE asked the Minister for **Transport**—

(1) **What** progress has been made in planning another crossing of the railway line at Sutherland?

(2) Will the crossing be an overpass or underpass road?

Answer—

(1) The Department of Main Roads has investigated a proposal for a new crossing of the railway line in the vicinity of Sutherland Station. From a planning viewpoint the crossing would be on the line of The Grand Parade.

(2) The proposal provides for the construction of a railway overbridge, which will also span Toronto Parade and East Parade. Unfortunately, it is not possible at this stage, to indicate when the work can be programmed. However, the position is being kept under close review.

WORONORA ELECTORATE SEWERAGE

Mr KEANE asked the Deputy Premier, Minister for Public Works and Minister for **Ports**—

(1) Which areas in the Sutherland Shire section of the Woronora electorate remain to be connected to sewer mains?

- (2) Do plans exist for these connections to take place?
- (3) When is it anticipated that this work will be effected?

Answer—

(1) Those sections of the Woronora Electorate in the Sutherland Shire still to be provided with sewerage facilities are located at Prince Edward Park, Menai, Woronora Heights and isolated pockets at Como, Caravan Head and Sandy Point.

(2) Reticulation of the Prince Edward Park Areas is approved for commencement in the Metropolitan Water Sewerage and Drainage Board's current **1980-81** Construction Programme.

The major works for the sewerage of Menai and Woronora Heights already exist and reticulation is to be financed by developers as required. Several sewage pumping stations will be required in both localities, but these cannot be proceeded with until the planning processes for the areas are completed. It is not expected that provision of these pumping stations will delay development.

The unsewered pockets at Como and Caravan Head have been investigated for a feasible scheme to provide facilities, but all schemes so far considered are extremely expensive and such expenditures could not be justified. An investigation is proceeding into the sewerage of Sandy Point and the feasibility of the scheme is expected to be known within the next few months.

(3) The sewerage of the Prince Edward Park locality is expected to be completed during the Metropolitan W. S. & D. Board's **1982-83** Programme, subject to availability of finance.

The sewerage of Menai and Woronora Heights will proceed as required by developers.

It is not known when facilities can be provided to the isolated unsewered pockets at Como and Caravan Head. The Metropolitan W. S. & D. Board is currently investigating alternative pumping **schemes** and should these prove feasible, further investigations of these two localities **will** determine whether an acceptable level of costs can be achieved.

Investigation into the sewerage of Sandy Point is proceeding. Should an acceptable scheme be arrived at, construction could be programmed within the next five years.

DISABLED PERSONS

Mrs FOOT asked the Premier and Treasurer—

(a) How many disabled persons are employed and (b) what has he done to improve their level of employment, in departments or statutory instrumentalities under his control?

Answer—

- (a) 42.
- (b) My Government is most conscious of its responsibility to improve the level of employment of disabled **persons**.

Until the latter part of 1980 there existed a position of Special Placements Officer at the Public Service Board and, through that position, some twenty-seven disabled persons were placed in various areas of the Public Service.

Moreover, the position has recently been reviewed and a new, and more senior position, of Special Policy and Placement Officer (Disabled Persons), has been created to administer this important area. The new position is expected to be filled shortly.

A number of new initiatives are proposed to assist in improving their level of employment. These will include:

The preparation and promulgation to all Departments and Declared Authorities of a general policy, and associated guidelines, for the employment of disabled persons within the Public Service.

Requests to Departments to make special efforts to identify positions for the disabled.

The writing of a "Handbook for the Employment of Disabled People" to give guidelines on a number of areas including:

- interviewing of disabled persons
- job design/task analysis
- sources of technical advice
- sources of specialized counselling, and
- training requirements for management and supervisors.

Special schemes will be developed for training and employment of the disabled.

As well, as this is the International Year of Disabled Persons, the Public Service Board has representation on the State Steering Committee that has been established to administer activities during the Year, as it has on the Steering Committee's sub-committee on employment.

I am confident that the action proposed will greatly facilitate the efforts of the Government in providing employment opportunities within the Public Service for the disabled.

DISABLED PERSONS

Mrs FOOT asked the Minister for Transport—

(a) How many disabled persons are employed and (b) **what** has he done to improve their level of employment, in departments or statutory **instrumentalities** under his control?

Answer—

So far as the Departments and Statutory Instrumentalities under my control are concerned:

Ministry of *Transport* (including the State Transport Study Group of **N.S.W.**)

- (a) No disabled persons are employed.
- (b) Not applicable.

Department of Motor Transport

(a) 3.

- (b) The 3 persons in (a) above were employees of the Department when they became disabled. Structural alterations have been made to permit them to continue their employment, and normal promotional prospects have not been withheld.

State Rail Authority and Urban Transit Authority

(a) 2 680 persons are employed who have medical restrictions which necessitate them being placed on selected duties, and

- (b) Each disabled person is counselled with a view to placing him in the most suitable available position that his disability will permit and his case is reviewed throughout the period of such disability by Medical and Placement Officers in an endeavour to rehabilitate him both mentally and physically and restore him to his normal duties or provide for him otherwise in a position most suitable to his capabilities.

This extensive Medical Placement activity has been ongoing for many years.

The numbers and nature of disabilities involved are so widespread having regard to the multiple functions within the Authorities that each case has to be treated individually.

DISABLED PERSONS

Mrs FOOT asked the Attorney-General and Minister of Justice—

- (a) How many disabled persons are employed and (b) what has he done to improve their level of employment, in departments or statutory instrumentalities under his control?

Answer—

- (a) It is not the policy of my administration to keep detailed and specific statistics on the number of disabled persons employed or the nature of their disabilities.

However, as a result of the honourable member's question, inquiries within my administration reveal that there are fourteen officers who suffer disabilities of varying degrees of severity.

- (b) The channels of promotion available to all employees are available to disabled persons and every encouragement is given to such persons to ensure they are able to play an effective role consistent with their individual capacities and qualifications.

DISABLED PERSONS

Mrs FOOT asked the Minister for Industrial Relations and Minister for **Energy**—

- (a) How many disabled persons are employed and (b) what has he done to improve their level of employment, in departments or statutory instrumentalities under his control?

Answer—

- (a) There are no disabled persons at present employed in my department or in statutory bodies under my control. The head office of the Department of Industrial Development and Decentralization is situated in leased premises which have little or no facilities to meet the special requirements of disabled persons. Nevertheless, I would emphasize that applications from such persons for employment within my administration receive the fullest consideration under the policy of equal employment opportunity applicable within the Public Service.
- (b) See (a) above.

DISABLED PERSONS

Mrs FOOT asked the Minister for Police and Minister for Services—

(a) How many disabled persons are employed and **(b)** what has he done to improve their level of employment, in departments or statutory instrumentalities under his control?

Answer—

Government Stores Department

- (a) One.
- (b) This person was originally employed to assist in the day to day duties of the technical staff employed at the Department's Technical Services Branch. He was involved in performing minor repairs to basic electronic equipment serviced by the Department and was encouraged to enrol in the Radio Trades Course at Sydney Technical College. This proved unsuccessful as he was unable to cope with the required technical studies. He has, however, since been given the opportunity to perform minor clerical duties and is now employed almost full-time as a Clerical Assistant assisting the Training Officer with the technical "library".

Police Department

- (a) 16 Public Service staff and 9 Police.
- (b) Whenever possible and depending on the degree and nature of the disability, disabled Public Service staff have the same career and promotional opportunities as able-bodied staff. All disabled Police are fully employed insofar as they receive their full salaries and their level of employment is maximal.

Government Printing *Office*

- (a) 10.
- (b) Vacancies offering promotional opportunities within the Government Printing Office are advertised additional to those in the Public Service Notices and/or newspapers by way of circulars made available to **all** staff. In this way, all interested personnel are given equal opportunity to apply for promotional positions. Disabled persons presently employed were selected on their ability to satisfy the requirements of their respective positions and no special consideration was given to their disabilities in this regard.

DISABLED PERSONS

Mrs FOOT asked the Minister for Health—

(a) How many disabled persons are employed and (b) what has he done to improve their level of employment, in his department or statutory instrumentalities under his control?

Answer—

- (a) The information sought is not readily available and in view of the regionalized nature of the health services in this State and the large number of employees under my administration, it would require extensive research and be time-consuming. In the circumstances, the cost and manpower that would be required to secure information to frame a comprehensive reply would make such an exercise unjustified.
- (b) The Health Commission of New South Wales adopts the policy of the Public Service Board in its Manual dated September 1979, in respect to the employment of handicapped persons. This policy is outlined below:

157. The New South Wales Government recognizes the need to provide employment opportunities for the mentally and physically handicapped. The Public Service, as the major State Government employer, seeks to employ as many people in this category as is possible, bearing in mind the needs of the Service.

158. To implement this policy, departments should continually explore possibilities for the employment of the handicapped. They must share in the State's responsibility to meet the needs of the handicapped. Sympathetic consideration in such areas as placement, supervision, etc., must be practised to enable absorption into the workforce.

159. There are times when the handicapped require special facilities and aids such as handrails, ramps, elevators, special toilet facilities, etc., and Departments should bear these needs in mind when acquiring new premises or renovating or extending existing accommodation.

DISABLED PERSONS

Mrs FOOT asked the Minister for Mineral Resources and Minister for Technology—

(a) How many disabled persons are employed and (b) what has he done to improve their level of employment, in departments or statutory instrumentalities under his control?

Answer—

- (a) It is not possible to determine how many persons are disabled to a minor extent; however, there are three persons who suffer major disabilities employed within the Department and statutory instrumentalities.
- (b) Each person mentioned has opportunities to advance within the Service and has been encouraged in this quest by personal counselling and attendance at Inter-Departmental staff development courses. Every assistance is given to them in regard to transport arrangements and in the performance of their duties.

DISABLED PERSONS

Mrs FOOT asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

(a) How many disabled persons are employed and (b) what has he done to improve their level of employment, in his departments or statutory instrumentalities under his control?

Answer—

Housing Commission

- (a) The Housing Commission has seven (7) disabled persons on its staff.
- (b) In answering this question, it is pertinent to state that the Public Service Board has a specific policy concerning the employment of handicapped persons and it is part of this policy that such employees are fitted into the Service and accepted, for the most part, as normal employees. Accordingly, so far as the Commission is concerned, these employees are afforded the same opportunities as other staff in the Commission's employ.

