Bill has not had time to examine the point, we should take the course of preserving the *status quo*. I move—

That, at the end of clause 3, the following be inserted:—

21F. No action shall be taken by the Registrar under the provisions of sections 21A, 21B, 21C, 21D and 21E of this Act without the consent of the Minister.

Mr. PETTY (Minister of Housing).—For the reasons that have already been mentioned, the Government cannot accept the amendment.

The amendment was negatived.

It was ordered that the Bill be transmitted to the Council.

STATE LIBRARY NATIONAL GALLERY NATIONAL MUSEUM AND INSTITUTE OF APPLIED SCIENCE BILL.

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration next day.

ADJOURNMENT.

Sir **THOMAS MALTBY** (Minister of Public Works).—I move—

That the House, at its rising, adjourn until Tuesday next, at half-past Three o'clock.

The motion was agreed to.

The House adjourned at 4.4 *p.m. until Tuesday, November* 29.

LEGISLATIVE COUNCIL.

Tuesday, November 29, 1960.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 4.58 p.m., and read the prayer.

COAL MINES (PENSIONS) BILL.

RECEIPT FROM ASSEMBLY.

The PRESIDENT (Sir Gordon McArthur) announced that he had received a message from the Legislative Assembly acquainting the Council that this Bill had been sent to the Council by mistake, and requesting its return to the Assembly.

It was ordered that a message be sent to the Assembly returning the Bill, as requested.

POLICE REGULATION (PENSIONS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

DEPARTMENT OF AGRICULTURE.

TUBERCULIN-TESTING OF DAIRY CATTLE: CATTLE CONDEMNED FOR DISEASES.

The Hon. A. K. BRADBURY (North-Eastern Province) asked the Minister of Agriculture—

(*a*) How many dairy herds have been tested for tuberculosis in each of the last ten years?

(*b*) How many dairy cattle have been tested for tuberculosis in each of the last ten years?

(*c*) How many dairy cattle have been found to react to tuberculin-testing in each of the last ten years?

(*d*) How many dairy herds are yet to be tested for tuberculosis?

(*e*) When is it anticipated that all dairy herds will be tuberculin-tested?

(*f*) How many cattle have been condemned during each of the last ten years for diseases other than tuberculosis, and for what diseases?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers to these questions include a considerable quantity of statistics and, with the concurrence of the House, I ask that they be incorporated in *Hansard* without being read.

Leave was granted, and the answers were as follows:—

(*a*), (*b*), (*c*).—The number of herds and cattle in Victoria tested for tuberculosis during the years 1950-51 to 1959-60 together with the number of reactors in each of those years is shown in the underlying table.

Financial Year.	Number of Herds Tested.	Dairy Cattle Tested.	Number of Reactors.
	(*a*).	(*b*).	(*c*).
1950–51	2,030	107,612	1,758
1951–52	2,722	127,238	1,631
1952–53	2,680	135,278	2,185
1953–54	2,642	151,585	2,502
1954–55	1,893	112,369	2,197
1955–56	1,742	95,800	2,254
1956–57	1,306	74,808	1,823
1957–58	1,484	101,911	2,409
1958–59	2,723	150,923	3,033
1959–60	2,969	163,257	1,287

(*d*) Tuberculin testing to date has been confined mainly to those herds holding licences for the metropolitan milk supply and certain herds which have been tested for disease control purposes. Since 1957 testing has been concentrated in two proclaimed eradication areas—one in Gippsland and one in far-western Victoria. The eradication areas contain 8,000 dairy herds, as against the 29,607 dairy herds in the State.

(*e*) The rate of progress in tuberculin testing will depend on the ability of the Department of Agriculture to recruit an adequate veterinary staff and on the finance that can be made available to employ private practitioners on this work.

(*f*) The number of cattle so condemned is shown in the underlying table—

Financial Year.	Actino.	Malignant Tumour.	Pleuro-pneumonia.	Hydatids.	Johne's Disease.	Total.
1950–51	925	560	270	64	95	1,914
1951–52	1,091	684	24	54	284	2,137
1952–53	1,497	743	5,944	58	86	8,328
1953–54	1,489	839	676	68	47	3,119
1954–55	1,387	1,005	43	59	86	2,580
1955–56	1,417	1,039	53	68	102	2,679
1956–57	1,596	1,363	838	83	156 ..	4,036
1957–58	1,483	1,679	115	87	253	3,617
1958–59	1,673	1,757	26	109	196	3,761
1959–60	1,339	1,287	14	69	273	2,982
Totals	13,897	10,956	8,003	719	1,578	35,153

DELINQUENT CHILDREN.

INMATES OF INSTITUTIONS.

The Hon. ARCHIBALD TODD (Melbourne West Province) asked the Minister of Transport—

How many delinquent children are at present inmates of the following institutions:—(i) Turana; (ii) Winlaton; (iii) Morning Star; and (iv) the Salvation Army Home, Bayswater?

Sir ARTHUR WARNER (Minister of Transport).—The answer is—

The number of delinquent children in each of the institutions as at the 14th November, 1960, is as follows:—

Turana	.. ..	127
Winlaton	.. ..	96
Morning Star	.. ..	46
Bayswater	.. ..	53

I may add that the Government is concerned at the readiness with which, in some quarters, unfortunate children who are in the care of the Department are referred to as delinquents. Children in need of State care and protection because of parental neglect may commit minor delinquencies, but they are not primarily delinquents.

The Hon. ARCHIBALD TODD (Melbourne West Province) (*By leave*).—I merely wished to ascertain the number of children in the respective homes who had been through the Children's Court and committed to the care of the State.

BUSINESS OF THE HOUSE.

HOURS OF MEETING.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That so much of the Sessional Orders as provides that the hour of meeting on Wednesdays shall be half-past Four o'clock be suspended during the remainder of this year, and that during the remainder of this year the Council shall meet on Wednesdays at Two o'clock.

The Hon. J. W. GALBALLY (Melbourne North Province).—I take it that the Leader of the Government will preserve the rights of private members regarding the Orders of the Day under General Business.

Sir ARTHUR WARNER.—I thought I had given an undertaking that the Government would deal with the items under the heading of General Business at some time before the close of the session.

The Hon. J. W. GALBALLY.—I did not want those matters to be overlooked now, or for the position to be subject to any misunderstanding. I am satisfied with the assurance given.

The motion was agreed to.

ELECTORAL PROVINCES ACT 1960.

PROPOSED REDIVISION OF PROVINCES: COMMISSIONERS' REPORT.

The Hon. J. W. GALBALLY (Melbourne North Province).—I move—

That the Legislative Council disapprove the fresh redivision of the boundaries of electoral provinces for the Legislative Council in a part of Victoria as proposed by the Commissioners appointed under the Electoral Provinces Act 1960 in their report and maps laid before both Houses of Parliament on the 8th day of November, 1960.

The Government's proposal is a Trojan Horse tactic designed to give it a majority in a House where the electors decided that it should be in a minority. The Government believes that its legislative programme should proceed through the Council without let or hindrance, and to that extent it takes its stand beside students of the one-House system of government which has been tried and not found wanting in other parts of Australasia and which, of course, is part of the policy of the Australian Labour party. The difference between the Government's approach and that of the students of constitutional reform is that, whereas the single House devotees believe the Upper Chamber should be abolished, this Government believes it should exist as a ceremonial but non-functional piece of machinery, ornate and splendid, tastefully garlanded with a knight or two, as an insignia of its lotus-like ease.

It has been well known that for some time the Government has been smarting under a series of defeats in this House. Its admirers refer to those defeats as pin-pricking tactics. All students of the Victorian constitutional system will acknowledge that this House has a perfect right to reject legislation—just as much right to reject legislation as another place has. While

in some quarters the rejection of proposed legislation by the Council is always described as a link, a bargain, or some nefarious infernal arrangement between the Country party and the Labor party, in truth its rejection is an acknowledgment that this House is fulfilling its constitutional role.

While the Upper House exists under the Constitution, no one should complain if it exercises its constitutional role. The Government sees it as a showcase, a museum of fine gentlemen who should be seen but not heard. If it is not satisfied, the Government has a choice. If it feels that its programme is being stultified, it can kill this House by abolition. But while this House exists it must be suffered to fulfil its constitutional role. As I have pointed out to the Government on many occasions, constitutionally the Victorian Legislative Council is the most powerful second Chamber in the world, and it was deliberately made so by its designers. And who can say that it has not fulfilled that role?

From time to time, the Premier and the Minister of Transport go to the wailing wall, loud in their lamentations as to the ingratitude displayed by the incumbents of this House, in this Utopia of ours, in holding up measures such as that magnificent bread Bill and all the other pieces of proposed legislation that have been mauled from time to time in this House. Of course, I can understand the Government's point of view. It is true that the State elections in Victoria are an irritating farce because the party that succeeds at the elections in another place is subject to the will of this House, which has not been forced to go to the people. That is the real bugbear of Victorian politics. No party has suffered more under this irritating system than has the Labour party. About thirteen or fourteen years ago, when the "dreadful" issue of bank nationalization was under consideration, it was claimed by Government supporters that this issue could not be tolerated in a free enterprise society. Where is this free enterprise to-day? The real political power in Victoria has always resided with the Upper House. It is no use honorable members speaking in riddles—we, in this Chamber, are the real masters of Victoria's political destinies.

Perhaps the Legislative Council of to-day is somewhat more benevolent than the Upper House of yesterday because, now, members are elected by the people and not by just a section of the people. The Bill which resulted in the redivision of provinces expressed the Government's irritation at a system which has frustrated all Governments, particularly Labour Governments. The proposal will provide not a solution but an aggravation of a chronic disorder. It needs no words of mine to speak on the proposed redistribution. Neither I, nor my party, offer any criticism of the manner in which the Commissioners performed their work. The central point is that the Labour party could never vote for an enlargement of the Upper House.

The Hon. L. H. S. THOMPSON.—Why did you increase the Federal Senate in 1949?

The Hon. J. W. GALBALLY.—I did not do so.

The Hon. L. H. S. THOMPSON.—Your party was responsible for the enlargement of the Senate.

The Hon. J. W. GALBALLY.—I had nothing to do with that. Whatever may be said for a second Chamber at the Federal level, and whatever worthy motives the framers of the Constitution had when they introduced the Senate, little or nothing can be said for a second Chamber in the State sphere. There has been no move to revive the Upper House in Queensland. I should have thought the Government's intentions would be far better directed if it had attempted to enlarge the Lower House. Had this course been adopted, with an election each three years, the Government which was appointed to office would be able to do certain things. It would be elected with a majority and would stand or fall by what it did.

To-day, the Government of Victoria is in the hands of the Upper House. At the triennial elections only one half of the

members of this Chamber face the electors. The Labour party does not intend to examine the maps and say, "This subdivision should have been taken off here and put there" and such like. This is a matter of high principle with my party, which believes in the abolition, and not the enlargement, of the Legislative Council. Until the power of the Upper House in Victoria is broken in a constitutional manner, there will always be frustrations and irritations of the type that have characterized the political life of this community for well nigh 100 years.

The Hon. P. T. BYRNES (North-Western Province).—In dealing with the motion before the Chair, I propose to traverse what has happened this year concerning this matter and the appointment of the commissioners. First, however, I should like to speak briefly concerning the value of this House. I do not agree with Mr. Galbally's views on this question. I have been a member of this House for almost nineteen years, during which time no Government has had a complete majority in this Chamber, excepting by sheer accident on one occasion when two members assisted the Labour Government.

The Hon. E. P. CAMERON.—They put the "two-for-one" measure through.

The Hon. P. T. BYRNES.—That is so, and that is the only occasion I can recall that a Government had a majority in this Chamber. The Victorian Legislative Council differs from all other Upper Houses in Australia, including the Senate, in that it has gone from strength to strength instead of diminishing in importance. The resuscitation of this important Chamber dates from the period when the system of electing members of this House by adult franchise was introduced. Since then, this Chamber, unlike other Upper Houses in Australia, has become a popularly elected House. It differs from the Lower House in that only half of its members retire at the end of each three years. The fact that all members do not retire at the one time has given stability of thought to this Chamber that does not obtain in many other legislatures, and this is one of the purposes of there being a second House.

In theory, an Upper House should be a House of review, and, while there are three parties represented in this Chamber, none of which has a complete majority, it can function as a House of review. At times, we may make mistakes but, by and large, the decisions of the House, many of which have been related to important matters, have been supported by the people. In fact, I cannot recall one decision that was not endorsed by the general public. It would be a bad day for Victoria if one political party became the master of this Chamber. If such a day should come, and the party in control of this Chamber was the Government party, the House would then be only a nominal Chamber, whose members would attend when the House was sitting, draw their emoluments and pass legislation. However, the Council members would have no influence in the State or on the Government's legislative programme, other than at party meetings. That is the attitude of the Country party on this question.

When the Electoral Provinces Bill, under which the Commissioners were appointed, was debated in May, I was absent overseas, and the debate was handled for the Country party by Mr. Walters. The Country party would never have supported the Bill had it not been for certain beliefs its members firmly held. At the time, two Legislative Council provinces were completely out of balance, one being held by Labour party members, and the other by Government members. It was clear that the members concerned would experience no difficulty in holding their respective seats. The provinces in question were growing rapidly and, after considerable discussion, Country party members agreed to support a Bill to redivide the provinces, always understanding in their own minds that no party would gain anything by the redivision. In other words, it was always thought that the balance of parties would be maintained. Had members of the

Country party not been convinced of that, they would not have supported the Bill.

To ensure that the balance would not be upset as a result of the redivision, the right of rejection of the Commissioner's report was provided for. When dealing with the Bill, Mr. Walters said—

> Before a decision was made by our party concerning this legislation, we considered the subject very carefully.
>
> The Hon. J. W. GALBALLY.—You have made a decision on the Bill?
>
> The Hon. D. J. WALTERS. — Yes, we have decided to support it. Unless something miraculous happens, we believe it will be practically impossible, on the basis of the voting at the last election, for the proposed new province north of the Yarra to be other than a Labour seat or for that on the south of the Yarra to be other than a Liberal seat.
>
> The Hon. SAMUEL MERRIFIELD.—Who put that argument across?
>
> The Hon. D. J. WALTERS.—No one put it across.
>
> The Hon. ARCHIBALD TODD.—You would fall for the thimble-and-pea trick.
>
> The Hon. D. J. WALTERS. — Surely honorable members have not such a low opinion of me as to think I would take notice of anyone trying to put a thimble-and-pea trick over me concerning this measure. I am quite capable of analysing figures, as I have done in relation to the 1958 election. Unless a complete landslide occurs—which I do not expect—it will be practically impossible for the two seats to go other than one each to the Labour party and the Liberal party.