Several of the employees concerned have now had many years' service with the Department, and in three cases employees have gained promotions in recent years.

Builders Licensing Board

- (a) Two disabled persons.
- (b) The two disabled persons referred to above are a telephonist who suffers from total blindness and a typist with a 90 per cent hearing disability.

For some years, positive action has been taken to fill the position of telephonist with a disabled person and the last three occupants of this position have had only minimal vision or been totally blind.

The typist referred to above has been in the Board's employ only since August, 1980. Whilst no deliberate attempt was made to fill this position with a disabled person, the Builders Licensing Board was made aware of her availability for employment by the officer at the Public Service Board's Recruitment Division responsible for placing handicapped persons and was happy to co-operate with that officer in arranging for her employment.

The majority of persons employed by the Board from outside the Public Service are at the base grade level and are obtained through the Recruitment Division of the Public Service Board. The Builders Licensing Board has indicated by its actions in the past that it is always willing to employ handicapped persons when available, provided they are capable of performing the duties of positions concerned.

Land Commission

- (a) At present no disabled persons are employed by the Land Commission.
- (b) In all cases where vacant full-time positions on the establishment of the Commission are advertised, selection is based on efficiency as defined in Section 62 of the Public Service Act, 1979.

Department of Housing and Co-operatives

- (a) Nil.
- (b) Not applicable.

CORRECTIVE SERVICES STAFF

Mr HEALEY asked the Minister for Corrective Services—

- (1) Did Dr Vinson seek an increase in Corrective Services staff of 735 people?
- (2) Is this staff needed to implement some of the promises made by Dr Vinson?
- (3) Is the increase in staff only to be of the order of 150 people?
- (4) How will the Nagle report recommendations be implemented without adequate staff?

Answer—

- (1) On 9 May, 1980, a detailed submission was made to the Premier's Department seeking an increase of 745 positions in the Department's staff numbers.
- (2) No. The additional staff was sought to enable the Corrective Services Commission to implement in full the recommendations of the Royal Commission into the New South Wales prison system.
- (3) Staff numbers for the Department of Corrective Services were increased by 200 in the recent State Budget.
- (4) The **large** increase in staff requested by the Corrective Services Commission **reflects—**
 - (a) the number of positions necessary to fully implement policies and initiatives arising from the **Royal Commission** into New South Wales prisons; and
 - (b) the extent to which the resources of the Department had been permitted to run down.

The increase of 200 positions in the 1980–81 Budget is a clear indication of the Government's commitment to reforming the prison system in a planned and systematic manner.

RYDE BRIDGE

Mr MASON asked the Minister for Transport—

- (1) Do current traffic levels on the Ryde Bridge and its approaches exceed desirable levels by as much as 50 per cent?
- (2) Do the traffic flow levels exceed nominal road saturation by significant levels at various times of the normal week-day traffic pattern?
- (3) If so, when and at what levels is this over-saturation reached?

Answer—

(1) No.

(2) Yes.

(3) The desirable levels of traffic flow are exceeded during the morning and afternoon weekday peak periods. At these times, the desirable levels are exceeded by about 47 per cent in the direction of major flow for which two lanes are available and about 30 per cent in the opposite direction which is served by one traffic lane.

The Government has recognized the need to effect improvements and my colleague the Hon. H. F. Jensen, M.P., Minister for Local Government and Roads, who has responsibility in this matter, has already announced that the road bridge at Ryde is to be duplicated. In this regard Mr Jensen advises that preliminary action including foundation test boring is in hand.

ALLOCATIONS TO LOCAL COUNCILS

Mr HATTON asked the Minister for Sport and Recreation, Minister for Tourism and Assistant Treasurer—

(1) Was \$4.2 million allocated to local councils for sporting and community groups?

(2) Were applications worth \$54 million received?

(3) As the soccer pool revenue is falling and other gambling revenue increasing, will the Government divert revenue from these other gambling sources into the Sport and Recreation Fund?

Answer—

(1) \$4.2 million was allocated to local councils and sporting associations under the 1980-81 Capital Assistance Programme.

(2) Applications worth \$57 million were received.

(3) The Government has shown evidence of its desire to take steps to ensure that falling soccer pool revenue does not disadvantage the development of sport and recreation in this State by allocating an additional \$2 million to my Department of Sport and Recreation in the 1980-81 Budget. This is in line with the assurance given by the then Treasurer, the Hon. J. B. Renshaw, when he spoke on the introduction of Lotto in N.S.W.

REPORTS OF DEPARTMENTS AND STATUTORY AUTHORITIES

Mr SCHIPP asked the Premier and Treasurer—

(1) What accounts of departments and statutory authorities in the financial year 1978-79 were not available to the Auditor-General six months after the end of that year?

(2) Has action been taken as a result of the Auditor-General's recommendations at page 359 of the recent annual report in regard to the need for Government accounts to be made available more quickly to the Auditor-General?

Answer—

(1) Departmental accounts are part of the Treasurer's Public Accounts which were presented to the Auditor-General within the time prescribed in the Audit Act and subsequently presented to Parliament on 27 September, 1979.

The Auditor-General's report for 1978-79 listed, at page 354, the accounts which had not been received in time for inclusion in that report. All of those accounts had been received in time for publication in the 1979-80 report.

(2) The comments contained in the Appendix at page 359 of the Auditor-General's report for 1979-80 follow comments on page 15 which indicate that the Auditor-General himself with the co-operation of the necessary statutory authorities will be taking action on the timeliness of the presentation of accounts.

It is expected that the work of the Joint Committee upon the Public Accounts and Financial Accounts of Statutory Authorities and the Working Party of Departmental Officers (which includes a representative of the Auditor-General) will result in recommendations which should result in improvements to the timeliness as well as the format of final accounts and annual reports.

FIRE RESTRICTIONS

Mr MOORE asked the Minister for Police and Minister for Services—

(1) Did he say on 27 February, 1980, that a police investigation had been ordered into wilful breaches of an extreme fire warning by organizers of a Labor Party barbeque in the federal electorate of Lowe on 16 December, 1979?

(2) Was Mrs Jan Burnswood, the Labor candidate for Lowe, one of the perpetrators of the breaches?

(3) Have prosecutions been initiated in this matter?

(4) If not, why not?

Answer—

(1) Inquiries have revealed that no such function was held on 16 December, 1979. However, Police investigated a complaint about a barbeque held at Queen Elizabeth Park, Concord, on 2 December, 1979, during a total fire ban.

(2) No. Police consider there is insufficient evidence to implicate Mrs Burnswood with the lighting or operation of the barbeque.

(3) No.

(4) Because of the absence of evidence implicating persons who lit, maintained or used the fire in breach of the Bush Fires Act.

J. AND ANTONIA BRUSCINO

Mr HATTON asked the Attorney-General and Minister of Justice---

(1) As

- (a) J. and Antonia Bruscano were convicted of conspiring to import 7.2 **kilogrammes** of heroin with a street value of over \$5 million;
- (b) Judge **Redapple** described them as drug commanders;
- (c) sentences imposed were of 15½ years and 12½ years respectively;
- (d) the non-parole periods were specified as 5½ and 43 years respectively and
- (e) the maximum sentence for such offences is 25 years,

does he consider the non-parole periods adequate considering the gravity of the offence and the nature of the drug?

(2) If not, can he intervene?

(3) If he cannot, will he amend the Crimes Act to allow intervention in such cases by the Crown in respect of non-parole periods?

(4) In such cases, will the Government consider legislation to provide for a minimum non-parole period of ten years?

Answer—

(1) The accused in question were charged and convicted of conspiracy to import heroin, contrary to the provisions of section 233B (1) (b) of the Commonwealth Customs Act. The prosecution was conducted at all times by the Commonwealth Crown Solicitor and it is not appropriate for me as Attorney-General for New South Wales to make any comment on the proceedings.

(2) Under the Criminal Appeal Act, 1912, the N.S.W. Attorney-General may appeal against sentence to the Court of Criminal Appeal where an accused is convicted on indictment of a State offence.

As these were Commonwealth prosecutions any question of appellate action in respect of the sentences imposed is a matter for the Commonwealth authorities.

(3) Not applicable.

(4) Not applicable.

PENSIONER FARES

Mr WEST asked the Minister for Transport—

(1) What is the pensioner fare between:

- (a) Orange and Bathurst
- (b) Orange and Lithgow
- (c) **Bathurst** and Lithgow and
- (d) Lithgow and Sydney?

(2) Why can State Rail Authority Pensioner Excursion tickets not be bought on the western line west of Lithgow?

(3) Can arrangements be made for these excursion tickets to be purchased on the station at Lithgow, particularly for pensioners arriving in Lithgow on other rail services?

Answer—

- (1) (a) Economy Single \$1.30.
(b) Economy Single \$2.55.
(c) Economy Single \$1.30.
(d) Economy Single \$2.50.

Return fares, double single fare. On Saturdays, Sundays, Wednesdays and Public Holidays a Pensioner Excursion ticket is available from Lithgow to Sydney at a cost of ninety cents.

(2) State Rail Authority Pensioner Excursion tickets are issued for travel wholly within the Sydney Suburban or Newcastle Suburban Area or between the Sydney Suburban and Outer Metropolitan Areas or vice versa. The Outer Metropolitan Area is bounded by the following stations—Wyee, Moss Vale, Lithgow and Kiama.

An extension on the Illawarra line allows the sale of Pensioner Excursion tickets to or from Nowra.

(3) Rail tickets are sold only at Booking Offices on stations.

PEST CONTROL COMPANIES

Mr MOORE asked the Minister for Industrial Development and Minister for Decentralisation—

Will the Minister for Agriculture examine the operations of G. & A. Pest Control Pty Limited, to determine their safe and satisfactory operation under the Pesticides Act, or other relevant legislation?

Answer—

The Minister for Agriculture has advised me that Inspectors have been appointed under Section 7 of the Pesticides Act, 1978, and part of their normal duties is to examine the operations of pest control companies within the powers provided in the legislation.

Such examination would, as a matter of course, include companies such as G. & A. Pest Control Pty Limited.

The Minister for Agriculture has assured me that, as with all investigations, appropriate action will be taken under the legislation.

SUBURBAN TRAINS

Mrs FOOT asked the Minister for Transport—

(1) Why—

- (a) are many suburban trains allowed to run with doors wide open, and
(b) do automatic doors in new carriages often not close properly?

- (2) What are the full details of—
- (a) the accident involving Bruce Watt, aged 8 years, as reported in the *Daily Telegraph* of Tuesday, 21 October, 1980 and
 - (b) all accidents on New South Wales Railways, during the last five years, concerning passengers falling out of moving trains through open doors?
- (3) What will he do to ensure that the doors of suburban trains are securely closed in the future?

Answer—

- (1) (a) Single deck suburban carriages introduced into service prior to 1955 and still in operation are fitted with manually-operated doors, operated individually by the passengers, and not by the guard.
- (b) There are instances where defects occur in the mechanism preventing closure of power-operated doors. One of the major causes of such defects is vandalism or interference by passengers with the operation of the doors. Defective doors are rectified as quickly as possible.
- (2) (a) At 8.22 a.m. on Monday, 20 October, 1980, Master Bruce Watt, aged nine years of 51 Muttama Road, Artarmon, was injured when he either fell or jumped on to the Down platform at Artarmon from a Chatswood bound train which was not scheduled to stop at Artarmon.

Police and Ambulance were called and Bruce Watt was conveyed by Ambulance to Royal North Shore Hospital suffering abrasions to the head and shock.
- (b) The man-hours involved in extracting and compiling the information requested would not be justified to obtain this information in the light of the intention of the Government to progressively replace single deck carriages with carriages with automatic closing doors.
- (3) All new double-decked suburban carriages being introduced into service are fitted with power-operated doors and as these carriages are brought into service the older type single deck carriages are being progressively phased out. The suburban electric train fleet currently consists of 494 double-decked carriages. A further 100 units are being built and will be put into service as they are delivered. All carriages in service will be maintained to ensure safe working of the doors.

TELEPHONE MONITORING

Mr HEALEY asked the Minister for Police and Minister for Services—

- (1) How many approvals were given to monitor phone calls, under the 1969 Listening Devices Act, to 30 June in the years 1978, 1979 and 1980?
- (2) Which "prescribed" officer approved the monitoring?
- (3) What offences required the monitoring?
- (4) Have any convictions resulted from any such approvals?

Answer—

There is no record of any approvals having been given by prescribed officers under the Listening Devices Act, 1969, for the monitoring of telephone calls for the years ended 30 June, 1978, 1979, and 1980.

PLAYHOUSE INVESTMENTS PTY LIMITED

Mr MOORE asked the Minister for Police and Minister for Services—

As a company known as Playhouse Investments Pty Limited is running a brothel in East Sydney, does he propose to act against it and associated companies under laws within his administration?

Answer—

Inquiries have disclosed that the company known as Playhouse Investments Pty Ltd owned a terrace of houses situated at 116–118 Cathedral Street, Woolloomooloo. 118 Cathedral Street was sold in July, 1980, and it is understood that 116 Cathedral Street is in the process of being sold.

I am informed that there is no evidence to substantiate that premises at 116 and 118 Cathedral Street, Woolloomooloo are being used for the purposes of prostitution.

CHARTER FLIGHTS

Mr MOORE asked the Minister for Corrective Services—

(1) Was the invitation to accompany him on a charter flight to inspect Glen Innes, Grafton and Cessnock Gaols on 13 and 14 September, 1978, issued to:

- (a) all Members of the Legislative Assembly;
- (b) all Members of the Australian Labor Party in the Legislative Assembly;
- or**
- (c) only the Members for Illawarra and Newcastle?

(2) If the invitation was not issued to all Members of the Assembly, why not?

(3) If the Members for Illawarra and Newcastle accompanied him were they required to surrender an air warrant or air warrants to cover the cost of their **trip?**

(4) If not, why not?

Answer—

- (1) (a) **No.**
- (b) No.
- (c) No.

(2) The primary purpose of the trip was to allow members of the media to examine three different categories of prison institution. As there are 99 members of the Legislative Assembly it would not have been practicable to extend invitations to all members as transport was by a chartered DC3 aircraft which would not be able to accommodate that number of persons.

The Members for Illawarra and Newcastle had previously indicated their interest in inspecting these institutions and they accepted the invitation.

(3) No.

(4) Transport was by chartered aircraft with the overall cost of charter being met by the Department of Corrective Services.

FIRE HAZARDS ON RAILWAY LAND

Mr MOORE asked the Minister for Transport—

(1) **Did** the General Manager, Way and Works Branch, acknowledge a request from residents in Walton Close, Pymble, for the clearing of inflammable vegetation on Commission land between Grandview Street and Mona Vale Road, on 17 January, 1980?

(2) If so, has the Public Transport Commission or its successor since acted?

(3) If not, as New South Wales is about to enter what is, potentially, its worst period of fire danger for many years, will he advise when action is to be taken?

Answer—

(1) Yes.

(2) The location has been inspected and a priority established for the job.

(3) The need for clearing of heavy undergrowth to minimize fire hazards is recognized by the State Rail Authority and it has in hand a programme for this work. As soon as the plant is freed from existing commitments it will be moved to the North Shore Line. It is not possible to indicate an exact date when this will occur but everything possible will be done to expedite the programme.

BUREAU OF CRIMINAL STATISTICS

Mr CAMERON asked the Attorney-General and Minister of Justice—

(1) What is the total amount paid to Ms Wendy Bacon in respect of contract research projects performed by her for the Bureau of Criminal Statistics?

(2) What is the total amount paid to Mr Tony Green in respect of such projects?

(3) Have any other payments been made to either of these persons by the Bureau or by any other organization under his ministerial control?

(4) If so, what was the date, amount and nature of such payments?

Answer—

(1) The amounts paid to Ms Wendy Bacon during the 1979–80 and 1980–81 financial years are as follows.:

1979–80—\$2,635.00

1980–81—\$4,798.80.

(2) The amounts paid to Mr Tony Green during the 1979–80 and 1980–81 financial years are as follows:

1979–80—\$2,936.00

1980–81—Nil.

(3) Yes.

(4) Mr Tony Green was paid \$53.89 by the Bureau of Crime Statistics for professional services in March 1980.

COMMITTEE ON TRANSPORT OF THE DISABLED

Mr WEBSTER asked the Minister for Transport—

(1) Has the Committee on Transport of the Disabled submitted its final report?

(2) If not, when is it expected?

(3) What have been its activities?

(4) What, if any, improvements has it suggested?

Answer—

(1) The Committee was established to investigate and make recommendations to the Minister for Transport on ways of improving travel on public transport for disabled persons. As the work of the Committee is of an ongoing nature, a final report is not expected.

(2) See (1) above.

(3) The Committee has been examining the difficulties faced by disabled persons using public transport and has made a number of recommendations which have been implemented.

(4) Elimination of the penalty fare at the Edgecliff bus/train interchange.

Provision of ramps instead of steps at railway stations during reconstruction programmes.

Reservation of seats for disabled persons on trains, buses and ferries.

Improving the size of route destination signs on buses for partially sighted.

Improving signs at the Eastern Suburbs Railway interchange to assist the intellectually handicapped and partially sighted.

Modifications to the public address systems to assist the totally blind.

Improvement of staff awareness in the problems encountered by disabled persons using public transport.

Provision of wheelchairs on interstate trains.

Provision for access by severely disabled persons in design of new rolling stock.

Development of a project using on call para transit vehicles to provide a service for seriously disabled persons. This project was undertaken in conjunction with the taxi industry.

DRUG OFFENCES

Mr GREINER asked the Attorney-General and Minister of Justice—

- (1) What are the maximum terms of imprisonment provided in New South Wales for various crimes associated with importation and distribution of—
 - (a) heroin and
 - (b) marijuana?
- (2) What are the comparable provisions in each other State?
- (3) In light of non-parole periods of less than 5 years being set recently in New South Wales for importation of heroin, will he **consider**—
 - (a) increasing maximum sentences, and
 - (b) imposing adequate minimum sentences for major drug-related crimes?

Answer—

- (1) The Poisons Act falls within the administration of the Minister for Health and the honourable member's question should therefore be directed to Mr Stewart. Questions relating to the importation of drugs should be directed to Commonwealth authorities as the Commonwealth Parliament has primary Constitutional responsibility for legislating in this area.
- (2) Information set forth in Statutes, Reports, printed speeches, etc., should not be sought by way of a question (see *Parliamentary Debates* 1967–68 Volume 70 page 2361, 1971–72 Volume 92 page 842).
- (3) The Constitutional capacity to make laws with respect to the importation of heroin is vested by the Commonwealth Constitution in the Commonwealth Government. Accordingly, the honourable member might care to direct his inquiry to his colleagues in the federal sphere.

PRISON ADMINISTRATION

Mr HEALEY asked the Minister for Corrective Services—

- (1) After the recent strike at Long Bay, did Dr Vinson purchase twenty-four colour television sets for the prison?
- (2) If so,
 - (a) did they replace sets damaged or wrecked during the strike;
 - (b) who caused these sets to be damaged or wrecked;
 - (c) who owned the sets, the prisoners or the department;
 - (d) were tenders called for the supply of the sets; and
 - (e) which fund paid for them?

Answer—

- (1) No. Twenty black and white portable television sets were purchased by the Department of Corrective Services on 29 August, 1980 and these are hired out to selected prisoners at the Central Industrial Prison, Long Bay, who do not have sufficient resources to purchase a set of their own. This programme stems from formal requests by inmates earlier this year that a system of this kind be set up.

As a result of these requests a survey was conducted on 17 June, 1980, which revealed that approximately half of the 311 cells in the Central Industrial Prison did not contain television sets. It was established that in many cases the reason for this was that inmates did not have sufficient funds to purchase a set of their own. In an effort to assist these prisoners, a system was designed whereby inmates selectively chosen by the Superintendent as being sufficiently responsible to look after a set and who do not have the means to purchase a set of their own are able to hire a set from the Department.

The planning of this system commenced several months ago and it has been operating successfully since the first week in September.

Certainly, the introduction of this system is not in any way connected with or as a consequence of the recent strike at the Long Bay Complex.

(2) Not applicable.

RYDE SCHOOL BUS SERVICE

Mr CAVALIER asked the Minister for Transport—

(1) Why were schoolchildren in the Ryde District repeatedly delayed when waiting for Government buses to transport them to the rehearsals and performance of the Ryde District Schools Music Festival, during August, September and October?

(2) Has action been taken by the School Hirings section of the Urban Transit Authority to prevent a repeat of these failures?