Upon examination of the first plan, it became evident that, although before the redivision there were nine provinces, five of which were held by the Liberal party and four by the Labour party, after the redivision there would be seven provinces held by the Liberal party and only four provinces still held by the Labour party. The plan would mean a gain to the Liberal party, which would have complete domination of this Chamber.

Under the existing situation, with three different parties represented in the Chamber, honorable members are able to exercise some influence on behalf of the people whom they represent, and who appointed them to office. Had the first redivision been agreed to by Parliament, there would have been no possibility of either of the two non-Government parties being able to pass any measures. The Government would have been able to outvote both the Labour party and the Country party. Consequently, the first plan was referred back to the Commissioners who, in submitting their second report, said that they had been given very little instruction what to do. I do not agree with that comment, as the Commissioners received a considerable amount of instruction. When I spoke on the previous plan, I said that one thing the Commissioners had completely ignored was community of interest. Mr. Walters also referred to that aspect. When debating the Bill, as reported on page 2784 of *Hansard* of 10th May last, he stated, *inter alia*—

> The Bill stipulates three matters which the Commissioners shall take into consideration, but one of the main subjects for consideration in connexion with redistribution should be community of interest. However that aspect has been left out of this measure. It is the means of communication of boundaries of electoral districts.

The results of the Commissioners' plans are rather startling. For example, in the Monash Province, people of Toorak have been combined with residents of Port Melbourne and Albert Park. What community of interest is there between those areas? In speaking on the previous plan, I stated as reported at page 333 of the current *Hansard*—

> The Monash Province, for example, combines the people of Toorak with those of Port Melbourne and Montague. What community of interest is there between Toorak and the other areas to which I referred?

Later, I said—

> . . . I think the proposed enlargement of the Melbourne Province could have the effect of destroying its character. Moreover, in constructing the Monash Province in a lopsided way there is no community of interest. Those persons who have been represented in a certain manner for many years have a right to be represented in a somewhat similar manner under a redivision approved in this House.

I made it clear that, in my opinion, Monash was the key province in this redistribution. In their second report, the Commissioners stated, among other things, that they did not get very

much help from the members who spoke on the redistribution plan in this House. I do not agree with that assertion, as the Commissioners must have been well aware of the dominating influence of Monash Province in the plan. In the first proposal, 29,000 electors in the subdivisions of Albert Park, Cardigan, Montague, Port Melbourne, St. Kilda Park and South Melbourne were grouped with some 73,000 electors in Armadale, Caulfield West, Elsternwick North, Ripponlea, South Yarra, Toorak and some other localities. Some 29,000 electors from what I would call working-class suburbs, for the the want of a better name, were included with electors in, again for the want of a better description, exclusive types of suburbs. Two types of electors were grouped in the one province. As I pointed out, that action would virtually disfranchise the 29,000 voters concerned, but it enabled the Commissioners to carve up the Southern Province into three new districts which would be likely to return Liberal party candidates. I think the Commissioners understood that.

In their second report, they stated, *inter alia*—

> Regarding the question of community of interest which has been raised, we wish to say, that, where it is necessary to formulate electorates embracing such large numbers of electors as the Act requires, it is inevitable that there will be some diversity of interest between localities situated at opposite corners of various electorates. This was apparently recognized by Parliament when the legislation was under consideration and it will be noted that the Commissioners are not bound by the Act to consider community of interest.

I consider that to be a very weak statement. I have witnessed a number of redistributions since I have been in Parliament, and it has been universally accepted as standard practice that one of the vital things to be considered in readjusting electoral boundaries is community of interest. The Commissioners should have been well aware of that fact, whether they were directed by Parliament or not on that aspect. I think they have failed in their duty in not taking it into consideration.

I do not contend that Monash Province was deliberately readjusted in order that Southern Province could be carved up in such a way that it would give added representation to the Liberal and Country party. The Commissioners in their second report also stated—

> Nevertheless, the Commissioners have given consideration to the suggestion that the proposed Monash Province might be reconstructed because of the lack of community of interest between residents of such subdivisions as Toorak and Port Melbourne. However, as the excision of either subdivision, whether by itself or with other subdivisions contiguous to it, would entail a substantial rearrangement of a number of proposed provinces and, moreover, would necessitate the sacrifice of the Yarra river as the natural and logical boundary between Melbourne West, Melbourne and Monash Provinces, we are of the opinion that it would be inadvisable to reconstruct the Monash Province in either of the suggested directions.

Any sensible man reading that passage would understand that the Commissioners were aware that they had done the wrong thing, but that to do the right thing would mean a very big job entailing a lot of time. After all, it is no concern of this Parliament how long the job takes. It is a question of whether or not the redistribution should be carried out in the correct manner. The only excuse the Commissioners give for making a bad plan is that a more suitable one would entail a substantial rearrangement of a number of proposed provinces and would necessitate the sacrifice of the Yarra river as the logical boundary between certain provinces. I do not know why the Yarra river should be regarded as the logical boundary between electorates in the city.

The Hon. ARCHIBALD TODD.—It was not regarded as such in regard to a redistribution of Assembly electorates.

The Hon. P. T. BYRNES.—I do not know why the Commissioners took that into consideration. What emerges is that they were not prepared to drop the first plan. They were prepared to make only minor alterations, which they did. In the new plan, 3,000 electors have been taken from the proposed new Monash Province, and other not very substantial changes have been made. So we are

faced with a second plan, which, to all intents and purposes, is the same as the first. With all due respect to the Commissioners, the Country party considers, that they have failed in their duty. After having their attention directed to defects in the original plan, they have not corrected them, and the only excuse they have given for not doing so is that it would entail too much work.

Sir ARTHUR WARNER.—You think the redistribution should be achieved in a political way?

The Hon. P. T. BYRNES.—I contend that community of interest should be considered, whether that is a political matter or not. The commissioners did say that this House has a right to reject anything which it thinks infringes on its political interests. As the new plan is substantially the same as the old and as none of the defects in the old plan have been corrected, the Country party cannot sacrifice its position in this House by accepting the proposal. As stated in the debate on the previous redivision proposal, the Country party has always believed that any redistribution should allow the three parties the same opportunities as they have enjoyed in the past. Country party members did state, when debating the Electoral Provinces Bill, that they considered the proposal would correct some anomalies that had been created in one or two provinces by reducing them to a reasonable size, thereby giving the representatives of those provinces a smaller number of electors to cover. However, never at any time did the Country party indicate that it would sacrifice its position in this House, a position which it has held for a long time.

The Hon. G. L. CHANDLER.—Do you still consider that additional seats should be created?

The Hon. P. T. BYRNES.—I am not discussing that aspect. However, speaking personally, I should say that if that is considered a reasonable way of correcting a lopsided position in some Provinces, I am willing to give the matter every consideration. There has been a great deal of discussion concerning the Country party's attitude in this matter. It has been asserted that on occasions we are on the side of the Liberal party and that on others we vote with the Labour party. It is wrong to regard the Country party in that light. As members of this House, we represent the people and play our own part. Only after the most mature consideration have we decided that we should vote to reject the plan now under consideration. Some people contend that, as members of a minority party, Country party members should simply run along with the bigger groups and do whatever we are told. We will never accept that attitude. If the electors decide otherwise, we will be prepared to take the medicine when it comes.

We may be a minority party, but we represent in this Chamber a vast area stretching from Gippsland right through the north-east and along the Murray Valley to the South Australian border, taking in also the Mallee, the southern Mallee and a great deal of the Wimmera. We represent what I would call all of the progressive agricultural parts of Victoria. The only areas outside the metropolitan area that we do not represent are those districts dominated by the cities of Geelong, Ballarat and Bendigo, and the Western District, which is still, I suppose, the last stronghold of "squatocracy" and is not an agricultural area in the same way as are the other districts I have mentioned. I do not say that it is not a desirable part of the State in which to live, but it is not a progressive agricultural area in the way that Gippsland, the closely settled irrigation areas, and the north-eastern areas are.

The progressive agricultural areas we represent are populated by hard-working members of the community who have created their own co-operative companies to handle dried fruits, canned fruits, dairy products, and so on. Although co-operatives have not been formed to handle the wheat crop, the industry is controlled by a Commonwealth Board which is dominated by growers' representatives. The people in the areas to which I refer have a long history of growth and development.

The Hon. R. W. MACK.—It must be remembered that the co-operative movement commenced in the Western District.

The Hon. P. T. BYRNES.—I acknowledge that. All I say concerning the Western District is that it is not progressive agriculturally, in the same way as the districts Country party members represent. I am not necessarily digressing when I mention these things. The small farmers we represent have had a hard time in the past 50 years and have banded together in co-operative groups which have grown into substantial businesses handling farmers' produce at practically no cost.

They would have gone out of existence had it not been for the marketing legislation passed in this State 25 to 30 years ago. There would have been no co-operative societies, and the farmers would have been not much better off than were the peasants of Europe 30 or 40 years ago. During the past years, farmers have extended their knowledge of agriculture in many fields, such as tobacco growing, the fresh and canned fruits industries and so on, and, by and large, they have managed to make a living. They are the people we represent, and they have a right to a voice in this Parliament.

The Hon. G. W. THOM.—What about the workers in the country?

The Hon. P. T. BYRNES.—Most of them live in towns which are dependent on the welfare of the districts in which they live. There is not much antagonism between the workers and the farmers. In fact, in many country towns there are strong branches of the Labour party and that party has won Parliamentary seats in country areas. The marketing legislation has been the basis of the prosperity of a tremendous area of our country, and that legislation would not have been passed had it not been for a comparatively strong Country party in this House assisted by the Labour party. It was the Liberal party, the United Australia party or the National party which voted against marketing legislation on many occasions. I have had a great deal of experience with that type of legislation, and many former members of this Chamber dedicated their lives to fostering co-operative group work in the country.

We would be doing wrong if we were to jeopardize the position which we hold in this House. One never knows what will happen in the future in regard to the marketing legislation and the welfare of the people we represent. That is what counts most with us, so we will endeavour to retain our position in this House. We are not opposing this proposed redivision just because, by remaining as we are, we have a petty advantage which makes us "sawdust Caesars." Nothing is further from our minds. On all occasions we have given fair consideration to measures brought before this Chamber. Mr. Galbally mentioned one measure which was rejected by this House, but I can recall many. Some honorable members will recall what happened to the River Improvement and Land Drainage Bill. The leader of the graziers' association came to me and said, "We are lucky to have the Country party as our Parliamentary representatives. Throw this Bill out." We did so, and we were abused throughout the length and breadth of the country by members of the Liberal party.

We rejected the proposals put forward by Sir Arthur Warner in regard to freight charges which would have wrecked the agricultural economy of the State. I could name many other measures that have been rejected by this House; in the main they were highly controversial measures which were not in the best interests of the community. Afterwards our decisions were ratified by the electors. The River Improvement and Land Drainage Bill is an excellent example, because Mr. May was elected as a result of our decision on that measure. During the campaign preceding a by-election for the Gippsland Province, the Liberal and Country party made this matter the main point in its election platform. Despite that, Mr. May was elected with a record majority. That is a clear indication

that, when we rejected that Bill, we acted in the best interests of the people and not in a capricious manner. Those are facts that have to be faced.

Taking everything by and large, we have acted in a sound way in this Chamber, and it would be a bad day indeed if we were to agree to a redivision which would make this Chamber the rubber stamp of the Government of the day. If by any chance the Labour party should win an election in the Lower House, representation in this Chamber will still be such that the Liberal party would be able to handicap that party. I am sure that quite a number of people, regardless of their political affiliations, would be sorry if this House were dominated by one political party. In that regard, I propose to quote the remarks of Mr. Nicol when he spoke on a similar motion earlier in this session. He said—

> I must admit that I am at least one on this side of the House—I have no doubt there are others—who may not be entirely unhappy with the condition of this Chamber as it is at the moment. In my view, it is perhaps desirable that no one party should control this House. That is purely my personal view, and I express it for what I believe is the good of this Chamber. I am a great believer in the bicameral system of Government and I am a strong supporter of this Chamber.

That was an honest opinion, and I give Mr. Nicol the respect due to him for expressing it. If he did not mean it he would not have made that statement, but he had the courage to make it and that is a good thing. However, I must say that I may not always agree with the opinions expressed by Mr. Nicol.

The argument advanced by the Country party in regard to this redivision is much the same as that advanced in opposition to the first plan. This new plan of redivision would maintain the strength of the Liberal party in such a way that it would be in a completely impregnable position. Country party members have been consistent in their attitude. While we were prepared to agree to the redivision, it was on the understanding that representation in this House would be maintained as it is at present, with no one party in the ascendancy. The Act provides for the rejection of the plan on this ground, and in opposing the proposal we are merely doing what we are entitled to do. We are protecting our own interests in this Chamber, and only that.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—In his remarks, Mr. Byrnes has indicated that his party will be instrumental in causing this House to take a step which is amazing and indeed unprecedented in Parliamentary history in this State. Since the practice of appointing Electoral Commissioners was started in 1926, in not one instance have both plans submitted by the Commissioners been rejected.

The Hon. I. A. SWINBURNE.—There has always to be a first time.

The Hon. L. H. S. THOMPSON.—It has become abundantly clear that the Commissioner's report is being rejected for reasons which are blatantly political. In the first instance, Mr. Byrnes mentioned that there was some objection to the original redivision of boundaries on the ground of community of interest. Of what interest would it be to electors in the Northern, North-Eastern, North-Western or Gippsland Provinces that Montague and Port Melbourne should be in Monash or Melbourne West Province? That is a point of no real significance to the people living in the country. Therefore, as Mr. Byrnes went on to prove, the objection is really political.