Answer—

(1) Arrangements were made for a total of 30 special buses to be provided for the Ryde District Schools' Music Festival over five dates between 7 August and 1st October, 1980.

In the case of the rehearsals, certain buses were unavoidably delayed as a consequence of traffic congestion encountered during normal operations in the morning peak hours. It is understood that the delays ranged from thirteen to eighteen minutes. On one occasion, a bus failed to pick up en route at the Ryde Primary School. This oversight is regretted and appropriate action has been taken in this regard.

On the day of the concert, eighteen buses were required for a 3.00 p.m. departure on return journeys from Willoughby to Town Hall. However, there are grave difficulties in providing this number of additional buses in one area as the time factor would prevent the buses from picking up the normal evening peak hour running. Unfortunately, this aspect was overlooked at the time of the booking and it was subsequently found necessary to stagger the departure times according to the availability of buses and staff.

(2) The Urban Transit Authority has tendered sincere regret for the inconvenience caused in this instance and has written a personal letter of apology to Miss Lissa D'Arcy of Truscott Street Public School. The honourable member may be assured that positive steps have been taken to prevent a recurrence.

THEATRES AND PUBLIC HALLS ACT

Mr FACE asked the Minister for Police and Minister for Services—

- (1) Since the introduction of the new Theatres and Public Halls Act legislation, how many premises in the Newcastle area have been inspected?
- (2) How many have been given notice to bring their premises up to standard?
- (3) How many premises of those given notice now comply?
- (4) Is there any evidence that some owners of premises are trying to evade their responsibilities under the Act by various delaying tactics?
- (5) Of the premises inspected, how many serve intoxicating liquor, or are restaurants or places of public entertainment?

Answer—

(1) and (2) It is assumed that the honourable member is referring to amendments to the Theatres and Public Halls Act enacted some three years ago which amended the definition of "public entertainment" to bring theatre/restaurants and similar type establishments under the Act. As a result of regular surveys conducted by Police eight (8) premises which should possibly be licensed have been brought to the notice of the Department of Services. The Department of Services, in accordance with normal practice, has written to the owners and/or lessees of the premises involved advising them of their legal obligations to have their premises licensed under the Act if "public entertainment" as defined is being conducted. Technical requirements to bring premises to a standard suitable for licensing are assessed following the lodgment of an application and the requisite plans and specifications, etc.

(3) None. Following approaches by the Department two of the premises are not now conducting "public entertainment" as defined.

(4) In general, response to Departmental approaches has not been satisfactory and it has been necessary to institute proceedings for breaches of the Theatres and Public Halls Act. A number of persons have been fined and several actions are at present awaiting hearing by the Court. While premises conducting "public entertainment" remain unlicensed they will be the subject of prosecution actions for breaches of the Act.

(5) Eight.

EAST HILLS TRAINS

Mr ROGAN asked the Minister for Transport—

- (1) On how many occasions were trains cancelled or terminated short of their destinations on the East Hills line between 26 June and 27 October, 1980?
- (2) Why were these trains cancelled or terminated?
- (3) How did the number of cancellations or terminations compare with those of other metropolitan lines in the South Western Region?

Answer—

(1) Between 26 June and 27 October, 1980, out of 2 580 trips, nineteen were cancelled and eight trains were terminated short of their destination during the peak hours. The number of trips cancelled represents less than 1 per cent of the total.

(2) The reasons for the cancellation or termination of the trains were many and varied but were generally related to mechanical problems, signal failures and staff availability.

(3) There is no comparable single line in the South Western Region.

INDUSTRIAL INVESTMENT UNIT

Mr GREINER asked the Premier and Treasurer—

(1) How many officers are employed in the Industrial Investment Unit of the Premier's Department?

(2) What are the principal duties of the Unit?

Answer—

(1) The staff of the Unit consists of a Director, seven Industrial Investment Officers, six Clerical Support Officers—a total of 14.

(2) The principal duties of the Unit are:

To provide information and advice on major matters relating to industrial and commercial development and the Government's industrial investment programme.

Go-ordination of public sector infrastructure development in industrial growth areas.

Assistance to Government representatives overseas promoting industrial investment and trade.

Co-ordination of Government involvement with the more important investment and trade missions from overseas.

Liaison between Government Departments and business organizations in respect of industrial matters of particular significance to the Government—for example, rationalization of industries and the effect on employment opportunities.

NEW POLICE STATION FOR HORNSBY

Mr PICKARD asked the Minister for Police and Minister for Services—

(1) When can we expect—

(a) plans to be completed for the Hornsby Police Station and

(b) money to be approved and tenders to be called for its construction?

(2) How long will the work take?

(3) Will the Hornsby Police administration be divided into two or three parts while the old station is pulled down?

(4) **As I** have made **submissions** that a new site be found for **this** police station why has no action been taken?

Answer—

- (1) It is anticipated that sketch plans will be completed by mid December, 1980.
- (2) Subject to the availability of funds, construction is planned to commence next financial year.
- (3) Approximately 36 months from the beginning of construction.
- (4) It is proposed that a temporary Police Station be established of sufficient size to house General Duty Police at least. However, at this stage, a site has not been selected and it has not been determined which sections will occupy the temporary structure. This will depend on the size of the temporary station established.
- (5) A firm decision whether to proceed with the development on the present Police Station Site is to be made after completed sketch plans for the new Station are received. However, at this stage, indications are that the new station can be constructed on the present site.

BROOKLYN POLICE

Mr PICKARD asked the Minister for Police and Minister for Services—

As the work of the Brooklyn police consists of well in excess of sixty per cent water police work will he declare that there is no intention to move the water police from Brooklyn?

Answer—

Water Police requirements for the entire Broken Bay area, which includes the Hawkesbury River, are currently being examined. At this stage, a decision as to the siting of a new Water Police complex has not been made.

BROOKLYN POLICE

Mr PICKARD asked the Minister for Police and Minister for Services—

- (1) Owing to the suitable nature of the Brooklyn area in terms of transport, depth of water and the lack of residential restrictions, will he announce that Brooklyn should become the new centre for the open-sea activity of water police in the Hawkesbury and related areas?
- (2) Will he upgrade the Brooklyn station to a 24-hour station instead of the present two-shift station?

Answer—

- (1) See answer to the preceding question.
- (2) At present, no plans exist for Brooklyn Station to operate on a twenty-four hour basis.

HORNSBY POLICE STATION

Mr PICKARD asked the Minister for Police and Minister for Services—

- (1) Has the detectives' branch assigned to the Hornsby Police Station the highest clear-up rate of crime in the last twelve months?
- (2) Is this most efficient and conscientious service
 - (a) housed in an antiquated section of a police station which was completed between the two world wars, and
 - (b) have they been given temporary accommodation in a demountable unit?
- (3) If so,
 - (a) is this unit without any air-conditioning;
 - (b) is it without any adequate toilet facilities;
 - (c) is it without any adequate lunch and canteen arrangements, and
 - (d) is it often stacked with court exhibits?

Answer—

- (1) Because of variables such as population and type and number of crimes committed, it is difficult to compare the clear-up rates of Detective Branches. However, in general, Hornsby Detectives have a high clear-up rate of crime in comparison with other Metropolitan Branches.
- (2) The Detectives are housed in two groups. They occupy accommodation in the original Police Station and are also accommodated in a demountable unit.
- (3)
 - (a) The demountable unit is air-conditioned.
 - (b) and (c). The demountable unit does not have separate toilet, meal room and kitchen facilities. Such facilities are provided at the Police Station. They are considered to be adequate and are used by Detectives located in the demountable unit.
 - (d) While exhibits are sometimes taken into the demountable unit by Detectives for identification purposes, they are stored in a separate exhibit room.

BROOKLYN POLICE

Mr PICKARD asked the Minister for Police and Minister for Services—

- (1) Have there been several departmental visits to the Brooklyn area to determine a new waterfront position for the police station?
- (2) **If so,**
 - (a) has a site been determined;
 - (b) have plans been drawn;
 - (c) will tenders be called and
 - (d) will money be provided by a given date?

Answer—

Water Police requirements for the entire Broken Bay area, which includes the Hawkesbury River, are currently being investigated and a number of visits have been made by Departmental officers to the Broken Bay area to inspect possible sites.

At this stage, a site has not been determined. Consequently, no plans have been drawn. Tenders will be called when funds become available and documentation has been completed.

HORNSBY POLICE

Mr PICKARD asked the Minister for Police and Minister for Services—

- (1) Is Hornsby and its environs one of the quickest and largest growing areas in the metropolitan area?
- (2) Although it has one of the most efficient and conscientious police services in New South Wales, are many of its officers required to do additional duties beyond Hornsby, such as court appearances, escorting prisoners from Parramatta Gaol and duty during gaol crises?
- (3) Do plans exist to increase the size of the force at Hornsby?
- (4) If so,
 - (a) by what number;
 - (b) in what sections of the force, and
 - (c) when can these appointments be expected?

Answer—

(1) The present population of Hornsby and its environs is approximately 110 000. Currently, its population growth is considerably less than it was 10 years ago.

(2) Hornsby Police are a reflection of the efficiency and conscientiousness of the New South Wales Police Force.

(3) As part of their normal duties, Police are required to attend Court and give evidence. A member of the service from Hornsby performs escort duties from Parramatta Gaol to distant centres each Tuesday. During the recent gaol strikes at Parramatta and Long Bay, Hornsby Division supplied a number of Police each day.

In addition, Hornsby Division assists in providing Police during demonstrations and for the Bathurst car races at Easter and Eight-Hour Day weekends. Hornsby also provides Police to supplement the strength at Brooklyn and the Central Coast during holiday periods.

(4) and (5) (a), (b) and (c). Police strength is the subject of regular review. However, the manning of individual stations must be considered on a State-wide basis to ensure optimum utilization of resources in the light of needs and available personnel. Naturally, the needs of the Hornsby area are considered during such reviews.

HORNSBY POLICE STATION

Mr PICKARD asked the Minister for Police and Minister for Services—

Will he urgently release for public viewing the plans for the redevelopment of the **Hornsby** Police Station?

Answer—

For security reasons, plans for Police Stations are not normally released for public viewing. However, they may be viewed by interested persons with the approval of the Commissioner of Police or the Minister.

TRAIN DELAYS

Mr PICKARD asked the Minister for Transport—

- (1) Has he or the Commission recently reclassified **trains** running eight minutes early or **late**?
- (2) If so, are they now classified as running on time?

Answer—

- (1) No.
- (2) Not applicable.

TRAIN DELAYS

Mr PICKARD asked the Minister for Transport—

How many trains have run late, according to the old formula, to stations in my electorate in the last two months?

Answer—

At my direction, on-time running has been the subject of close examination by the State Rail Authority and improvements are now becoming evident. To specifically answer the honourable member's question, during the months of October and November, 1980, 890 peak hour services out of a total of 2 849 scheduled trains arrived three minutes or more late at their final destination. However, I would like to assure him that the Government is most sympathetic towards the problems that commuters sometimes experience in the day to day running of public transport and improvements are being effected as quickly as is practicable.

In this regard new double deck suburban carriages have been placed in service, signalling equipment at key centres, which has become outmoded, has or is being replaced while the track in the suburban and country areas is being upgraded.

Special attention is being paid to train operations and on-time running performance is now the best in eight years. While trends are encouraging and a satisfactory result is now being obtained, continuous efforts are being maintained with a view to on-time running being further improved.

TRAIN DELAYS

Mr PICKARD asked the Minister for Transport—

(1) Have trains running ten minutes late upon arrival at **Hornsby** from the south been terminated at **Hornsby**, rather than at **Cowan**, but have not been regarded as cancelled trains?

(2) If so,

- (a) is there any record of such action;
- (b) who determines it and
- (c) are alternate travel arrangements made for people left stranded?

Answer—

(1) Depending on the volume of traffic and circumstances prevailing at the time of occurrence, some trains running ten minutes late and destined for **Cowan** have been terminated at **Hornsby**. The services are recorded as terminated short of destination at **Hornsby** and cancelled between **Hornsby** and **Cowan**.

(2) (a) Yes.

(b) Train Controller.

(c) Services are terminated short to prevent delays spreading to other trains and to regain on-time running but only when following or alternate services are available for the detained passengers.

HORNSBY BUS COMPANIES

Mr PICKARD asked the Minister for Transport—

(1) What bus companies have been employed over the last two years during breakdowns or line maintenance between **Epping/Hornsby**, **Hornsby/Cowan**, and **Gordon/Hornsby**?

(2) Which of these companies has been employed

(a) on weekdays and on how many separate occasions and

(b) at weekends and on how many separate occasions?

(3) What has been the total cost to each of the separate companies?

Answer—

(1) *Bus* Companies: The **Hornsby Bus Group**, P.O. Box 201, **Hornsby**, and **North and Western Coaches Pty Ltd**, 1 Monash Road, **Gladesville** 2111.

(2) (a) Weekdays: The **Hornsby Bus Group**—86 days. **North and Western Coaches P/L**—23 days.

(b) Weekends: The **Hornsby Bus Group**—20 days. **North and Western Coaches P/L**—21 days.

84 per cent of these instances were related to line upgrading and maintenance.

(3) Total Cost: The **Hornsby Bus Group**—\$33,755.00. **North and Western Coaches P/L**—\$59,355.66.

NORMANHURST RAILWAY STATION

Mr PICKARD asked the Minister for Transport—

- (1) What work **has** been undertaken at the **Normanhurst** Railway Station?
- (2) Why has no correspondence been received at my office on this matter?
- (3) What is the cost and the detail of the nature of the work and the expected date of conclusion?
- (4) Will I be informed, along with my constituents, when such work is completed?

Answer—

- (1) Complete reconstruction of both platform buildings (Booking Office, Waiting Room and breezeway, toilets, office and waiting area), new fencing and upgrading of platform surfaces.
- (2) An oversight occurred in the section of the State Rail Authority which normally forwards such information. This is regretted.
- (3) Estimated final cost—\$145,557.50. Nature of work involved as in question (1). Provided the remaining work runs to schedule, it is expected that the completion date will be late December, 1980.
- (4) Arrangements have been made for the State Rail Authority to furnish the information and when this comes to hand I will forward it on to the honourable member.

BEROWRA RAILWAY STATION

Mr PICKARD asked the Minister for Transport—

- (1) Has any major reconstruction work been planned for the Berowra Railway Station?
- (2) If so,
 - (a) what is the nature of the work;
 - (b) when will the plans be available for me to inspect and
 - (c) when is the work expected to commence?
- (3) Does such work involve reasonable bituminous facilities for Berowra?

Answer—

At the present time there is no work planned for the Berowra Railway Station. However, the position is being kept under review and arrangements will be made to advise the honourable member of any works proposed.

MOUNT COLAH AND MOUNT KU-RING-GAI RAILWAY STATIONS

Mr PICKARD asked the Minister for Transport—

- (1) Does his Government intend to upgrade the facilities of the Mount Colah and Mount Ku-ring-gai railway stations?

(2) Does he or the **Commission** have **any** immediate plans to overcome the severely limited parking conditions at both these stations?

Answer—

(1) The upgrading of station facilities is under consideration. However, there is no work planned for Mt Colah and Mt Ku-ring-gai stations at the present time.

(2) Potential sites are being considered at both locations for unsealed commuter car parks.

The honourable member may be assured that he will be informed when further details come to hand.

HORNSBY RAILWAY STATION

Mr PICKARD asked the Minister for Transport—

(1) Has interest been shown in the possible development of air space over Hornsby railway station?

(2) If so,

(a) what is the exact date when tenders will be called and

(b) will he publish the names of the companies which tender?

Answer—

(1) Yes.

(2) (a) Propositions will be called by way of public tender shortly and will close on 6 May, 1981.

(b) It is not proposed at this stage to publish full details of all the propositions submitted.

HORNSBY RAILWAY STATION

Mr PICKARD asked the Minister for Transport—

(1) Will he explain or describe in detail the exact and precise changes expected to be made to the Hornsby railway station and environs in the immediate future?

(2) **If** he is waiting for development programmes relating to **the** air space at the railway station before making such announcements, what requirements will he and the Commission place upon tenderers?

Answer—

(1) Modern commuter facilities and amenities will be required as an integral part of any development at Hornsby. The State Rail Authority has detailed lists of suggested inclusions for such developments which cover many pages. It is proposed to supply these lists to prospective tenderers.

(2) I am waiting for the results of public propositions which will soon be called for the development of land and air space over the station. The accepted developer will be required to undertake all improvements at this location.

MOTOR VEHICLE REGISTRATION

Mr BOYD asked the Minister for Transport—

What is the variation in costs in registering motor vehicles in Queensland and New South Wales?

Answer—

The cost of registering motor vehicles varies with the type of vehicle. However, for the purposes of example, the cost of registering a 1980 Ford Falcon in New South Wales and other Eastern States and the Australian Capital Territory, as provided by the various Registering Authorities, is set out hereunder:

				\$
N.S.W.	Third Party Insurance			124.15
	Fee	..	..	10.00
	Weight Tax	..	..	45.85
	Tax Levy	..	..	13.85
				<u>\$193.85</u>
A.C.T.	Third Party Insurance			150.00
	Fee	..	..	56.00
				<u>\$206.00</u>
Victoria	Third Party Insurance	..		136.00
	Fee	..	..	55.94
				<u>\$191.94</u>
Queensland	Third Party Insurance	..		52.00
	Fee	..	..	79.00
				<u>\$131.00</u>

It will be noted that while charges in New South Wales are a little higher than those applying in Queensland, the rates in Victoria are comparable to those in this State, while charges are higher in the Australian Capital Territory.

TWEED HEADS MOTOR REGISTRY

Mr BOYD asked the Minister for Transport—

As there are long delays in having applicants for driving licences tested at Tweed Heads, because of the shortage of staff at the local Police Station, will he consider appointing a testing officer at the Tweed Heads Motor Registry **Office**?

Answer—

It is not accepted that there are long delays being encountered generally at Tweed Heads. However, the Commissioner for Motor Transport has raised with the Police Authorities the question of ensuring the most expeditious handling of driving licence applications.

POLICE FORCE TRAINEES

Mr BOYD asked the Minister for Police and Minister for Services—

- (1) How many trainees have entered the Police Force annually over the past five years?
- (2) What was the period of their training?
- (3) What percentage graduated into the force?

Answer—

- (1) 1976—180.
1977—326.
1978—638.
1979—525.
1980—478.
- (2) Prior to 25 September, 1978, the training period was ten weeks. Since that date the training period has been eleven weeks duration.
- (3) 1976—100 per cent.
1977—98.77 per cent.
1978—97.80 per cent.
1979—98.28 per cent.
1980—94.97 per cent.

POLICE FORCE WASTAGE

Mr BOYD asked the Minister for Police and Minister for Services—

What was the wastage in the Police Force over the past five years, on account of

- (a) retirement,
- (b) resignation **and**
- (c) sickness?

Answer—

Relevant statistics relating to staff wastage in the Police Force are set out below:

- 1975 (a) 64 retirements.
- (b) 98 resignations.
- (c) 50 medically unfit.

- 1976 (a) 72 retirements.
(b) 122 resignations.
(c) 32 medically unfit.
- 1977 (a) 75 retirements.
(b) 133 resignations.
(c) 30 medically unfit.
- 1978 (a) 55 retirements.
(b) 155 resignations.
(c) 48 medically unfit.
- 1979 (a) 57 retirements.
(b) 157 resignations.
(c) 43 medically unfit.
- 1980 (up to and including 26th November)
(a) 53 retirements.
(b) 144 resignations.
(c) 58 medically unfit.

FORESHORE ALIENATION

Mr RYAN asked the Deputy Premier, Minister for Public Works and Minister for Ports—

- (1) Is he aware of an article in the *Sydney Morning Herald* of Tuesday, 11 November, by Vincent Serventy, the naturalist?
- (2) Does Mr Serventy allege that
- (a) public foreshore land is being constantly alienated to the control of private home owners and companies, and
 - (b) the Maritime Services Board is less than vigilant in its guardianship of public foreshore land?
- (3) Does Mr Serventy plead for someone to stop the foreshore grabbers?
- (4) Are these allegations true or substantially true?
- (5) If so, will he answer Mr Serventy's plea and stop the foreshore grabbers?

Answer—

(1), (2), (3) and (4) The present Government found in 1976 that the previous Liberal-Country Party Government had been a party to a scandalous alienation of foreshore land.

During the period of that Government a great deal of waterfront land was disposed of. Soon after taking office I became aware of this and ordered the Maritime Services Board to suspend any further sales while the Government carried out a thorough review of the situation.