The Hon. P. T. BYRNES.—By putting those people in Monash Province, you have not only wrecked the community of interest but also created two new provinces, in all of which Liberal party members would be elected.

The Hon. L. H. S. THOMPSON.—That is the real reason for the objection, which is political. It is abundantly clear that that is the basic objection. The lack of community of interest must be present to some extent where provinces include 100,000 electors. With such a large number, it is extremely difficult to avoid lack of community of interest. Industrial suburbs must be combined with middle-class and upper-class suburbs and so on—much as I dislike those terms. No matter what plan

was drawn up, some objections could be lodged along those lines. I repeat that it has become abundantly clear that the objection is political. As Mr. Feltham indicated previously, the objections which this House might reasonably lodge towards the redivision were political. The Country party is responsible for its own decision, and it has the right to make this decision. However, I do not believe it is automatically immune from criticism because it makes such a decision.

The Hon. P. V. FELTHAM.—The Minister would not say that he is not unhappy with the plan, because it suits him politically.

The Hon. L. H. S. THOMPSON.—I have some doubts as to what will be the outcome. I do not think anyone can forecast what will happen in June of next year or in June, 1964. The last parcel of votes counted in any one area could decide the issue.

The Hon. W. O. FULTON.—What is happening now could decide it.

The Hon. L. H. S. THOMPSON.—That is true. The principle of appointing electoral commissioners was first introduced in 1926. In that year the first proposals of the Commissioners were rejected by Parliament and the second proposals, based on minor alterations of the first, were approved. In 1936, the 34 Council members were continued by The Constitution Act Amendment Act. The first proposals for a realignment of boundaries was rejected by Parliament, and the second proposals, based on minor alterations of the first, were approved. In 1944 the then 65 Assembly districts were continued by the Electoral Districts Act and the first and only proposals were approved by Parliament. In 1953 the first proposals were adopted by Parliament, and again in 1955, on the occasion of the second redistribution under the Electoral Districts Act, the first proposals were adopted by Parliament without objection.

The Hon. ARCHIBALD TODD.—Surely the Minister is not suggesting that it is mandatory for this House to accept the plan put up?

The Hon. L. H. S. THOMPSON.—I point out that we, as a Parliament, approved of a Bill outlining the terms and conditions upon which the redistribution shall be based and we are, therefore, ethically and morally obliged to accept the decision of the Commissioners who have acted impartially. By interjection, Mr. Todd reflected upon the Commissioners.

The Hon. ARCHIBALD TODD.—I did not.

The Hon. L. H. S. THOMPSON.—In the course of the second-reading debate, Mr. Walters stated that as population increases so there must be more members of Parliament, irrespective of whether they are members of the Council or of the Assembly, and I think every honorable member accepts that assertion. Mr. Walters went on to say—

> I submit that no Government can act dishonestly in the handling of a redistribution measure, because the matter is in the hands of the commissioners. Before a decision was made by our party concerning this legislation, we considered the subject very carefully.

I emphasize the words used by Mr. Walters, namely, "No Government can act dishonestly in the handling of a redistribution measure, because it is in the hands of the Commissioners." If we appoint Commissioners for this particular purpose and instruct them to carry out their tasks along certain broad specified lines but reject the plan they produce, the position is very similar to appointing an Arbitration Court Judge and later dismissing him if he makes a decision which is not in full accord with our liking.

In considering the rejection of this second proposal, we may ask, "What is the alternative?" First, there is the alternative of a redistribution throughout the State and, as I mentioned in my second-reading speech on the Bill, to do that would have the effect of increasing the provinces to an unmanageable size. Indeed, the North-Western Province comprises 20,000 square miles, and the average size of those provinces which are unaffected by the legislation is in the region of 10,000 square miles. So, it is obvious that an over-all redistribution throughout the State would have

the effect of lifting the size of those provinces numerically to the point where they would become unworkable from the point of view of the local members. Another suggestion, which has been put forward unofficially, is that we redistribute the same seats without increasing the number of members. In 1949 the number of members in the Senate at Canberra was increased from 36 to 60, and I suggest that that was not an unreasonable action to take. It is probably one of the best things that the Labour Government of the day did.

The Hon. J. M. TRIPOVICH.—The Constitution provided for the action that was taken.

The Hon. L. H. S. THOMPSON.—No attempt was made to alter that redistribution. I know that there must be a balance between the Houses, but at that particular time there was no suggestion of only increasing the number of members of the House of Representatives. I regard the action taken by the Government of the day in the Federal sphere as a worthy one, and I suggest that a similar attempt to increase the size of this House is now justified. Under the proposal, there will be an increase of only two members in the first three years, with a total increase of four members—an increase of one-ninth in the numerical strength—as compared with an increase from 36 to 60 members in the Senate during 1949.

The Hon. J. W. GALBALLY.—Do you think that in the Upper House there should be two representatives for each province whereas in the Assembly there is only one representative for each electoral district?

The Hon. L. H. S. THOMPSON.—In my view, the method of electing members for the Council should not be an exact replica of that for the Lower House. If that were the case, the position would play into the hands of those who want to destroy this Chamber.

The Hon. J. W. GALBALLY.—As a rigid party system obtains in all parties, what is the point in having an Upper House which is merely a duplicate of the Lower House?

The Hon. L. H. S. THOMPSON.—The method of election in the two Chambers is different. Moreover, in the Council the provinces are only one-quarter of the number of the electoral districts in the Assembly. Again, in this House the members are elected for a period of six years, whereas in the Assembly they are elected for only three years. Further, the existence of this Chamber affords the opportunity for legislation to be reviewed.

The Hon. SAMUEL MERRIFIELD.—Members of this House are not as closely in touch with their constituents as are the members of the Lower House.

The Hon. L. H. S. THOMPSON.—Does Mr. Merrifield seriously suggest that he is less closely in touch with his constituents than he was when a member of the Assembly, allowing for the fact that he has a greater number to represent?

The Hon. SAMUEL MERRIFIELD.—I think so. I now have the equivalent of five Assembly seats to look after.

The Hon. L. H. S. THOMPSON.—That aspect is somewhat removed from the subject-matter of this discussion. I submit that the Government was justified in bringing forward the redistribution measure because of the extraordinary increase in the population of this State during the post-war decade. The position was such that we could no longer ignore the alarming disparities that had grown up in the size of various provinces. The decision of the Country party to-night will perpetuate a set of anomalies whereby there is one province in which 210,000 persons are likely to be enrolled by June, 1961 and, on the other hand, there is a province in the heart of Melbourne, not geographically large, with only 45,000 electors. I contend that such a state of affairs is unworkable in the interests of effective Parliamentary government.

The Hon. J. M. TRIPOVICH.—In the metropolitan province to which you referred there are 25,000 new Australians who are unenrolled.

The Hon. L. H. S. THOMPSON.—That does not greatly affect the comparison. Assuming that the number

of constituents and potential constituents is 60,000, the comparison is still extraordinary and the position is one which could not be justified.

The Hon. D. G. ELLIOT.—You suggested earlier that the Country party is interested only in its own areas and not in the State as a whole. Is that not a presumptuous assertion?

The Hon. L. H. S. THOMPSON.—The Country party has made it plain that it is rejecting the proposal for the reasons I have stated, and it is entitled to do so, but it is not thereby immune from criticism. The proposal having been rejected, we must look for alternatives. The first is an over-all redistribution throughout the State, but that would obviously be unworkable. Any redistribution which adjusts the city provinces without increasing the number of members is unjust. It takes no account of the extraordinary increase in the rapidly developing parts of the State during the post-war years and, further, it means that the average size of the country provinces would be in the region of 59,000 or 60,000 constituents whereas the provinces in the metropolis would be roughly double their present size at 118,000 constituents. That also would be inequitable.

It was obvious that the Government was forced to consider ways and means of overcoming the problem and, in doing so, it considered the proposal to increase the total number of members in the metropolitan provinces. Accordingly, a Bill was brought forward for the appointment of impartial commissioners to inquire into the matter, and so far two reports have been presented. It is apparent that a report which does anything at all to improve the position of the Liberal and Country party would be unacceptable and that one which does anything to decrease the power of the Country party would also be unacceptable. Quite clearly we have reached a position which is untenable. I stress, once again, that the action taken by the Government represented a genuine attempt to meet a situation which no longer did justice to effective Parliamentary government. Honorable members of this House know as well as I do that no attempt was made to interfere with the investigations of the Commissioners.

At this point I should like to read from the Commissioners' report—

> Some of the statements in the *Hansard* report are, to us, most perplexing, and we have found it very difficult to ascertain the desires of the Legislative Council in regard to our reconsideration of the redivision.
>
> There does not appear to have been any vital criticism of the basic assumptions contained in our report or any general objection to the principles or objectives enunciated therein. No really fundamental or comprehensive analysis of the Commissioners' recommendations appears to have emerged from the debate and, to a large extent, such comments as have been offered regarding our proposals were of such nature as to afford little guidance of value to us in our further deliberations.
>
> The principal suggestion which appears to have emerged from the debate, and which is based upon the claim that the original plan of the Commissioners has resulted in a proposed redivision which is politically out of balance, is that we should now revise our proposals in certain indicated directions so as to preserve or endeavour to preserve the political *status quo*.

So, I suggest that far from carrying out their task in a corrupt manner, the Commissioners acted with strict propriety and, disregarding political considerations, they have acted in conformity with the terms of the enabling Bill passed by Parliament. The Commissioners' report proceeds—

> With regard to the premise on which this suggestion is based, we hold the view that, although in our opinion the claim of political unbalance and its implications may be open to rebuttal on a purely factual and objective basis, it would be improper for us, as Commissioners, to make observations respecting the political representation of the area under redivision or in regard to the political prospects, now or hereafter, of the various parties or candidates under our proposals.

Those words are tantamount to a statement that the Commissioners quite clearly left political considerations or results completely out of their investigations. Obviously, if such an aspect were

once taken into consideration, there must be a tendency to favour one party or another. The report continues—

As to the suggestion itself, we firmly believe that, although Parliament has the right to consider our proposals from all angles including political ones, any attempt on our part to revise the scheme on political lines, as suggested, would amount to a violation of our functions as Commissioners.

I stress that this was a genuine and honest endeavour to rectify a set of anomalies which resulted from an extreme population increase, and any decision of this House to-night which has the effect of rejecting the report of impartial Commissioners will do less than justice to Parliament as a whole, to this House and to the Country party itself.

The Hon. D. J. WALTERS (Northern Province).—I am very sorry indeed to state that our party will have to vote against the proposed fresh redivision of the electoral provinces. The Minister without Portfolio has referred to what I said in the course of the second-reading debate on the relevant measure concerning the creation of two additional provinces in the metropolis. I understood that the Government was committed to a redistribution, but not on those lines. There can be no question that when the matter was discussed with the Liberal party its members understood our attitude. We made it quite clear that in the event of two provinces being created in the metropolitan area one should be a Labour seat and one should be a Liberal seat.

The Hon. G. L. CHANDLER.—Nothing of the sort.

The Hon. R. W. MACK.—You did nothing towards having that stated in the Bill.

The Hon. D. J. WALTERS.—We may not have mentioned that point particullarly in the House.

The Hon. L. H. S. THOMPSON.—You never mentioned it.

The Hon. D. J. WALTERS.—It was made very clear that the balance of power in this House should not be upset. We are not making any excuses. We are not ashamed of the attitude we have taken, and we make no apology for it. Mr. Byrnes made that point very clear. I should have liked to see adopted a plan of redistribution under which it was at least possible that one Liberal candidate and one Labour candidate would at the next election be elected for the proposed new provinces. Members of the Country party have carefully taken out some figures. It is difficult to predict, by examining figures for one election, what will be the result of another election, but an attempt has been made to do so, bearing in mind the large increase in population that has taken place. The Country party does not intend to buy a "pig in a poke." According to the figures for the last Legislative Council election, it is impossible for the Labour party to win more than the four seats it already holds, unless an extraordinary landslide takes place, even taking into consideration a possible change in the attitude of the Democratic Labour party.

The Hon. L. H. S. THOMPSON.—A landslide would not be required for a change to occur in Monash.

The Hon. D. J. WALTERS.—If the Democratic Labour party decided to support candidates of the Australian Labour party, as a result of which the Australian Labour party candidate received 50 per cent. of the preferences, the Liberal party candidate would nevertheless win by 1,000 votes, whereas under the existing situation the Liberal party would win by up to 6,000 votes.

The Hon. L. H. S. THOMPSON.—How can the Electoral Commissioners take that into consideration?

The Hon. D. J. WALTERS.—I and other members of my party deeply resent statements that have been made regarding the proposed redivision of electoral provinces. For instance, according to the *Age,* the Premier stated that the Country party would have the opportunity to prove whether its sympathies lay with Labour or the Government on the second Legislative Council redistribution plan. I point out that in this House last week the Labour party voted

with the Liberal party against the Country party on a certain issue, but later the Labour party and the Country party voted together. Since the Bolte Government has been in office, the Country party in this House has voted with the Liberal party on at least 75 per cent. or 80 per cent. of occasions when controversial matters have been raised. The figure may be even 90 per cent. The statement that if the Country party votes against the proposed new division of provinces it will show that it is on the side of Labour is merely a piece of political propaganda, and I am surprised that the Premier would issue such a statement.

The Hon. J. W. GALBALLY.—The Premier sometimes makes a press statement, and if it is not favourably received he denies having made it.

The Hon. D. J. WALTERS.—The Premier has not denied making the statement to which I have referred. Members of the Country party oppose this Bill on political grounds, and we make no apology for doing so.

Sir ARTHUR WARNER.—What are the political grounds?

The Hon. D. J. WALTERS.—We contend that we have the right to adopt the stand we have taken. Moreover, the Electoral Commissioners recognize that right because, in their report, when dealing with the claim that the original plan resulted in a proposed redivision which was politically out of balance, they stated—

> As to the suggestion itself, we firmly believe that although Parliament has the right to consider our proposals from all angles including political ones, any attempt on our part to revise the scheme on political lines, as suggested, would amount to a violation of our functions as Commissioners.

I agree with that statement. The Commissioners have clearly shown that we have the right to oppose the proposals on political lines, and we do so.