This freeze was extended to cover all government owned land and it remained in force until early this year when a new policy was announced.

Under the terms of this new policy all government departments are now detailing their surplus waterfront land.

These details will be forwarded to the Department of Environment and Planning and all land assessed as suitable for use as parkland will be used for that purpose.

Another requirement of the new policy prohibits any Government Department or Statutory Authority from selling any waterfront land without first referring it for assessment for use as parkland.

In cases where that Department determines that sites with no access or which are just too small or are not suitable for public recreation, they will be offered for sale to the adjoining owners.

No land which is suitable for public use will be sold by this Government.

The money from the sale of waterfront land which is not suitable for public use will be placed in a special fund administered by the Maritime Services Board. It is expected that this fund could eventually build up to \$5 million over the next five years and it will be used to purchase new waterfront parks in areas west of the Harbour Bridge. The Department of Environment and Planning will select the new parks according to the need in these areas.

(5) The Government, as I have shown, acted soon after taking office to stop the foreshore grabbers.

POLICE PATROLS IN CONCORD

Mr MASON asked the Minister for Police and Minister for Services—

(1) Has there been an increase in armed robbery, burglary and vandalism in the vicinity of the shopping centre on Concord Road, Concord, between Hospital Road and Currawong Street?

(2) Has Concord Council, in response to a petition from local residents and shopkeepers, called for an increase in police patrols of this area in particular and the municipality generally?

(3) If so, when will the extra protection sought be provided?

Answer—

(1) No.

(2) and (3) The Commissioner of Police advises that there is no record in the Police Department of any representations from Concord Council concerning extra Police supervision either in the vicinity of the shopping centre or in the community generally.

ANN STREET, ENFIELD

Mr MASON asked the Minister for Police and Minister for Services—

(1) Did the Police representative on the Burwood Local Traffic Committee veto the request by Burwood Council for permission to close Ann Street, Enfield, at the Henly Park end?

(2) If so, what was the reason?

Answer—

The Police representative on the Local Traffic Committee objected to the closure of Ann Street on the grounds of safety.

Basically, the Police Department view was formed in the light of objections made by local residents, the lack of identification of adverse traffic problems in support of the closure, and the fact that a considerable volume of traffic would be transferred to adjacent residential thoroughfares. The Department also felt that any restrictions introduced should be part of an overall plan and not treated in isolation.

PINBALL MACHINES

Mr MOORE asked the Minister for Transport—

- (1) Has concern been expressed to him by the Commissioner of Police or other of his officers regarding pinball machines and amusement machines, generally attractive to children and young teenagers, being installed in licensed premises?
- (2) If so, have steps been taken to prevent underage drinking in such premises?

Answer—

- (1) No.
- (2) Refer (1) above.

APPOINTMENTS TO STATUTORY CORPORATIONS

Mrs FOOT asked the Minister for Transport—

- (1) What appointments have been made to the staff of statutory corporations, Government instrumentalities, his Department or Authorities under his control, including his personal staff, from former officers (either permanent or temporary) of the South Australian Public Service, since the defeat of the Corcoran Government?
- (2) What is (a) the name of each such officer, (b) the position occupied, (c) the salary scale paid and (d) the qualifications for the position?
- (3) What position was occupied by each such officer in South Australia, together with the comparable details of salary scale?

Answer—

(1) to (3) As far as available records indicate, no appointments have been made from former officers of the South Australian Public Service since the defeat of the Corcoran Government, to the Ministry of Transport, Department of Motor Transport, Traffic Authority of N.S.W., State Rail Authority of N.S.W. or the Urban Transit Authority.

EASTERN SUBURBS RAILWAY

Mrs FOOT asked the Minister for Transport—

Will he investigate the following complaints relating to the operation of the Eastern Suburbs Railway and feeder bus services:

- (1) the need for more adequate supervision of feeder buses entering and departing from Edgecliff Railway Station;
- (2) the need for improved escalator maintenance at Eastern Suburbs Railway stations and
- (3) the need to eliminate over-crowding on Watson's Bay bus services 324 and 325 from the city in the afternoon?

Answer—

(1) Supervision is exercised at the Edgecliff Bus Interchange by the Urban Transit Authority's Inspectorial Staff on Mondays to Fridays between 6.00 a.m. and 10.00 p.m. Two officers are on duty during this period except between 10.00 a.m. and 2.00 p.m. when only one is in attendance.

On Saturdays supervision is provided from 6.00 a.m. to 10.00 p.m. while on Sunday supervision is from 6.30 a.m. to 10.00 p.m.

This level of supervision has been established after careful monitoring of the operation of the interchange since its opening and is considered adequate for the current traffic using it.

(2) Since the opening of the Eastern Suburbs Railway, the escalators generally have suffered from teething problems which would be normally expected, but in addition, have been plagued by problems associated with handrails and their driving mechanisms.

Inspections carried out following the 12 months warranty period of operation also revealed many matters to be rectified under warranty.

The rectification of all defects and modification of handrail driving mechanisms, all under warranty, is now nearing completion. This work has necessitated each escalator being out of service for 2 to 4 weeks with consequent inconvenience to the public.

All outstanding work is due for completion by the end of March 1981, and it is confidently expected that the operation of the escalators will settle down with normal maintenance outages and running defects which could be expected on machinery of this nature.

During the first 12 months of operation, maintenance was carried out under the various contracts by the supplier, Otis Elevator Company Pty. The company is responsible for remedying defects under warranty with further warranty on replacements and modifications. Except for Redfern, which is still under warranty, maintenance has been taken over by State Rail Authority staff. The Authority has maintained the City railway escalators since their installation. Handrail repair is still carried out by Otis as it is a specialist job in which Authority staff has not the expertise.

(3) Regular monitoring of all Routes 324 and 325 bus services operating to outer termini both from the city and Edgecliff is maintained to ensure that the level of accommodation is sufficient to meet passenger demand and where it is

established that additional facilities are required to meet fluctuations in the loading pattern arrangements are made accordingly. Illustrative of this is that five additional afternoon journeys from Circular Quay to Rose Bay were introduced on 8th September, **1980**.

Loading on buses is monitored both by the Authority's Inspectorial Staff and bus operating staff to ensure that each type of bus in operation carries no more than its licensed carrying capacity. The tendency of standing passengers to gather at the front of the bus often gives the impression that a bus is overcrowded whereas an actual count generally reveals that the loading is within the authorized limit.

DISAPPEARANCE OF DONALD MACKAY

Mr HATTON asked the Minister for Police and Minister for Services—

- (1) Have investigations into the disappearance of Donald Mackay ceased?
- (2) If not, how many detectives are currently working on the case?
- (3) What are their names and ranks?
- (4) Have any of these officers previously been stationed at Griffith?
- (5) If so, what are the details?
- (6) Are any of the investigating officers members of the Crime Intelligence Unit?

Answer—

- (1) No.
- (2) Six.
- (3) Four Detective Sergeants, a Detective Senior Constable and a Detective Constable. The Commissioner of Police has requested that their names not be published.
- (4) Yes.
- (5) One, since July **1977**.
- (6) No. However, the facilities of the Crime Intelligence Unit are available to such officers.

GRIFFITH DRUG INQUIRIES

Mr HATTON asked the Minister for Police and Minister for Services—

- (1) What are the names and ranks of police officers constituting the small task force who have been asked to return to the Griffith area to continue inquiries into the current drug position, as a result of a recommendation of Justice Woodward?
- (2) Have any of these officers ever been stationed at Griffith?
- (3) If so, what are the details?

Answer—

(1) Three Detective Sergeants and a Detective Senior Constable. The Commissioner of Police has requested that their names not be published.

In addition, two other Police Officers conducted the investigations in connection with the "conspiracy" charges made against Antonio Sergi (of the winery) and John Kenneth Ellis, Brian James Borthwick, John Francis Robins, and Arthur Andrew O'Sullivan (Police) as recommended by the Woodward Royal Commission.

(2) No.

(3) See (2) above.

GRIFFITH DRUG INQUIRIES

Mr HATTON asked the Minister for Police and Minister for Services—

(1) Has the Commonwealth/State Task Force ever been asked to investigate the Griffith drug situation?

(2) If so, what details can be publicly released?

Answer—

The Commonwealth/State Task Force on Drug trafficking is primarily aimed at the identification and apprehension of persons engaged in large scale trafficking in hard drugs, particularly heroin. It has not been involved in the investigation of the large scale production and trafficking of Indian Hemp in the Griffith area of New South Wales. This investigation has essentially been one for the State Drug Squad.

GRIFFITH DRUG INQUIRIES

Mr HATTON asked the Minister for Police and Minister for Services—

(1) Has the Crime Intelligence Unit ever been detailed to investigate the Griffith scene either before, during or since the Woodward Royal Commission?

(2) If not, why not?

(3) If so, what details can be publicly stated?

Answer—

(1) No.

(2) and (3) Other special Police Units/Task Forces have carried out investigations.

BIG CHOICE ART UNION

Mr MOORE asked the Minister for Police and Minister for Services—

As an organization calling itself the "Big Choice Art Union", unregistered under the Lotteries and Art Unions Act and professionally promoted by Mr Bill King and Mr Brian O'Halloran of Ashgrove, Queensland, is soliciting subscriptions in New South Wales, will he examine the actions of Messrs King and O'Halloran with respect to the provisions of that Act?

Answer—

My Department has no knowledge of the "Big Choice Art Union" or of the means by which subscriptions are being solicited in this State.

If the Big Choice Art Union is a "foreign lottery" as defined by section 19 of the Lotteries and Art Unions Act, there is no provision in the Act which would prevent printed information and/or tickets being sent direct to New South Wales residents through the mail from outside the State, provided no distribution, display, or sale takes place within the State. Legal advice has been received that the State does not have the power to prevent foreign lottery material being forwarded to New South Wales residents by mail posted outside New South Wales. Advice has been received from Australia Post that there are no effective restrictions on the despatch of lottery material from one State to another by mail.

In those cases where foreign lottery material is delivered by hand into letter-boxes, it is necessary to observe such deliveries taking place before any action can be taken, and then only against those immediately responsible. As such deliveries are normally reported to the Department some time after they have taken place, it is extremely difficult to apprehend those responsible.

As the great majority of instances where foreign lottery material is either posted to New South Wales residents or otherwise distributed in New South Wales involves Queensland art unions, the matter has been taken up on several occasions with the authorities in that State.