Sir ARTHUR WARNER.—What are those political lines?

The Hon. D. J. WALTERS.—When the first proposal was submitted, there was no doubt in the minds of members of the Country party and members of the Liberal party that one of the new provinces would be represented by the Labour party and the other by the Liberal party. In giving instructions to the Electoral Commissioners, the Government may not lay down that they shall act on political lines, but it can give instructions on roughly how the territory should be subdivided. The Government could have given sufficient instructions to ensure that its wishes were carried out.

Sir ARTHUR WARNER.—What is the name of the member of the Liberal party who is supposed to have agreed to that?

The Hon. D. J. WALTERS.—I should say that the Chief Secretary would be the Minister to instruct the Commissioners on the lines to be followed.

The Hon. L. H. S. THOMPSON.—The Government does not instruct the Commissioners.

The Hon. D. J. WALTERS.—Of course, it instructs the Commissioners on the lines that it roughly wants followed.

The Hon. L. H. S. THOMPSON.—Parliament instructed the Commissioners. I gave them no instructions whatever.

The Hon. D. J. WALTERS.—It is of no use the Minister claiming that the Government does not exert influence on the Electoral Commissioners. What sort of snide political trick was played in this House in the matter of instructions to Commissioners regarding the two-for-one proposal?

The Hon. L. H. S. THOMPSON.—I was not in Parliament then.

The Hon. D. J. WALTERS.—That is so. Over the years, whenever a redistribution of provinces has taken place, the Government has had some say in the matter, and the Chief Secretary has indicated approximately what was to be done. I make no bones about the fact that the Country party opposes the present proposal on political grounds.

Sir ARTHUR WARNER.—What are the political reasons?

The Hon. D. J. WALTERS.—We do not intend to permit the Liberal party to gain four more seats in this House.

Sir ARTHUR WARNER.—Then you ought to support the Labour party.

The Hon. D. J. WALTERS.—The Minister's argument is extraordinary. If the effect of the proposed redivision was that the Labour party would gain four seats, the Country party would oppose that, too. We shall support a proposal under which the Liberal party will gain two seats and the Labour party two seats. If implemented, the present proposal will upset the balance of power, as decided by the electors at the last election.

Sir ARTHUR WARNER.—If you are not supporting the Labour party, whom are you supporting?

The Hon. D. J. WALTERS.—We support neither party; we are independent. The Minister of Transport twists things, as he does when dealing with the question of freedom of the roads. It is difficult to produce accurate figures in an effort to forecast the possible result of the redistribution plan, if put into effect. Where there was no Liberal candidate for a Legislative Council province at the last general election, as occurred in Melbourne West Province, I have taken figures for the previous Assembly election. In the nine metropolitan provinces, the successful Labour party candidates polled 361,030 primary votes, giving an average of 45,128 votes each. The ten successful Liberal candidates in the provinces to which I refer polled a total of 404,375 primary votes or an average of 40,437 each. Under the proposed redivision, there would be eight members of the Labour party and fourteen members of the Liberal party. The eight members of the Labour party would each represent 45,128 electors, and the fourteen members of the Liberal party would each represent 28,884 electors. If such a scheme were adopted, the electorates would be completely out of balance. There should be a fresh proposal.

The Minister without Portfolio claimed in his speech that the average number of electors in eleven proposed provinces would be approximately 90,000 and that the average number of electors in the country electorates would be about 59,000. If the number of provinces in the metropolitan area was increased to eleven instead of nine and if the country provinces remained as they are to-day, the figures would be as I have stated.

The Hon. L. H. S. THOMPSON.—In the event of a redistribution that did not increase the number of members, the respective figures would be 118,000 and 59,000.

The Hon. D. J. WALTERS.—The honorable gentleman considered that those figures would represent a fair balance between city and country.

The Hon. L. H. S. THOMPSON.—I said that it would be most unfair.

The Hon. D. J. WALTERS.—The statements are reported in *Hansard.*

The sitting was suspended at 6.28 *p.m. until* 7.48 *p.m.*

The Hon. D. J. WALTERS.—Before the suspension of the sitting, there was a little difference of opinion between the Minister without Portfolio and myself regarding a statement which I said he had made. I wish to make it quite clear the statement he made was when he was speaking to the Bill which became the Electoral Provinces Act 1960. The honorable gentleman said that if the new redistribution proposal was put into effect it would give an average of, from memory, 90,000 electors to the metropolitan provinces and 59,000 electors to the country provinces, which, in his opinion, was a reasonable balance.

The Hon. L. H. S. THOMPSON.—That is right.

The Hon. D. J. WALTERS.—If this proposal is rejected I presume the Government will bring in a Bill to redistribute the whole of the Legislative Council provinces. I take it that the words of the Minister without Portfolio at that particular time outlined the policy of the Government, as he was a Minister, and in any redistribution the ratio would be 90,000 electors in the metropolitan provinces to 59,000 in the country provinces.

Sir ARTHUR WARNER.—I think that is a pious hope.

The Hon. D. J. WALTERS.—I agree. It would be balanced in such a way as to preserve the whole policy of the Liberal party which, since 1949, has been to do everything possible to cut out representation in the country and give it to the metropolitan area. Why did the Minister of Transport interject that it was a pious hope?

Sir ARTHUR WARNER.—Because you will have lost what opportunities you should have to have those seats preserved.

The Hon. D. J. WALTERS.—I take it that the Minister means that we will lose the opportunity because we vote against this proposal.

The Hon. E. P. CAMERON.—You have not one thing to base that on.

The Hon. D. J. WALTERS.—Let us get this clear. The Minister of Transport said that we will have lost the opportunity of preserving something that the Minister without Portfolio, when speaking on behalf of the Government, said was a reasonable balance between the country and the metropolitan area because we will vote against this proposal. So that if it has the numbers—and the numbers have always been between the Liberal party and the Labour party in a redistribution—to bring in another measure to redistribute the whole of the Legislative Council seats, the Government will possibly adopt the idea of the Labour party, and they are entitled to do so, of one-vote-one-value.

The Hon. E. P. CAMERON.—Who said that? That is a figment of your imagination.

The Hon. D. J. WALTERS.—That is the Labour party point of view, not that of the Liberal party whose idea it is that the ratio should be roughly 90 in the metropolitan area to 60 in the country. I take it the Minister will stick to that.

The Hon. L. H. S. THOMPSON.—In relation to this seat.

Sir ARTHUR WARNER.—It has been our point of view.

The Hon. D. J. WALTERS.—It has been the viewpoint of the Government, and because we are opposing this Bill now we are going to be penalized by a new Bill being brought in that will wipe out five to six country provinces.

The Hon. L. H. S. THOMPSON.—We do not say that at all.

The Hon. D. J. WALTERS.—It is an inference one must take from the remarks of the Minister of Transport. There was one matter left out of the Bill which became the Electoral Provinces Act that has been in all redistribution Bills whether Federal or State, and that is the community of interest. My Leader, Mr. Byrnes, stressed the point that there was no community of interest so far as the proposed new Monash Province was concerned. In my speech on the Bill I made a statement, one which was a most reasonable statement, and one of which the Government should have taken notice if it wanted this plan to be accepted. I said—

> What I am saying is that community of interest has been left out of this Bill. However, I should like the Commissioners, who are perfectly impartial, to ensure that country electors, such as coal miners in Wonthaggi or dairy farmers in Loch, are not disfranchised by the throwing of a considerable weight of voting power into areas such as Frankston. I seriously suggest to the Government that when the new divisions are brought in the South-Eastern Province be made as much country as possible.

That was the attitude we took. What has happened? In the Monash Province, as was pointed out by Mr. Byrnes, the people of Cardigan and Montague have been thrown in with Toorak.

The Hon. E. P. CAMERON.—That was the only one he brought out.

The Hon. D. J. WALTERS.—That is sufficient. I am citing another example.

The Hon. E. P. CAMERON.—No one has complained.

The Hon. W. P. MAIR.—What about South-Eastern?

The Hon. D. J. WALTERS.—It is rather an extraordinary province represented by two extraordinarily able

men. This province takes in the Mornington Peninsula right down to Phillip Island, to Loch, Jumbunna and Wonthaggi. Closer to Melbourne, somewhere near Mordialloc, its boundary takes a slanty line along the coast right into Sandringham.

The Hon. E. P. CAMERON.—Mr. Byrnes did not mention that one.

The Hon. D. J. WALTERS.—He left it to me. Members of the Liberal party do not realize that Country party members are in partnership. Each member does not try to steal the limelight. Mr. Byrnes left it to me to speak of the South-Eastern Province. There is this electorate of coal miners and dairy farmers and various other people; it extends far into the country; then, instead of its boundary extending to the outer suburbs of Melbourne, say, towards Scoresby, and bringing in the semi-rural areas——

The Hon. G. L. CHANDLER.—Dandenong, for instance!

The Hon. D. J. WALTERS.—It does not take in Dandenong; we all know that.

The Hon. G. L. CHANDLER.—I did not say that it did.

The Hon. D. J. WALTERS.—Instead of skirting Melbourne and taking in some of what one might call the semi-rural areas, it goes straight into Mordialloc.

The Hon. E. P. CAMERON.—As it does now.

The Hon. D. J. WALTERS.—Of course it does now; that is the trouble. The boundary goes straight into Mordialloc, and, not being satisfied with embracing Mordialloc, it goes in the form of a triangle and takes in Sandringham. What community of interest would the people who live in Sandringham have with the coal miners of Wonthaggi or Jumbunna and the dairy farmers of Loch?

The Hon. W. P. MAIR.—Do you not think that such a wide interest would broaden the mind of the members? One has to think not only of the coal miners at Wonthaggi or of the suburban people at Sandringham, but of all sections.

The Hon. D. J. WALTERS.—I think it may keep members on their toes. However, although the country people are the main people in the south-eastern areas, the weight of votes has gone into the metropolitan area.

The Hon. W. P. MAIR.—In this redistribution the metropolitan interests have lessened considerably.

The Hon. D. J. WALTERS.—That may be so but it is still a very powerful influence. South-eastern is a truly rural area.

The Hon. W. P. MAIR.—The Country party still would not win it.

The Hon. D. J. WALTERS.—We are not worried whether we win it or not, but we do say that it should be represented by a man representing country interests.

The Hon. W. P. MAIR.—It is.

The Hon. D. J. WALTERS.—Of course, we might win it. There has been a good deal of talk about this redivision proposal, and it has been said that we should not on any account alter the Commissioners' decision. Yet the Commissioners have reported that we can exercise political judgment on it. They cannot use political ideas but we can. It is political; there is nothing more political than this particular measure. The metropolitan area embracing eleven provinces will be turned in a place where every Labour member represents 48,788 electors—according to figures taken out from the last election. That representation could be 2,000 or 3,000 out one way or the other. On the other hand, the party that is governing this State, and which wants to force this redistribution plan through, and is using its influence to do so, insulting the Country party in the process, will have fourteen members, each representing 28,824 electors.

The Hon. G. W. THOM.—How did you arrive at those figures?

The Hon. D. J. WALTERS.—I wish to make it clear that when taking out figures from the last or any other election one cannot be absolutely accurate.

For instance, there was no Liberal candidate in the Melbourne West Province, but there were Liberal candidates in the Legislative Assembly electorates within that province. I have taken out the primary votes of the Liberal party in the nine subdivisions not contested in the last Council election, and I have given the Liberal party credit for 4,900 odd votes in Albert Park and district, which were included in Melbourne West. I took those votes from the Labour party. I admit that there could be a variation on the figures—even up to 10,000—on either side.

At present eight members of the Labour party each represent an average of 45,000-odd electors, while ten members of the Liberal party each represent an average of 40,000-odd electors. Under the new redistribution, the eight members of the Labour party would still represent 45,000-odd electors, but fourteen members of the Liberal party would each represent an average of 28,824 electors. The Liberal party figures could be 5,000 or several thousand less, as could those of the Labour party. It is hard to judge the voting with the inclusion of Democratic Labour party candidates, independents, independent Liberals and so on.

The Hon. G. W. THOM.—You have presupposed that Liberals will win those four seats. It would have been fair to mention that. Your figures do not give the Labour party any of the seats.

The Hon. J. M. TRIPOVICH (to the Hon. G. W. Thom).—The Labour party cannot win them.

The Hon. D. J. WALTERS.—As I have stated, it is difficult to take out accurate figures. Giving the Liberal party 4,000-odd votes which were not cast in the Melbourne West Province, but which are included in Monash today, it would be impossible, unless there was a tremendous swing plus a change of attitude by the Democratic Labour party, for the Liberal party not to win the two extra seats. There is no question about that. No one regrets more than I—I am quite sincere in this—that we will have to vote against something that I suggested in this House should be introduced. We are not "babes in the woods." We are members representing people with certain political ideas. If we agreed to this particular redistribution plan, we would be letting down the people whom we represent in this House. This is a political matter. It was originally a political matter to save a particular member's seat. As such, we are fighting against it and shall continue to do so.

The Hon. W. R. GARRETT (Southern Province).—This is an extremely important measure to redistribute the metropolitan provinces, as Mr. Galbally stated recently. I have listened intently to the speakers to-night, who seemed to presuppose that the new seats would be won by the Liberal party. With my colleague, the Minister of Agriculture, I have the honour to represent Southern Province, which probably started this suggested redistribution in motion. We are all familiar with the problem, but to be fair we should examine it from three particular aspects, namely, the problem itself, the suggested solution, and, what is more important, the possible objections that the opposing parties might say they have to the measure.

Victoria is roughly divided into seventeen provinces, which are represented by 34 members. In an ideal State the provinces would be equal. We know that they cannot be because development has taken place over the years and and it is not equal. In the Melbourne Province, an area that used to be residential has become industrialized, and its electors are rapidly decreasing in number. Other areas, such as the one represented by the Minister of Agriculture and myself, take in the perimeter of the city and the electors are rapidly increasing in numbers. In 1958, the Southern Province had 159,543 electors, while the Melbourne Province had more than 100,000 less—51,745. The Southern Province is still rapidly increasing, and at present contains approximately 200,000 electors, while the Melbourne Province has dropped to 45,000. Surely something has to be done about that. The Southern Province includes the whole or part of nine Assembly electorates, five Federal electorates, 21

municipalities, and more than 250 schools, and extends from Marysville almost to Geelong.

Why are we all in this House? Surely we are here to give the greatest possible representation to the people who elect us to the House. How is it possible for the same efficient representation to be given by a member who represents a province of 200,000 electors as by a member who represents 45,000? It is an impossibility. We are here to represent our electors efficiently, without politics coming into it. To correct the situation, the Government introduced a Bill which empowered independent Commissioners to submit a plan for redistribution. Those Commissioners were an independent and non-political body. Their report was laid on the table of the House on the 4th October, and at that time Mr. Galbally moved its rejection with all his colourful language to which we are accustomed. I find the honorable member very entertaining. He made a most spirited attack on the proposal. The plan appeared to me to be perfectly reasonable and logical and was produced by independent gentlemen fully capable of doing efficiently a very difficult job. They put in a great deal of work, and in my view, with one possible small exception, did a very workmanlike job. They suggested that the number of provinces be increased by two. That is well justified, when one looks at the increase in the perimeter of Melbourne alone.

The Commissioners suggested that the provinces be averaged, each to contain approximately 94,000 electors. That seemed to be all right. The plan affected only the metropolitan provinces. It is common knowledge that the Country party stated that it considered something was necessary—Mr. Walters said it to-night—to overcome the anomalies that existed. That party indicated that it was happy to support some such redistribution, but it was to be more or less metropolitan and not affect country provinces. I do not think that is unreasonable; they are country members. There is one difficulty—Monash Province. To-night we have heard a good deal about communal interests, and so on. In the central suburbs there is Toorak, and half a mile down the road there is an area of an entirely different character. It is a difficult matter to create a province of any size at all without there being some differences in interests. However, they seem to get over it all right.

Mr. Galbally is a very clever man. He finds no difficulty in living in a Toorak mansion while he looks after workers in North Melbourne. Therefore, why should it be impossible to carry it out on a political basis? Unless one takes a small area that is all fruit growing and another that is completely industrial, it is impossible to attain community of interests, although that may be desirable. On that previous occasion, Mr. Byrnes and Mr. Feltham, spoke after Mr. Galbally and both Country party members made moderately worded speeches on the plan. However, to my mind they erred very much in virtually suggesting to the Commissioners that the plan be redrawn to observe the *status quo*.

The Hon. P. V. FELTHAM.—That was a shocking thing to do!

The Hon. W. R. GARRETT.—I thought it was, and the Commissioners agreed with what I am saying, because it was tantamount to a direction to the Commissioners to plan it on a political basis.

The Hon. D. J. WALTERS.—The Commissioners have said that they could not do that.

The Hon. W. R. GARRETT.—In their report the Commissioners said—

> Before making observations upon such suggestions, we wish to state clearly and emphatically that we approached our original task in full consciousness that we were obliged to carry out our statutory duties in an impartial manner and in accordance with the requirements of the Act.

Towards the end of a paragraph which I had intended to read, but which Mr. Thompson has read, this statement appears—

> . . . any attempt on our part to revise the scheme on political lines, as suggested, would amount to a violation of our functions as Commissioners.

I strongly concur. Usually I like to listen to Mr. Feltham because, as a rule, he delivers a clear, concise speech. However, in this case he must have found it difficult to make a speech and cloak the real idea behind the Country party's dismissal of this proposal. As I said, I was gratified to read that the Commissioners agree with what I have said, and many other people agree with my contention. Let us examine the attitude of the Opposition. First, it is the Opposition, and we know that its members oppose practically every suggestion made by members on the Government side of the House.

The Hon. D. J. WALTERS.—That is a silly statement.

The Hon. W. R. GARRETT.—Time after time, frequently without any reasonable argument being advanced, measures are opposed. It is difficult to understand some of the reasoning of members of the Opposition although they inform us from time to time, in the press and in this House, that the Labour party is gaining ground. I should have thought they would welcome the opportunity of having two more representatives in this Chamber. From what has been said to-night, they do not appear to be too certain that they can achieve that position. Apparently, they are losing heart. I should have thought that, if the Labour party was so much in the ascendency, particularly with the assistance of another party in which it seems interested at present, it would welcome this opportunity. For instance, the possibility of a Labour victory in the Monash Province would not be remote if the party really put its heart into it. The two Government members who represent Monash Province are the members most affected by this plan, but they seem to be prepared to accept the Commissioners' ruling.

What is the position of the Country party on this question? It is a small party, represented by eight members sitting in the corner, half-way between the Opposition and the Government. It is sitting on the fence, ready to fall this way or that, whichever way its members feel inclined at any particular time. At page 337 of the current *Hansard,* Mr. Feltham is reported as having said—

> It is not only for selfish reasons—sitting here as a member of the Country party which happens to enjoy what is wrongly known as a balance of power in this Chamber . . .

Obviously, the Country party believes that it has the balance of power in this Chamber—and I agree. I regret that Mr. Galbally is not present, because he realizes that the Country party has the balance of power in this Chamber. I am interested when Mr. Galbally speaks on a particular measure and he is not sure whether or not he will be supported by the Country party. If he is sure of support, he will say, "We will knock this to-night" and proceeds to do so. If he is not so sure, what a different Mr. Galbally he is! Then the members of the Country party are the finest persons in the world, and he refers to "the learned gentlemen in the front row." In China, this procedure is known as "kow-towing," and the American expression for it is "buttering up." Mr. Galbally does it extremely well. When he realizes that he is not going to get the support of the controlling party in this Chamber, he bares his teeth. Then they are not "the learned gentlemen in the corner" but an entirely different set of gentlemen.

There is no doubt that members of the Country party hold the balance of power in this Chamber. Although they can control the legislation that goes through this House, they certainly have no mandate in that direction from the Victorian public. They belong to a minority party, and represent the distant country areas. This particular problem relates to the metropolitan area. When members of the Country party speak on matters relating to the country, we all sit up and take notice. I have listened to some splendid speeches by Mr. Mansell, in relation to dried fruits, and by Mr. Walters on irrigation —matters on which they know far more than I do, and I appreciate their knowledge. That is the reason why they are elected to Parliament—to look after those particular interests. They do not

always show the same interest in metropolitan matters. Last week Mr. Mansell delivered an excellent speech on the Bill relating to the State Library. It was evident that this was a metropolitan matter because every other member of the Country party was sound asleep, except Mr. Fulton, who was not present.

The Hon. D. J. WALTERS (Northern Province).—On a point of order, I ask Mr. Garrett to withdraw the statement that all members of the Country party were sound asleep.

The Hon. W. R. GARRETT (Southern Province).—If it offends Mr. Walters, I will withdraw it, but on that occasion I drew the attention of a number of members on the Government side of the Chamber to the fact that all the Country party members were sound asleep. Having regard to the fact that they were uninterested in that particular measure, why should they now be so very interested in a metropolitan matter? I suggest that it is purely for the reason that they wish to maintain their power in the corner of this Chamber. To-night Mr. Galbally repeated a statement which he has frequently made, to the effect that this is the most powerful Upper House in the world. On that basis, members of the Country party are possibly the most powerful politicians in the world to-day, and by adopting their present attitude they are determined to keep it that way. They cannot submit one reason, other than the one I have mentioned, why the proposed redivision should not be accepted. We have heard all sorts of ramblings to-night in their attempts to bolster their argument, but to my mind they have been unsuccessful. In effect, two parties are playing a game of football, but are not prepared to accept the umpire's decision. If that is the Country party's attitude, I should like to issue a warning that it is not as popular throughout the country as its members imagine. They suffered a massacre at Ballaarat North, which the people will not forget, and I venture to suggest that the people will not forget their attitude in relation to this motion.

The Hon. D. J. WALTERS.—Your party won the seat only because of Country party second preferences.

The Hon. W. R. GARRETT.—The Country party candidate secured scarcely more than half the number of votes obtained by the retiring member, which indicates a falling off of support for the Country party. Mr. Byrnes, the Leader of the Country party in this Chamber, stated to-night that no one party should be in control in this Chamber. How does he explain the fact that members of the Country party are now supporting a motion moved by Mr. Galbally? Obviously, the Country party intends to maintain its control in this House without any consideration for the rights of electors in the immediate vicinity of Melbourne.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I did not intend to address myself to this motion, but in view of the Liberal party policy which has been enunciated by members of the Government party, I feel that I must answer some of their statements. Apparently, they have forgotten that in May of this year a Bill was passed by this House to increase the number of electoral provinces in Victoria. The intention behind the passing of the Bill was to draw up a plan for the redistribution of provinces in the metropolitan area so that the number would be increased from nine to eleven. That measure has since become an Act of Parliament, and under its provisions a Commission was appointed to draw up a plan. It was provided that the Commissioners' report should lie on the table and that the plan would become effective if no objection was raised to it. Members of the Labour party and of the Country party have been accused of violating something. Surely we are entitled to comply with an Act of Parliament. Every member of this Chamber was given the right to examine the plan. If they did not agree with it, they could move a motion to reject it, and that would be the end of it. Mr. Garrett now contends that we are not prepared to abide by the umpire's decision. The members of this Chamber are the umpire in relation to this Act

of Parliament. We are debating not a Bill, but a resolution to deal with a plan that is part and parcel of an Act of Parliament. Therefore, Parliament, not the Country party, is the umpire. Mr. Garrett referred to "distant country areas" as though members of the Country party represented districts in the wilderness. Admittedly, they have been forgotton for many years by the propounders of the Liberal system.

The Hon. E. P. CAMERON.—Don't you believe it!

The Hon. I. A. SWINBURNE.—Of course, they have been. When some member of the Liberal party says that we of the Country party represent only the distant areas I remind him that my province extends from Corryong to Kinglake, which is only 35 miles from Melbourne. Surely I have the right to be present in this Chamber and make a decision, although according to Mr. Garrett the members of our party have no right to make a decision on anything affecting the metropolitan area. Surely we have our rights the same as have any other members. If some question arises in this Chamber affecting Melbourne, are we not to have a say? Surely our doing so is in accordance with the democratic principles of the Liberal party. However, that is what Mr. Garrett himself said, as will be seen in the *Hansard* report—that is, if it is there.

The Hon. W. R. GARRETT (Southern Province).—On a point of order, I ask that that remark be withdrawn—that we are going to interfere with *Hansard.*

An HONORABLE MEMBER.—You all do!

The Hon. W. R. GARRETT.—I think that remark is in the same category.

The PRESIDENT (Sir Gordon McArthur). — Order! I ask Mr. Swinburne to withdraw. It was an improper remark.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I withdraw. When the Electoral Provinces Bill was passed in May last, Country party members reserved the right to have a look at it. In that direction we have had two opportunities. Surely the Minister in charge of the Bill is not going to ask us not to exercise our right.

The Hon. G. J. NICOL.—We do not ask you not to exercise it but we desire that you do not misuse it.

The Hon. I. A. SWINBURNE.—We have the same rights as other members of this House; we are entitled to exercise our votes as we desire. I do not suggest to Liberal party members that they exercise their votes in a certain way. We of the Country party should have the same prerogative, in the interests of the people who elected us to this Chamber. The members of the Government have forgotten that in taking our present action we are interpreting an Act. It is an Act which gives us a certain right, and whether we make our decisions on political or any other grounds is immaterial to anybody but ourselves.

The Hon. L. H. S. THOMPSON.—This is the first time it has ever been done.

The Hon. I. A. SWINBURNE.—I have been a member of this Chamber for nearly fifteen years and I have seen one or two redistributions, but I have yet to see one that was not carried out for political purposes.

The Hon. L. H. S. THOMPSON.—This is the first time a redivision has ever been knocked out twice.

The Hon. I. A. SWINBURNE.—There have been more plans for redistribution brought forward in this State for only one purpose than for anything else, and that purpose has been to get rid of the Country party. But we are still here. I remember a former Premier, Mr. Hollway, saying that his prime objective was to get rid of the Country party. When I saw him in Parliament House on one occasion, he said, "It looks as though I set out to cut off a limb with the Country party on it but it now looks as if they are sawing off the limb that I am on!"

What is worrying the members of the Liberal party in this House to-night is that they see a chance of doing once

and for all what they have been trying to do for a century—that is to get rid of us. But while we are here we will continue to exercise our votes in the interests of the people who put us here. We will never stop having a say on any measure that may be brought before us, whether it has to do with the far distant areas that Mr. Garrett talks about or with something in the metropolis of Victoria.

The Hon. W. P. MAIR (South-Eastern Province).—It was not my intention to take part in this debate but Mr. Walters, in the course of his remarks, made reference to the very important South-Eastern Province. I interjected, pointing out to him certain relevant matters. Having done that, I feel that I should speak to this motion, and, in doing so, I hope that what I say will be constructive. I do not raise any objection to members of the Country party or of the Labour party voting for this motion, but I find it hard to understand the reasons for their doing so.

The Hon. D. J. WALTERS.—The reason is that your party would be getting four more seats.

The Hon. W. P. MAIR.—If that is Mr. Walters' objection—that there is a possibility, and only a possibility, of our party gaining four more seats—then it is a political move and nothing more. But there is one consideration that has been thumped, particularly by members of the Country party, and that is, community of interest. The aim of community of interest, so far as the Legislative Council provinces are concerned, is a myth and I hope it will remain a myth. I ask Mr. Walters whether he does not think that broad interests in the Council provinces are a good thing for members of Parliament and that, it being a good thing for them, it is a good thing for Victoria.

The Hon. P. V. FELTHAM.—The South-Eastern Province is very well represented.

The Hon. W. P. MAIR.—I agree that it would be impossible for a province to be more adequately represented. I find the South-Eastern Province a very interteresting and stimulating province as it is at present constituted.

The Hon. P. T. BYRNES.—It is not so stimulating as a province that embraces both Montague and Toorak.

The Hon. W. P. MAIR.—Mr. Byrnes will find the same interests covered in the South-Eastern Province as are covered in the areas of which he speaks, and that it is very desirable for a member representing that area to broaden his mind by studying the various people in his province. Mr. Walters referred to the fact that under the plan the South-Eastern Province takes in Sandringham. Actually, it falls a little short of that point. Bay-road was selected by the Commissioners as a fair and reasonable line of demarcation, and I agree entirely with them. So also is the Nepean Highway, and so too is the old Dandenong-road. Mr. Walters said earlier that he believed the South-Eastern Province would go right down into the country.