HOUSING COMMISSION

Mr GREINER asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) What is the current waiting list for Housing **Commission** accommodation?
- (2) How many of the persons on the list require accommodation outside the metropolitan area?

Answer—

(1) As at 30 September, 1980, there were a **total of 27 628** applicants approved for assistance in New South Wales with a further 8 615 awaiting review giving a total of 36 243 applications. The majority of those awaiting review have recently been submitted and require an assessment to determine eligibility for inclusion on the waiting list.

(2) The distribution of persons on the list requiring accommodation as at 30 September, 1980, in New South Wales is as follows:

Sydney—16 846 approved, 4 299 awaiting review; Total—21 145.

Newcastle—1 605 approved, 532 awaiting review; Total—2 137.

Wollongong—1 460 approved, 443 awaiting review; Total—1 903.

Other Country—7 717 approved, 3 341 awaiting review; Total—11 058.

CLEARWAY ON PITTWATER ROAD

Mr WEBSTER asked the Minister for Transport—

(1) Has the Department of Motor Transport recommended to the Traffic Authority that the Clearway on Pittwater Road be extended to the Narrabeen Lagoon Bridge?

(2) If so, why?

(3) Has the effect, if any, of this extension on local business and residents on Pittwater Road in Collaroy and Narrabeen been considered?

Answer—

(1) No. The concurrence of Warringah Shire Council to the extension of the Clearway has been received. However, the approval of the Traffic Authority is yet to be sought, as is the formal agreement of the honourable member.

(2) The road meets the warrant for a morning inbound Clearway, and for an afternoon outbound Clearway. It is also considered that the Clearways will assist in reducing the present accident situation during peak hours while, at the same time, providing improved travelling conditions for bus services.

(3) Yes. The effect on residents and local businesses would be no greater than on many other similar roads in the metropolitan area where Clearways have been established. Most residences on the section of Pittwater Road in question have off-street parking, and adequate side-street parking is available adjacent to business premises.

DEE WHY TRAFFIC

Mr WEBSTER asked the Minister for Transport—

(1) What is the history of accidents over the last two years at the intersection of Pittwater Road and Lismore Avenue, Dee Why?

(2) Does this history justify traffic lights at the intersection?

(3) If so, when will they be installed?

Answer—

(1) The latest available accident statistics show that there were two accidents at the site in question between March, 1978, and March, 1980.

(2) No.

(3) Not applicable. However, the honourable member may be assured that the situation will be kept under review.

TRAIN DELAYS

Mr MASON asked the Minister for Transport—

(1) Did he, in reply to my Question on Notice No. 626, infer that the State Rail Authority maintains no statistics of the incidence of cancelled and delayed trains?

(2) Did he, in reply to Question on Notice No. 43 asked by the Member for Gordon, and answered some two weeks prior to his answer to Question No. 636, provide detailed statistics of cancelled and delayed trains on the Hornsby to Sydney via the Harbour Bridge line?

(3) Will he now provide such statistics as are "readily available" on the incidence of late and cancelled trains on the Hornsby/Sydney via Strathfield line, including, as a minimum, information analogous to that given in response to Question on Notice No. 43?

Answer—

(1) No, it was not inferred that statistics were not recorded. The answer to question on notice No. 626 stated that the information requested would require extensive research and be time consuming.

(2) Yes. Statistics were given on cancelled and delayed trains on the Hornsby to Sydney via the Harbour Bridge line. The information requested was for two 5-day periods between the hours of 7.00 a.m. to 9.00 a.m. and 4.00 p.m. to 6.30 p.m.

(3) The information that you require is for a three month period, all hours and involving trains:

(a) cancelled;

(b) delayed by more than one minute; or

(c) delayed by more than five minutes—

(i) arriving at Sydney Central Station when travelling to that station; and

(ii) arriving at Strathfield when travelling to Hornsby.

To supply the information requested for services between the hours of 7.00 a.m. to 9.30 a.m. and 4.00 p.m. to 6.30 p.m. each day for three months would require extensive research and would divert scarce manpower resources away from the priority task of running the services.

MIDDLE COVE TRAFFIC

Mr MASON asked the Minister for Transport—

(1) What is the daily volume of traffic using the Eastern Valley Way through Middle Cove?

(2) What are the road accident statistics for that section of the road?

Answer—

(1) The 1979 Annual Average Daily Traffic Volume for the section of Eastern Valley Way in question was 26 140.

(2) Traffic Accident Research Unit records for 1979 shows that 22 accidents occurred, nine of which involved injuries.

BURWOOD TRAFFIC

Mr MASON asked the Minister for Transport—

- (1) What is the current level of traffic using Shaftesbury Road, Burwood, at the railway crossing?
- (2) Is there an urgent need for traffic signals to be installed at the Shaftesbury Road—Railway Parade intersection?
- (3) If so, why is this work being delayed?
- (4) What will the Government do to alleviate traffic congestion while these delays continue, particularly during the Christmas period?

Answer—

- (1) The latest traffic volumes (1978) are:

				<i>A.M. Peak</i>	<i>P.M. Peak</i>
Shaftesbury Road	..	..	..	1 162	1 540
Railway Parade/Paisley Road	..	..		1 005	1 139

- (2) No. Signals have been installed at this site since 13 March, 1968.
- (3) Not applicable.
- (4) The Department of Main Roads proposes to modify the signals to provide separate turning movements for north and south bound vehicles on Shaftesbury Road. This will assist vehicles turning right from Shaftesbury Road into Railway Parade, thus eliminating the congestion presently experienced at peak periods. However, because of limited funds, it is unlikely that the work will be undertaken in the current financial year. Notwithstanding, the position will be kept under review.

MALICIOUS FIRE LIGHTING

Mr McILWAINE asked the Minister for Police and Minister for Services—

- (1) Is there a growing incidence of malicious fire lighting on bad fire-risk days?
- (2) What action can be taken to reduce these incidents?

Answer—

- (1) I have nothing before me to indicate that the incidence of malicious fire fighting on bad fire-risk days is increasing.
- (2) The Police are responsible for arson investigation and when incendiaryism is suspected the necessary inquiries and action are undertaken after consultation with the relevant fire fighting authorities.

GRANVILLE RAIL DISASTER

Mr WILDE asked the Minister for Transport—

- (1) How many applications for compensation have been received as a result of the Granville rail disaster of January, 1977?
- (2) How many of those applications are still outstanding?
- (3) How many have been settled
 - (a) by agreement between the parties on undisclosed terms and
 - (b) following procedures in a Court?
- (4) What amounts have been awarded by court decisions?
- (5) What were the relevant criteria for each judgment?
- (6) What is the total amount paid or agreed to be paid in respect of question (3) (a) above?

Answer—

- (1) 200 (files in the Solicitor's Office)
- (2) 25.
- (3) (a) 161.
(b) 14.
- (4) \$1,315,994.95.
- (5) Normal Legal Principles.
- (6) \$4,702,359.38.

RYDE TRAFFIC

Mr MCILWAINE asked the Minister for Transport—

- (1) In regard to the intersection of Belmore Street and Victoria Road, Ryde:
 - (a) What is the latest traffic count?
 - (b) How many accidents have occurred annually over the last five years?
 - (c) Do his advisers consider that (i) sight-lines are adequate for pedestrians and motorists and (ii) the intersection can be negotiated safely?
- (2) Does the intersection warrant the installation of traffic lights?
- (3) If so (a) has approval been given for their installation, and (b) what is the priority?
- (4) If not, what measures in traffic management are contemplated to maintain safety?

Answer—

- (1) (a) The latest traffic count disclosed that on Belmore Street 246 vehicles travelled between 6.30 and 8.30 am. and 435 vehicles between 3.30 and 5.30 p.m.

On Victoria Road, 2 653 vehicles travelled between 8.00 and 9.00 a.m. and 2 257 between 3.00 and 4.00 p.m.

(b) 1976—Details not available.

1977—11.

1978—13.

1979—8.

1980—10.

(c) (i) Yes.

(ii) Yes.

(2) No.

(3) See (2) above.

(4) No additional measures are contemplated at this time. However, the honourable member may be assured that the site will be kept under review.

HOUSING COMMISSION PROGRAMME

Mr GREINER asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for **Transport**—

(1) Does the Housing Commission propose to let tenders for virtually all of its 1981 attached housing programme next January?

(2) If so,

(a) does such a concentration of tendering in one month, especially in the normal shut-down period for the building industry, pose particular problems for both builders and suppliers; and

(b) does it subsequently present serious problems, owing to the lack of continuity of work for builders and subcontractors at various times in the **year?**

(3) Will he see immediately that the Commission spreads its tenders more evenly throughout the **year?**

Answer—

(1) No.

(2) Not applicable.

(3) Although, as indicated, there will be no concentration of new contracts for Housing Commission dwellings in January 1981, it is an unfortunate fact that the significant decrease in the level of Commonwealth Government funding of public housing programmes, the complete unpredictability of that level of funding from year to year, the total absence of any forward financial planning by the Commonwealth in this field, and its progressive abandonment of its traditional responsibility for funding welfare housing, have seriously affected the orderly planning of the Housing Commission's operations. Whereas it was once possible to arrange the calling of tenders for new works over the whole span of each financial year, in recent years the timing of new contracts has had to be arranged so as to limit commitments which have to be met in the following year, and to cope with the unannounced and unforeseen reductions in the availability of funds under the Commonwealth/State Housing Agreement.

HOUSING COMMISSION LAND

Mr MAHER asked the Minister for Housing, Minister for Co-operative Societies and Assistant Minister for Transport—

- (1) What areas of land are owned by the Housing Commission in Bay Road, Five Dock?
- (2) How is each area of land utilized?
- (3) Does the Commission propose to redevelop any of the land as Housing Commission accommodation?

Answer—

- (1) The Housing Commission owns one site at Nos 27 and 29 Bay Road, Five Dock (Drummoyne), being lots 6 and 7, D.P. 12396. The site has dimensions of 26.213 metres x 71.265 metres and an area of 1 878 square metres.
- (2) Lot 6 is at present vacant and a cottage on lot 7 is occupied by a Commission tenant.
- (3) It is intended to rehouse the tenant occupying lot 7 and demolish the cottage in order that the consolidated site can be redeveloped with housing for aged persons. Preliminary design work has not yet commenced but tentative estimates indicate that it will be possible to construct twelve (12) aged persons units on the site.