The Hon. D. J. WALTERS.—I hoped that it would.

The Hon. W. P. MAIR.—It would be a vain hope. The honorable member expressed that belief so that the interests of the dairy farmers in Gippsland and the coal miners in Wonthaggi would not be confused with those of the metropolitan people of Frankston. Mr. Walters is capable of using figures very well. He adopted that approach to-night but he did not give us the formula that he worked on. The only way to obtain his numbers would be by disrupting the whole of the Gippsland Province. In their wisdom, the Commissioners took a total of 26,000 metropolitan voters from the South-Eastern Province. What was taken from that province represented metropolitan interests—the real metropolitan section of the South-Eastern Province; that is, if one was thinking of the atmosphere of the province when left as a result of the distribution. There was a nearer approach to community of interest than there had been before. Mr. Walters seemed to

have an idea that the original arrangement would put the South-Eastern Province in a condition where it would become a country seat and, so, a Country party seat. It is not absolutely necessary to be a member of the Country party for one to try honestly and sincerely to represent country interests in this Parliament.

The Hon. P. V. FELTHAM.—Not absolutely necessary but very wise!

The Hon. W. P. MAIR.—That may be a fair statement but there are many country people in the South-Eastern Province who believe they are getting fair, reasonable and honest representation of their interests.

The Hon. P. T. BYRNES.—That is because they have a very good man.

The Hon. W. P. MAIR.—The olive branch is being held out, but I will not join the Country party next week.

The Hon. BUCKLEY MACHIN.—Perhaps Mr. Byrnes was referring to Mr. Bridgford.

The Hon. W. P. MAIR.—I agree, but as the olive branch offer has been made it seems that I must either accept the bouquets or the bricks. An honorable member suggests that I am "lapping it up." The day I lap up anything of this nature, coming from members on the other side of the House will be "the day!"

In conclusion, I pay a tribute to the Commissioners. I believe they did a sound and faithful job. It is impossible to ignore geography when designing a redivision, and the only responsibility of the Commissioners was to consider geography, and that is what they did. If by their proposed redivisions there were more Liberal votes here and less Labour votes there, or more Labour votes but not many more, and so many Liberal votes less in a particular area—that would be just the fortune of circumstances and something that the Commissioners would not take into account. If it is the desire of Parliament to reject their work, I do not quarrel with its right to do so. But I should like to hear some better grounds for rejection than those that have been advanced not only on this present occasion also those that were put forward on the previous occasion.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I think I ought to make a few remarks regarding the motion. First, if it had not been for the Country party this matter would not be before the House to-night. This was not a Government proposal in the early stages—it was a suggestion from the Country party that, provided the country seats were not affected in any way and the Southern and South-Eastern Provinces were brought into the metropolitan area and dealt with as metropolitan provinces, it would be prepared to agree to an increase in the number of provinces in the metropolitan area by two. That was the basis of the original suggestion, which emanated from the Country party, how the difficult position concerning the lopsided boundaries of provinces could be overcome.

The Country party turned down the first plan which was submitted, and it has indicated that it will vote against the second plan. However, it has not suggested how the problem should be overcome. It is true to say that the impartial Commissioners who investigated this matter in accordance with the legislation were not bound by the Act to take into consideration community of interest, concerning which a great deal has been said to-night. If it was an important factor, this Parliament should have considered it when dealing with the Electoral Provinces Bill. Mr. Garrett pointed out that the Southern Province was the outstanding example which has brought about the need for a redistribution of Legislative Council provinces. From the time the Electoral Provinces Bill was passed last May, until the Commissioners submitted their report, the number of electors in the Southern Province increased by 7,000, and since 1951 the number has increased by 104,000. I would not support any measure which affected the country provinces, because any honorable member who represents a country province with an enrolment of 50,000 or 60,000 electors would find it almost

impossible to keep up with the demands that are made upon him. The tempo of politics has definitely increased over the years. To-day, the country provinces contain approximately 59,000 electors, which is quite sufficient—probably it is too many—for any member to handle. Consequently, I would not agree to any alteration to the country boundaries.

The Hon. W. O. FULTON.—It is the area rather than the number of electors that gives the most trouble.

The Hon. G. L. CHANDLER.—That may be so, but it should be appreciated that the demands upon a member who represents more than 200,000 electors are almost beyond human endurance. An examination of the existing metropolitan seats, as contained in the schedule submitted in another place, reveals that in some metropolitan provinces the number of electors has decreased. For example, in 1960, there were 47,000 electors enrolled in the Melbourne Province, which represents a decrease of 25,000 since 1951. At the same time, there has been a tremendous increase in the number of electors in other provinces, especially the Southern Province, and it is clear that the time has arrived when some sensible redistribution should take place.

The Hon. C. S. GAWITH.—What alteration has taken place in the Monash Province?

The Hon. G. L. CHANDLER.—During the past ten years, the number of electors in the Monash Province has decreased by 6,000, and the decreases in the Melbourne and Doutta Galla Provinces have been 25,000 and 15,000 respectively.

The Hon. P. V. FELTHAM.—What is your view of a Bill to cut the Southern and Melbourne North Provinces into halves?

The Hon. G. L. CHANDLER.—I would not regard it as a very businesslike method of dealing with the problem. In other words, it would be a poor way of attempting to overcome a problem which must be tackled on a sensible and statesman-like basis. I appreciate the fact that the Labour party is "purring" over this proposal; not very long ago, the same party was responsible for the two-for-one system.

The Hon. J. M. TRIPOVICH.—Tom Hollway introduced that system and the Liberal party adopted it.

The Hon. G. L. CHANDLER.—We know who put it through this Parliament. The Bill was passed with the support of the late Mr. Gartside and the late Mr. McLeod, and the Liberal party supported the Country party right through. The two Liberals who supported the Labour party were defeated at the subsequent elections.

The Hon. SAMUEL MERRIFIELD.—And the Liberal Government implemented the deal afterwards!

The Hon. D. J. WALTERS.—Why did you not alter the system as the Country party desired?

The Hon. G. L. CHANDLER.—I know all about that. In about eighteen months' time, Mr. Garrett and I will have the honor of representing in this House as many electors as are now represented by the whole of the Country party in this Parliament. In submitting his point of view, Mr. Walters quoted a number of figures. I shall not question their basis but, if honorable members examine the figures, they will see that what I have said concerning Mr. Garrett and myself is correct. It was stated earlier that there were 25,000 new Australians in the Melbourne Province and, if that figure is correct, probably there would be 40,000 or 50,000 in the Southern Province.

I conclude by quoting the following interesting article which appeared in to-day's *Age*:—

> Both the Labour and Country parties ignored the important principle of distribution according to population and geography when they rejected the first plan drawn up by three well-qualified and impartial electoral commissioners. Yet there can be no departure from this principle if genuine reform is to be achieved.
>
> It is highly improper to seek to influence adjustments to meet political attitudes, and the commissioners have rightly pointed

out that any attempt on their part to revise the scheme on political lines would amount to a violation of their functions.

Obviously the second plan submitted by the Commissioners will be defeated, but not one constructive suggestion has been advanced how the problem could be overcome. Mr. Feltham suggested rather weakly that all provinces should be left as they are, with the exception of two of the larger ones which should be cut in halves. I do not regard that as a sensible suggestion. I am sure that if it is the will of Parliament that this lopsided state of affairs should continue, it will mean a great injustice to the electors whom we represent. I repeat that within eighteen months, the two members who represent the Southern Province will be representing in this Parliament as many electors as are represented by all Country party members. If that is what honorable members call justice, I have yet to learn what justice is.

The Hon. G. W. THOM (South-Western Province).—Mr. Walters quoted a number of figures concerning this proposal, but they make no mention of the fact that if the proposed redistribution takes place the lowest number of electors in a province would be 89,000 and the highest number would be 99,000, with an average of 96,000 electors in each province. Furthermore, the areas of the province would be almost uniform. On that basis alone, the work of the Commissioners deserves commendation. Mr. Galbally's contribution to the debate could more aptly have been applied to a measure designed to abolish the Legislative Council. He said very little concerning this proposal. If one considers the province that you, Mr. President, and I represent, one cannot find a better example of diversified interests, particularly in the City of Geelong itself. There is a problem there similar to that which exists in Toorak and Port Melbourne. Yet we do not complain because we feel we can represent both points of view.

The Hon. V. O. DICKIE.—The cities of Geelong, Ballarat and Bendigo are miniature Melbournes. All sections of the community must be represented.

The Hon. G. W. THOM.—That is so. To be an all-round representative of such an area, a man must be able to interpret the wishes of various types of people. I, too, cannot agree with the contention that the proposed redistribution should be undertaken, taking into account the prevailing political climate. All honorable members must realize that political climates change. Again, I quote the South-Western Province as an example. In 1952, it was unfortunate enough to be represented by a member of the Labour party, but that situation was changed in 1958 when the people saw the light and reverted to complete Liberal and Country party representation. Nobody can assess with any certainty the political climate in perpetuity. Once any attempt is made to do that an impossible stage is reached. The Commissioners have stated that on a number of occasions, and have repeated it in their second report. They consider that to attempt to make an assessment on a political climate basis would be an impossible proposition.

Sir ARTHUR WARNER (Minister of Transport).—I consider that the Country party should seek an adjournment of this debate in order to consider what they are proposing to do. During the time I have been in Parliament, I have advocated in the party room and elsewhere—even during the days of the Hollway debacle and the two-for-one proposal—that the preferred voting power of country members should be continued. However, I believe that those who have the privilege of representing what might be called a limited electorate ought to exercise that privilege with some discretion. I wish to quote to the House what I said in 1953 when a proposal to take away some of the voting power of country representatives was under discussion. As reported at page 554 of *Hansard* Volume 241, I said, *inter alia*—

> This is certainly a plan to transfer voting power from the country to the city. Why? Because the countryman all over the world is a conservative individual; he is the backbone of most countries, he takes risks, fights the elements and produces food for the community generally. What the Government seeks to do is to transfer the voting power from such men to the regimented hordes of the city.

I have always been in favour of privileged voting power for country representatives, whether they be members of the Liberal party, the Labour party or the Country party.

Let us consider the present proposal. All honorable members know that under the present distribution of voting power, we have reached an all-time absurdity. The Labour party believes that there should be equality of voting power per person regardless of whether farmers or city dwellers are concerned. Nevertheless, for political purposes they intend to vote against this Bill, the main purpose of which is to reduce voting anomalies. Consequently, they are voting against a principle of their party.

The Country party voted for the Electoral Provinces Bill earlier this year under the provisions of which the plan now being discussed was created. Certainly the Electoral Provinces Act provides for the distribution plan to be examined and to be approved or disapproved by the Parliament. However, it was the intention of Parliament that there should be a redistribution, and both the Country party and the Liberal party supported the Bill. As Mr. Swinburne pointed out, a let-out was provided. However, it was not intended that that let-out should be exercised provided that the Commissioners carried out their functions in the proper manner. I agree that legally the House, acting as the final umpire, has the power to reject the plan. However, is not the real situation that Parliament provided the rules and in effect said to the Commissioners, "Prepare a redistribution plan under this set of rules and then we will examine what you have done"? What Parliament really intended was that it would examine the plan prepared by the Commissioners to ensure that they had carried out the instructions given to them. In those instructions there was not one word about political authority, *status quo* or voting power of the Country party. In effect, the Country party is now saying that it is dissatisfied with the Commissioners' work although they may have carried out exactly what they were instructed to do, and that it is going to tear up the book of rules we provided. I consider that the Country party intends to exercise its power in an unreasonable manner.

The Hon. D. J. WALTERS.—We seek to repudiate not the Bill but the plan.

Sir ARTHUR WARNER. — Mr. Walters must realize that if the Country party rejects the second plan it in effect repudiates the Bill, or the Act as it now is. It is true that Parliament has the right to repeal any Act at any time. However, I repeat that in this case the Commissioners, in framing a redistribution plan, have carried out what they were instructed to do. When the House rejected the first plan, the matter was, in accordance with the Act, again referred to the Commissioners. They pointed out quite reasonably that they carried out the instructions that were given to them and that no instructions were given that they should have regard to the political situation. Then they set about devising a second plan strictly within the rules that Parliament had provided. I do not wish to enter into arguments about bargains between political parties, but now the Country party contends that the second plan will help the Liberal party a little more than the first one would have done. Consequently it intends to reject it.

As one who can rightly claim to have fought the battle of country representation on many occasions, I point out to members of the Country party that in this proposed action they are endangering the sympathy of members of my party who feel the same way as I do. I hope that members of the Country party realize that if they reject this plan they will be voting in favour of the Labour party simply because, as one of the accidents of redistribution, the new plan might enable the Liberal party to obtain a majority in the House. In effect, the Country party is saying, "No matter what the people may say we will ensure that the Liberal party will never have a majority in the Council." If that proves to be the case, the Liberal party will be entitled to say that the Country party is exercising its votes in favour of the Labour party.

The Hon. D. J. WALTERS.—You have been saying that for the last five years.

Sir ARTHUR WARNER.—Whether that is the case or not, if the Country party votes to reject this plan that action will prove that there is a great deal of truth in the statement. I urge the Country party to reconsider its position, because if it persists in its present attitude it will not have many friends left inside the Liberal party. I realize that Mr. Galbally is very worried at the present time, as the Labour party has decided to bury one of its principles in order to retain some control in the House which he really wishes to see abolished.

The Hon. J. W. GALBALLY.—How can an abolitionist vote in favour of its enlargement?

Sir ARTHUR WARNER.—I appreciate the Labour party's position. Mr. Galbally has pointed out that his party believes in the abolition of this Chamber. One way to achieve that is to create a very great absurdity in the comparative voting powers of various sections of the people. That brings the House into some degree of contempt in the community. If the Labour party can secure the Country party's support to continue this voting absurdity, the Country party will be assisting in the destruction of this Chamber. Thus it will assist enemies of country voting strength. The Country party will be exercising undue influence if it votes in that manner.

The Hon. P. V. FELTHAM.—Why will it exercise undue influence when it has eight members in this House?

Sir ARTHUR WARNER.—I say that it will be exercising undue influence if it votes to reject the plan, in view of the fact that it has already voted in favour of the Bill which created the Act under which the redistribution plan was prepared. Merely to assist the Labour party, the Country party is seeking to repudiate the legislation. From time to time, with my support, Parliament has enabled two members to be elected in the country by the same number of votes that elect one member in the city.

The Hon. D. J. WALTERS.—How has Parliament done that?

Sir ARTHUR WARNER.—I was being humble when I said two. I understand that in the province represented by Mr. Walters there are approximately 50,000 electors.

The Hon. D. J. WALTERS.—The number is just on 60,000, but how did Parliament do that?

Sir ARTHUR WARNER.—I shall explain that. The present position is that Parliament, by the redistribution plans it has previously authorized, has made it possible for 60,000 people in the country to elect a member to a province. By a series of redistributions Parliament has favoured country people in that way.

The Hon. D. J. WALTERS.—It has not done that in the Legislative Council. Your statement is incorrect. There has been practically no difference in the Legislative Council for many years.

Sir ARTHUR WARNER.—I did not want to give the figures, but it appears as though I will have to. In the Northern Province there are 52,000 electors; in the North-Eastern Province, 49,000; in the North-Western Province, 46,000; in the South-Western Province, 76,000; and in the Western Province, 56,000. That is a rough average of 60,000. So, 60,000 people have the right to elect a member of Parliament. In the South-Eastern Province there are 200,000 voters—three times as many. A person voting in a country province has three times the voting power of a person living in the South-Eastern Province. This privilege has been conferred on country people at large by the authority of Parliament in its various redistribution plans. I remind honorable members that sometimes Parliament can take away what it has given. It has not taken away this right because people like myself have supported the disproportionate vote. Now members of the Country party are saying to members of the Liberal party who have supported this view——

The Hon. D. J. WALTERS.—What about the country members of your own party?

Sir ARTHUR WARNER.—I am talking about the country people, not the Country party. Country people at large have been given twice the voting power of city electors, and in some cases three times the voting power.

The Hon. J. W. GALBALLY.—Is not yours the Liberal and Country party?

Sir ARTHUR WARNER.—That is one of the reasons why we have supported the country people at large. The Country party in this House, which represents one section of the country people, says, "You have put us in a privileged position of having a powerful vote in this House and we are going to take advantage of that to disorganize our friends inside the city area, notwithstanding the fact that we have passed an Act of Parliament making possible a redivision. We have seen fit to use the rules that were not intended for this purpose to reject both plans of redivision entirely."

The Hon. I. A. SWINBURNE.—Why was the second barrel put there?

Sir ARTHUR WARNER.—I appreciate that Mr. Swinburne can say the second barrel was there. I admit that. However, the general principles behind it were not to reject the complete redistribution. The objection was to be taken if the umpires—that is the Commissioners—did not carry out their duty in a proper way. Nobody has said that the Commissioners did not carry out the redivision under the rules which Parliament gave them. When the first proposal was returned to them with a half-baked suggestion that they might look at it from a political point of view, they repudiated that suggestion. They said, "We are not entitled to consider that and we have reconsidered the matter within the rules."

The Hon. I. A. SWINBURNE.—They admitted that we had the right to do that.

Sir ARTHUR WARNER.—Yes, because in the ultimate, Parliament has the last say. Even if the proposal had been accepted, another Act of Parliament could have been passed to reject it. The arrangement between the parties was that the originating Bill should become law, which it did. Everything has been carried out in accordance with the procedure laid down, and the Country party has used the very great voting power it has, for which the Liberal party is largely responsible, to assist and strengthen the power of the Labour party. I suggest that a member of the Country party should seek an adjournment of the debate in order that the Country party might re-examine the matter. I think the members of that party are doing something which may ultimately do a great deal of damage to the Country party and also to country representation.

The Hon. C. H. BRIDGFORD (South-Eastern Province).—I support the suggestion of the Minister of Transport that a member of the Country party should seek the adjournment of the debate in order that that party might re-examine the matter. I do not think we should be criticizing and even abusing each other because each party follows its own self-interest. The attitude of the Labour party is consistent and understandable. It wants a redistribution that will give it a chance of controlling this House at some time in the future. If it misses out on that, it wants this House abolished. That is consistent and understandable. I do not think it is proper for us to be critical of the fact that the Country party wishes to preserve its position as the party holding the balance of power. That is understandable and, in like circumstances, we would do the same. I am suggesting that the Country party's assessment of what is its own self-interest in this matter may be awry. I think there are some things wrong with what has been said and the right speeches are being made at the wrong time. Much of the criticism which has been made should have been made when the Electoral Provinces Bill was in the second-reading stage. Any criticism of the result of the Commissioner's findings should not deal with political implications because that is in itself an implicit criticism of the Commissioners. What has been said has gone beyond the community of interest.

The second point on which the thinking of the Country party may be awry is that it takes for granted that this redivision will inevitably result in an absolute majority for the Liberal party in this House. On a realistic appreciation of the figures, in the present climate, or the climate of one month ago, that is probable, but I regard it as by no means certain. In the very extraordinary times that we are facing, let us admit that we in the Liberal party have some support that we may not always have and that we are enjoying a measure of popular support which is unprecedented. It would be almost impossible to redistribute the seats of this House, or any other House, and disturb a situation which has given a clear majority in another place and in the Federal seats in Victoria to the Liberal party.

The Hon. J. M. TRIPOVICH.—With the Country party.

The Hon. C. H. BRIDGFORD.—That is so. This plan, if it does have that result which it may not, reflects a condition which is only temporary. That, I think, is an assessment of the short-term effect. To assess the long-term effect, one must take a different approach. We have a position, which the Minister of Agriculture has pointed out, that one voter has five times the power of another, even within the city itself, and that position is impermanent. Without saying how it is going to be altered, surely we can say that it will not last forever. There will be some change by some party at some time. We must assess in our minds as a long-term view whether that change may not be more of a disadvantage than the proposal of the Commissioners which, in effect, ensures that the Country party will preserve its preferred voting power and which, except in the present most extraordinary and impermanent circumstances, is most unlikely to be repeated. It appears that the position of the Country party holding the balance of power is secure forever. Country party members may be throwing that possibility away because they fear the short-term results that may not even happen. For those reasons, I support the suggestion of the Minister of Transport that a member of the Country party should seek the adjournment of the debate in order that that party might re-examine the matter.

The House divided on the motion (Sir Gordon McArthur in the chair)—

Ayes	17
Noes	16
Majority for the motion	1

AYES.

Mr. Bradbury	Mr. Merrifield
Mr. Byrnes	Mr. O'Connell
Mr. Elliot	Mr. Smith
Mr. Feltham	Mr. Swinburne
Mr. Fulton	Mr. Tripovich
Mr. Galbally	Mr. Walton.
Mr. Machin	*Tellers*:
Mr. Mansell	Mr. Todd
Mr. May	Mr. Walters.

NOES.

Mr. Bridgford	Mr. Mair
Mr. Byrne	Mr. Nicol
Mr. Cameron	Mr. Thom
Mr. Chandler	Mr. Thompson
Mr. Dickie	Sir Arthur Warner.
Mr. Garrett	
Mr. Gawith	*Tellers*:
Mr. Hamer	Mr. Grigg
Mr. Mack	Mr. Gross.

PUBLIC WORKS LOAN APPLICATION BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

This is an annual measure by which Parliament approves the application of loan money to various projects for public works throughout the State. Generally speaking, the other loan application Bills which refer to water supply, forests and railways, automatically cancel out the previously unspent appropriations but, in the case of the Public Works Loan Application Bill, the general basis is that the unspent amount is carried forward and the new appropriation is added to it. In order to make it easier for honorable members to understand the procedure, the Treasury has this year prepared a statement showing the amount which is available under previous Acts plus the amount issued and applied under the

present measure and the proposed expenditure from the Loan Fund during the year ending 30th June, 1961. Care has been taken to set the items out in such a manner that the same names will be given to the same items in the various Departments.

The measure can be discussed more readily at the Committee stage, but to give members a picture of what it embraces I wish to state that the amount provided for expenditure in the current financial year on various public works, including works supervised by the Hospitals and Charities Commission, is £21,953,873. The total amount of authority sought in this Bill is £18,614,861. Broadly, this sum, as already explained, is sufficient, having regard to the remaining unexpended balances from previous Acts, for the needs of the current financial year and portion of the next financial year. As honorable members are aware, the school building programme is still not completely adequate for the growing needs of the community, and it is proposed to increase the amount of money allocated to schools to the extent of £11,300,000, representing an advance of £2,200,000 over the provision last financial year.

In the field of agricultural education, it is proposed to spend the sum of £400,000 at Dookie Agricultural College and elsewhere. An allocation of £100,000 is provided for agricultural research stations and an amount of £50,000 for the Government Cool Stores. It is intended to increase the court facilities of the State which are becoming inadequate to cope with the growing population and the sum of £200,000 is provided for that purpose. It is expected that an amount of £50,000 will be spent in the arena of children's welfare, and provision of £100,000 is made for the improvement of penal establishments. Moreover, a sum of £350,000 will be made available for the building and improvement of police stations throughout the State.

Expenditure totalling £20,000 will be devoted to public libraries and, in the field of mental hygiene, it is proposed to build a number of clinics. A great deal of research work has been conducted in recent years in the treatment of mental diseases, and it has been discovered that drugs and other methods of treatment can not only shorten the period of a person's stay in a public hospital but in many cases render institutional treatment unnecessary. It is intended to spend an amount of £850,000 in that regard. A sum of £100,000 is being provided for the Mines Department, and an allocation of £600,000 has been made for the renovation of Parliament House, which is a very deserving item. A sum of £3,000 is being provided for the Botanic Gardens; £6,000 for Government House; £75,000 for bush-nursing hospitals; £345,000 for the University of Melbourne, in addition to what is being spent on the Monash University; £500,000 for school maintenance; £105,000 for the Coal Canal Bridge; and £4,600,000 for hospitals and charities, concerning which the Minister of Health will doubtless have more to say later.

An amount of £600,000 is provided for the control of vermin and noxious weeds; £40,000 for the construction of roads in the Shire of Kaniva; £75,000 for Lands Department equipment; £500,000 for subsidies to municipalities with respect to pedestrian crossings, traffic control signals, public halls and so forth; £45,000 for national parks—that item will be welcomed by every honorable member; £30,000 for grants to agricultural and pastoral societies; £30,000 as a contribution to the Aborigines Welfare Fund; £30,000 for sewerage services; £40,000 for wharves, jetties and so forth; £160,000 for dredging; £10,000 for navigational funds; £75,000 for foreshore protection; £200,000 for rural finance; £100,000 for soil conservation in connexion with the Eppalock reservoir; £40,000 in the form of advances to public officers to finance the purchase of motor vehicles; £80,000 by way of assistance to country art galleries; £50,000 as grants for mentally retarded children's centres; £160,000 on baby health centres; £200,000 by way

of loan to the trustees of the Williamstown Cemetery; £50,000 as a contribution to the Youth Organizations Assistance Fund; £40,000 for the Municipalities Forests Roads Improvement Fund; £5,834 as a contribution towards the subway at the Eltham railway station; and £500 as a grant to the Committee for Promotion of Oral Education of the Deaf. If honorable members desire any further details concerning this measure, I shall be pleased to supply them at the Committee stage.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—I move—

That the debate be now adjourned.

I suggest that the debate be resumed on Tuesday next.

Sir ARTHUR WARNER.—Perhaps Mr. Merrifield will agree to the debate being adjourned until to-morrow and, if he requires a further adjournment, consideration will be given to the matter.

The Hon. SAMUEL MERRIFIELD.—I remind the Minister of Transport that there are now 26 items on the Notice Paper. To-day's deliberations are almost complete and, for the remainder of the week, only Wednesday and practically half of Thursday will be available for discussion. It must be borne in mind that there are still several Bills to come to this Chamber from the Assembly.

Sir ARTHUR WARNER.—Perhaps Mr. Merrifield would be prepared to have the debate adjourned until Thursday next. If he then wants a further adjournment, I shall not be difficult about the matter.

The Hon. SAMUEL MERRIFIELD.—I point out that the Government has jammed the legislative programme in the closing hours of the session. If it has scraped the bottom of the legislative barrel, that is not the fault of the Opposition. The Government must accept the responsibility of its actions. A fair period for consideration of a measure is at least one week, and an adjournment for that length of time is traditional. There are still 25 other matters on the Notice Paper to be proceeded with and they will occupy the House for a considerable amount of time. I do not see the necessity of curtailing the opportunity of members to examine Bills properly. There will not be much time to enable them to gather information.

Sir ARTHUR WARNER.—I do not think Mr. Merrifield heard my statement that if he wanted more time on Thursday I would be happy to grant it.

The Hon. SAMUEL MERRIFIELD.—I heard the Minister.

The PRESIDENT (Sir Gordon McArthur).—The question is—

That the debate be adjourned until Thursday next.

The Hon. SAMUEL MERRIFIELD.—With respect, Mr. President, I have asked for an adjournment of the debate until Tuesday next. I do not think I have been unfair in doing so. The Government has plenty of Bills to go ahead with this week. Last week the Minister of Transport anticipated that the House would deal with a certain number of Bills, but the expectation was not realized. We should not all be difficult. There is enough to be done this week. I do not understand why the Minister desires the debate on the Bill to be resumed on Thursday when he knows it cannot be reached.

The Hon. P. T. BYRNES (North-Eastern Province).—I agree with Mr. Merrifield that in normal circumstances a week's adjournment is desirable in the case of all Bills. I do not know how much progress we shall make towards ending the sessional period this week, but if it is contemplated that the House should rise this week, that is all to the good. The Minister of Transport has stated that if the debate is adjourned until Thursday he will give an undertaking that if representatives of the other parties are not then ready to proceed he will agree to a further adjournment until next Tuesday. That is a fair offer, and I ask Mr. Merrifield to accept it.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—The procedure proposed has a tendency to bustle the House, and it is only

with the greatest of reluctance that I shall accept the undertaking on this occasion. However, the Minister of Transport need not anticipate that this will be the case with other measures. I shall expect other Bills to be adjourned until next Tuesday.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Thursday, December 1.

NAVIGABLE WATERS (OIL POLLUTION) BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

The subject of oil pollution of the seas has become an increasing problem with the increased number of ships on the high seas and the general conversion of coal burning ships to oil burning ships. I suppose there is not a member who is not familiar with the damage caused by oil to bird and fish life and to our foreshores. This has been a world-wide experience, and it is particularly difficult in comparatively closed waters such as the North Sea, where the oil problem is terrific.

A number of nations gathered together in 1954 in a convention held with the object of bringing about some universal laws concerning oil pollution. Agreement was arrived at by the majority of countries, which have decided that action may be taken in respect of any ship which causes damage, and jurisdiction will extend in many cases up to 150 miles from shore. The Commonwealth Parliament has passed legislation to enforce the terms of the convention, and each State has been asked to enact similar legislation. So there will be world-wide legislation of a common type empowering authorities to charge to ship owners the cost of removing oil discharged by ships and to levy fines against ship owners and masters who offend. I commend the Bill to the House.

The Hon. ARCHIBALD TODD (Melbourne West Province).—On behalf of the Hon. Buckley Machin (Melbourne West Province), I move—

That the debate be now adjourned.

I suggest the debate be adjourned until Tuesday next.

Sir ARTHUR WARNER (Minister of Transport).—I am in the hands of the House on the question of the period of adjournment of the debate. I agree with all that Mr. Merrifield said, when speaking to the previous Bill, that the programme is the responsibility of the Government, but, as Mr. Merrifield knows, the situation which has now arisen always occurs at the end of a sessional period. This year I tried again to have Bills brought in at an early stage, but there is still an accumulation of measures to be dealt with. The same sort of thing happened when Mr. Merrifield was a member of a Government and it occurred also when a Country party Government was in office. It seems inevitable. By forcing the adjournment of debates till next Tuesday, we are merely guaranteeing that we shall not have the convenience of finishing the sessional period on Thursday, even if we otherwise could do so.

I should like Mr. Todd to agree to an adjournment of the debate until Thursday, and I give him an undertaking—I will do it with respect to all other Bills as well—that if he is not ready to proceed then or the House is reasonably engaged on Thursday, the sitting will be extended until next Tuesday. The matter will be in the hands of the House. I do not wish to be difficult. I do not desire to push the matter, but I cannot see why we should sit unnecessarily just for the sake of being difficult. It may be that the Bill can be dealt with just as easily on Thursday as on Tuesday.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Thursday, December 1.

BUILDING SOCIETIES (AMENDMENT) BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

Building societies in this State are governed by special legislation known as the Building Societies Act. Building societies are not normal companies

coming under the jurisdiction of the Companies Act, and they may do things which cannot be done by an ordinary company in the way of advertising for money, and so on. They do not have a normal Memorandum and Articles of Association; they are governed by what is known as a set of rules. Until a few years ago, most of the building societies were very old companies formed under old Acts, and their directors were mostly a very conservative, sound body of people who had been in this business for many years. Some might think they were much too conservative. In recent years, a number of new societies have been formed, and in the opinion of the advisers to the Government some of the advertisements they have issued have been slightly misleading. Very high rates of interest have been offered by societies, and when an organization offers to pay such rates it must charge even higher rates to overcome the problem that arises.

The Hon. ARCHIBALD TODD.—That is bad business.

Sir ARTHUR WARNER.—As Mr. Todd says, it can be bad business. I do not think the building societies are quite as bad as some of the other organizations which make loans for house building. It is not, shall I say, appropriate for money to be lent for housing at very high rates of interest. The Government believes that building societies have played a part in the construction of houses in Victoria, and in my opinion they can play a further part. I should like them to be exempted from the payment of income tax. The building society is one form of company in respect of which I consider the income tax Act could be varied. Money can be lent on mortgage by private, independent companies without being subject to the income tax legislation, and co-operative housing societies do not pay income tax. It might be a good thing to assist housing if building societies were similarly exempted.

In order that more control can be exercised in this field, and to ensure that there are no "fly by night" operations and that people are not over-charged and misled by building societies, the Government has decided to extend the control over building societies. It is proposed to give the Registrar power not merely to register but to use his discretion as to whether he will register a certain society. The Registrar will be empowered to examine the records of societies to ensure that they are properly conducted, that reasonable methods are employed, and that people who lend money to societies are protected. The Registrar will be authorized to examine the books of the societies, and he will be given power to issue a stop order to prevent a company from continuing in business if he feels that by doing so the savings of people would be endangered.

The Government has a very earnest desire to increase the building of homes, and I consider that this measure is worth while. It is designed to encourage the operation of good companies and to prevent bad ones from continuing in business. If people are to have faith in building societies, it is necessary that a stop should be put to the operations of bad ones.

The Hon. R. W. MACK.—And the very bad advertising that goes on.

Sir ARTHUR WARNER.—I agree.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—I move—

That the debate be now adjourned.

I definitely want this Bill adjourned until Tuesday next. It is a peculiar measure. Although I am familiar with the general subject-matter of some of the other measures on the Notice Paper, I desire time to consider the provisions of this one. Members will have a heavy burden to deal with in the next two days, and it will be impossible for me to investigate the matter while the House is sitting.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, December 6.

AUDIT (AMENDMENT) BILL.

The debate (adjourned from November 23) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This Bill, which contains amendments of a technical nature, amends the Audit Act 1958, the Public Account Act 1958, and section 36 of the Superannuation Act 1958. Most of the clauses in the Bill have resulted from the activities of the Committee of Public Accounts. This committee is, of course, constituted solely of members of another place and, therefore, members of the Legislative Council have not the opportunity of looking as closely into these matters as have members of the Assembly. In fact, we do not see the reports, and unless one does chance to keep abreast of the business in another place one does not know that they exist. That seems to me to be a deficiency that should not exist, and it ought to be remedied so that members of this House may be more familiar with what may be required of them in the execution of their duties in this Chamber.

This Bill has arisen as the result of two reports of the Committee of Public Accounts. The first matter is in regard to persons who previously held a licence under the Companies Auditors Board and are now registered under the provisions of the Companies Act. As I understand the position, in many cases the procedural machinery is a little different from what it previously was, and in fact many of the people now registered under the Companies Act as companies auditors are not necessarily qualified by examination. Some are members of the Chartered Institute or of the Australian Society of Accountants and this is accepted as the qualification which enables them to be registered. The alternative qualification is the Bachelor of Commerce from the University of Melbourne. That constitutes the two main ways in which company auditors become registered under the Companies Act. The amendment in clause 2 is to bring the position into line with the recent amending Act and the consolidated provisions of the Companies Act 1958.

The amendment in clause 3 is designed to enable moneys which might have been mishandled, to use a mild word, or misappropriated by officers of the Public Service to be recovered by a process wider than that which now operates. At present any money that has been misappropriated can only be recovered from salary and while the person concerned is still a member of the Public Service. The amendment is to enable the recovery to take place from the moneys which might be payable to those members of the Public Service as a result of salaries, long service leave, accrued leave and other payments, and also to enable the claim for the repayment of such moneys to be made after the persons concerned have left the Service. In many cases people misappropriate moneys, and as soon as they become aware that an investigation is being conducted, they resign from the Service, and under the existing provisions no claim can be made against them.

The Bill enables a claim to be made against them, even after they have left the Service, but recovery may be made only to the extent that moneys are owed to them. When the amount to be recovered is more than is payable by way of salary, and payment for accrued leave, long service leave and so forth, the State loses the difference. The matter cannot be pursued any further, although I have no doubt that the ordinary statute law would apply, the only limitation being the statute of limitation of actions which I think in cases of this sort would probably be six months. So that if the recovery proceedings were not initiated within six months, such proceedings would lapse.

This amendment also results from an opinion of the Crown Solicitor. The Act provides that following an investigation by the Auditor-General he issues a declaration which is provided for in the Audit Act and which is called a surcharge, and that becomes in effect the legal right for the Treasurer, who operates a claim, to make a claim for the recovery of the money. At present many of these officers, once they resign, disappear without leaving an address. Therefore, they cannot be notified in the terms of the existing Act. The proposed new sub-section (1A) to section

36 of the principal Act will enable a general declaration of the intention to recover to be inserted in the press, if a magistrate agrees to such a process after the circumstances have been laid before him. The magistrate does not have to ratify the matter of the surcharge in itself; it is only that he must ratify the procedure of a general advertisement in the press to enable the machinery for the surcharge, as certified by the Auditor-General, to be sent to the Treasurer, who makes the claim.

I understand that the amendment in clause 4 enables payment to be claimed from the long service leave payable to the person concerned, notwithstanding anything to the contrary in the Superannuation Act 1958. The amount of the surcharge may be recouped from any moneys that are owing to the person who resigned from the Service, from moneys to be refunded as the result of that resignation. A recoup can be made in those circumstances. I understand that only on that point was there any disagreement in the Committee of Public Accounts. I think one of the Government members felt that the recovery ought to proceed further. It means that a person can possibly be absolved of payments that would have been made to him on reaching the age of 65 years. Many of the officers who, unfortunately, commit these indiscretions are temporary officers. They have not been disciplined to the same degree because of the necessity to comply more fully with the preservation of their rights under the Public Service Act. Temporary officers who, of course, have no superannuation often commit indiscretions. Therefore, claims cannot be made in that regard. At present other officers, when they retire at 65 years, cannot be surcharged, and recoups can be effected only from the weekly payments made and not in a lump sum. Paragraph (*b*) of the new proviso to sub-section (2) of section 37 of the principal Act, which is contained in clause 4, is extended to them. In clause 8 there is a supplementary provision enabling that action to be taken despite the provisions of the Superannuation Act, which provides that any payment shall be made only to the contributor. There is provision for overriding that section to a certain extent.

Clause 5 relates to the Treasurer's statement which is presented to Parliament at the end of the year showing the amounts expended for which no appropriation has been made. It is proposed that the general order of numbers and the order itself as shown in the Appropriation Act shall be maintained. It is intended that the difference which will occur between the appropriation and the revenue expended will be shown as a separate amount, and that will come forward in a statement in the following financial year when parliamentary approval is sought. Under this machinery Parliament will subsequently ratify that expenditure. In the meantime, the Auditor-General will be permitted to certify to the general accounts as they stand at the 30th June, so that his report will be available earlier than it normally is. Unfortunately for members of another place his report is usually presented after the Budget debate has taken place, and the members of that House are at a disadvantage in that regard. Perhaps that is one advantage members of this Chamber have, that the Auditor-General's report is made available before we debate the appropriation Bill and, in fact, before many of the Budget Bills of the Government are dealt with.

Many items are financed entirely from the Treasurer's Advance Account, and this amendment will enable these to be adjusted and corrected much earlier than normally. I do not think there is any need for the House to worry about that item. It seems to me most appropriate that the Committee of Public Accounts has approved of it.

Clause 6 amends the Eleventh Schedule to the Audit Act. A most peculiar situation has arisen. I understand that the Crown Solicitor was asked to look at some matter, and in doing so he came to the conclusion that section 4 of the Public Account Act conflicted with the provisions under one of the other Acts, and as the accounts of the Treasury were being

operated under one of the other sections of the Public Account Act, section 4 gave a misleading implication and could not in fact be carried out. Strangely enough, it was overlooked when the Public Account Act was consolidated in 1958 that this provision was in conflict with the section 18 of the Audit Act. It is purely to remedy that conflict between the Audit Act and the Public Account Act that the deletion of section 4 of the latter Act is proposed.

There is a somewhat peculiar procedure under the Eleventh Schedule to the Audit Act. The Treasurer is required to present to the Auditor-General a daily statement of amounts of revenue received and expended. Section 34 of the Audit Act, which relates to the Eleventh Schedule, provides only for matters associated with expenditure, but the schedule relates to receipts. Probably separate statements should be provided for receipts and expenditure. It is now proposed, by clause 6 of the Bill, to delete the reference to receipts in the Eleventh Schedule. I shall not argue about that point because the Treasury officials seem to think the proposal is satisfactory. A question that occurred to me was: What is the advantage of making daily statements of receipts and expenditure? The information I received from a Treasury officer was that the idea is to keep the accounts up to date, so that the Auditor-General can have the bulk of his work done before the end of the financial year, it then being necessary only to add the odd items as they come through. Of course, the Auditor-General can delay approval of items for two months. Therefore, the submitting of a daily statement seems to me to be ridiculous. I should have thought that once a week would be sufficiently frequent. Perhaps the Government will examine that point. The Bill is purely a machinery one and contains no matter of public policy. My party has no objection to the measure.

The Hon. I. A. SWINBURNE (North-Eastern Province).—The Minister of Transport and Mr. Merrifield have covered the ramifications of this measure, and I do not propose to discuss it at length. The Bill deals principally with recommendations of the Committee of Public Accounts regarding certain powers of the Auditor-General, and gives effect to recommendations on this matter. Two matters dealt with by the Crown Solicitor are also covered in the Bill. Two of its clauses contain amendments that are consequential on Acts that have been passed since the principal Act was enacted. My party accepts the principle that the Auditor-General safeguards the people's purse and is the custodian of the accounts kept by the Treasury relating to appropriations passed by this Parliament. The conditions are laid down very strictly and as long as they are adhered to as they are written in the law, we need have no fears. We have no objections to the Bill. We concur in the opinions expressed and support the measure.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

RAILWAY LOAN APPLICATION BILL.

This Bill was received from the Assembly and, on the motion of Sir ARTHUR WARNER (Minister of Transport), was read a first time.

COAL MINES (PENSIONS) BILL.

This Bill was received from the Assembly and, on the motion of Sir ARTHUR WARNER (Minister of Transport), was read a first time.

LOCAL GOVERNMENT (KEILOR WAVERLEY AND SPRINGVALE) BILL.

The debate (adjourned from November 22) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. G. J. O'CONNELL (Melbourne Province).—This is a Bill to enable the Governor in Council to declare the Shire of Keilor, the Shire of Mulgrave and the Shire of