SYDNEY DOMAIN

Mr MAHER asked the Premier and Treasurer—

- (1) Who are the lessees of the;
 - (a) restaurant; and
 - (b) kioskin the Sydney Domain and the Royal Botanic Gardens?
- (2) When do the leases expire?
- (3) What is the annual rental payable under each lease?

Answer—

- (1) (a) The lessee of the Restaurant and Kiosk in the Domain known as the "Pavilion on the Park" is Delle Productions Pty Ltd.
(b) The lessee of the Restaurant and Kiosk known as the Gardens Restaurant within the Royal Botanic Gardens is Michael Avenell Pty Ltd.
- (2) (a) The lease between the Royal Botanic Gardens and Domain Trust and Delle Productions Pty Ltd expires on 30 June, 1984. The lease contains a clause providing an option for a further three year term.
(b) The lease between the Royal Botanic Gardens and Domain Trust and Michael Avenell Pty Ltd expires on 11 November, 1982. This lease also incorporates a clause providing an option for a further three year term.

- (3) (a) The annual rental payable until 30 June, 1984, for the "Pavilion on the Park Restaurant" is \$18,200.
- (b) The annual rental payable until 11 November, 1982, for the Gardens Restaurant and Kiosk is \$10,000.

STOCKCONTROLTAGS

Mr MAHER asked the Minister for Consumer Affairs—

- (1) Has the department store Myer, Burwood recently introduced stock control tags which activate alarms at store exits if not removed from purchases?
- (2) Have such tags been inadvertently left on items purchased so that innocent persons have been apprehended in error as they leave the store?
- (3) Will the Government ban the use of these tags in department stores?

Answer—

Officers from the Department of Consumer Affairs visited the Myer Store, Burwood, and inspected the Store's Security system which was introduced last August in order to protect the Store from shop-lifting losses estimated to be \$500,000 per annum. The essential part of the system was found to be a sensitized tag attached to selected articles, usually expensive fashion merchandise.

The sensitized tag can only be removed from an article by a special device located at a cash register. The Cashier removes the tag, wraps the article, then checks the parcel in an electronic screen to ensure that the tag has been removed. If this action is not followed, a customer who leaves the Store with an article still tagged will activate the Store's security alarm at the exit.

The Store admits mistakes happen but claims they are few compared to the many articles that are tagged. The basic supposition of the Store, when a mistake is made, is that the customer is the innocent victim of staff carelessness until proven otherwise, and this attitude is emphasized in staff training manuals, films and directives.

The Store's exits are not guarded by security personnel, and the alarm triggered off by the sensitized tag is a flashing, red light, and a pre-recorded message that advises the customer to return to the nearest Cashier.

The message also attracts the attention of a nearby sales assistant who approaches the customer and repeats the content of the pre-recorded message, then guides him to the nearest cash register where the article is identified with the sales docket, and the security tag is removed. An oral and written apology is given immediately to the customer.

The honourable member would be aware that the Privacy Committee has issued an Information Bulletin about security systems that depend upon sensitized tags attached to articles to activate alarms. If certain precautions are observed in the operation of such systems, the Committee's view is that a customer's privacy will not be jeopardized. These precautions are:

- (i) awareness by the security user that apprehension of shop-lifters is a secondary purpose compared with the main aim of the system which is to deter shop-lifting;
- (ii) firm and clear instructions to staff that customers triggering off alarms are to be treated as victims of staff error until proven otherwise;
- (iii) placing of security tags on articles so that **they** are clearly visible, and thereby lessening the chance that they will be left on the article when it is purchased;
- (iv) placing of security sensing pillars so that they are clearly visible;
- (v) placing of signs at appropriate points notifying shoppers of the presence of a security system.

As a result of the inspection of the security system at Myer Store, **Burwood**, by officers from my Department, I am assured that its security system is operated with respect for customer privacy. Security must be put into balance, too, with shop-lifting losses in Australia estimated by the Retail Traders Association to be \$100 million per annum. When this loss is added to the retailers overhead costs, it means the average family pays about **\$30** a year to subsidize shop-lifting. Provided customer privacy is respected, my Government believes that retailers are entitled to protect themselves and the public against a small, unscrupulous group of shop-lifters.

CONVEYANCING

Mr **MAHER** asked the Attorney-General and Minister of Justice—

Does the Government intend to legislate to prohibit solicitors from acting **for both parties** in conveyancing matters?

Answer—

The honourable member will be aware that I have given a reference to the Law Reform Commission of New South Wales to inquire into and review the law and practice relating to the legal profession.

Whilst the Law Reform Commission has produced a number of Discussion Papers concerning subjects within its terms of reference it has not yet produced any material on the matters raised in the honourable member's question. It would, I believe, be premature to legislate in this area prior to the presentation of a final report by the Commission.

However, in the meantime, as responsibility for supervision of the conduct and practices of legal practitioners reposes in the Law Society of New South Wales, that is the appropriate body to consider and take action towards remedying difficulties arising out of the conduct the subject of the honourable member's question.

TRAIN DELAYS

Mr BOYD asked the Minister for Transport—

- (1) On how many occasions did the Gold Coast MotoRail arrive late, at Murwillumbah and Sydney, during the past 4 years?
- (2) What is the main reason for these late arrivals?
- (3) Are there proposals to ensure that the train adheres to its schedule?

Answer—

The information sought is not readily available and, in view of the detail required, its collation would require extensive research and be time-consuming.

In the circumstances, the cost of manpower that would be required of the State Rail Authority to secure information to frame a comprehensive reply would make such an exercise unjustified.

DRUG TRAFFICKING

Mr BOYD asked the Minister for Police and Minister for Services—

- (1) Is he aware of recommendation 13, in the New South Wales Royal Commission into drug trafficking, contained in Supplement No. 1 of the Technical Bulletin printed by the National Information Service on Drug Abuse?
- (2) If so, what progress has he made in its implementation?

Answer—

- (1) Yes.
- (2) The recommendation has been implemented *in toto*.

Police helicopters have been used successfully to explore the topography of New South Wales, in particular the suspected growing areas. As a result of aerial surveys, plantations have been discovered in a number of areas and arrests made for the cultivation and distribution of cannabis.

The Police Department has enlisted the assistance of field officers of the Agricultural Department and encouraged media publicity in growing areas to alert local citizens.

In addition, the Police Department is involved with the Australian Federal Police in a project of detection of Indian Hemp crops by remote sensing techniques employing light aircraft and satellites.

DUNDAS TRAFFIC

Mr McILWAIN asked the Minister for Transport—

- (1) Is it proposed to install traffic signals at the corner of **King and** Stewart Streets, Dundas?

- (2) If so, will such traffic signals incorporate pedestrian crossing phases?
- (3) Will provision be made for handicapped people using this crossing?

Answer—

- (1) Yes.
- (2) Yes. The signals are being provided primarily for pedestrian usage.
- (3) Yes. Adequate crossing time will be provided for handicapped persons.

RYDE TRAFFIC

Mr McILWAINE asked the Minister for Transport—

- (1) In regard to the intersection of Florence Avenue and Blaxland Road, Ryde;
 - (a) What is the latest traffic count?
 - (b) How many accidents have occurred annually over the last five years?
 - (c) Do his advisers consider (i) that sight-lines are adequate for pedestrians and motorists; and (ii) that the intersection can be negotiated safely?
- (2) Does the intersection warrant the installation of traffic lights?
- (3) If so (a) has approval been given for their installation; and (b) what is the priority?
- (4) If not, what measures in traffic management are contemplated to maintain safety?

Answer—

The honourable member will recall having asked a similar question on 2 April, 1980 (No. 1120). The reply to that Question was printed in *Hansard* of that date (page 6819). There is nothing further that I am able to add to that advice.

DENISTONE TRAFFIC

Mr McILWAINE asked the Minister for Transport—

- (1) In regard to the intersection of Kings, Terry and Blaxland Roads, Denistone;
 - (a) What is the latest traffic count?
 - (b) How many accidents have occurred annually over the last five years?
 - (c) Do his advisers consider (i) that sight-lines are adequate for pedestrians and motorists; and (ii) that the intersection can be negotiated safely?
- (2) Does the intersection warrant the installation of traffic lights?

(3) If so (a) has approval been given for their installation; and (b) what is the priority?

(4) If not, what measures in traffic management are contemplated to maintain safety?

Answer—

- (1) (a) The latest traffic counts disclosed that on Kings Road, 66 vehicles travelled between 7.30 and 9.30 a.m. and 60 vehicles between 3.30 and 5.30 p.m.
On Terry Road for the same periods the counts were 160 and 177 respectively.
On Blaxland Road for the same periods the counts were 3 577 and 3 815 respectively.
- (b) 1976—10.
1977—7.
1978—3.
1979—3.
1980—7.
- (c) (i) Visibility for motorists is somewhat restricted when looking in a north-westerly direction on Blaxland Road. Mid-block pedestrian actuated signals are installed in Blaxland Road, east of the intersection.
(ii) Yes, providing normal care and patience are exercised.
- (2) It is proposed that the existing mid-block signals be replaced by signals at the intersection.
- (3) (a) No.
(b) The site is of low priority with regard to other recognized sites, however, it is being kept under close review.
- (4) The existing "Give Way" signs will be retained until signals are relocated.

DUNDAS TRAFFIC

Mr McILWAINE asked the Minister for Transport—

- (1) In regard to the intersection of Marsden Road and Stewart Street, Dundas;
(a) What is the latest traffic count?
(b) How many accidents have occurred annually over the last five years?
(c) Do his advisers consider (i) that sight-lines are adequate for pedestrians and motorists; and (ii) that the intersection can be negotiated safely?
- (2) Since the installation of traffic lights has the use of the lights by pedestrians been constantly monitored?
- (3) Are further measures in traffic management required at this intersection to maintain safety for pedestrians?

Answer—

- (1) (a) The latest traffic count disclosed that on Marsden Road 7 652 vehicles travelled between 6.30 and 8.30 a.m. and 6 461 vehicles between 3.30 and 5.30 p.m.
On Stewart Street, the number of vehicles for the; same periods was 1 233 and 1 014 respectively.
- (b) 1976—2.
1977—2.
1978—2.
1979—5.
1980—5.
- (c) (i) Yes.
(ii) Yes.
- (2) No.
- (3) No further measures are planned for this site at present. However, the honourable member may be assured that the situation will be kept under review.
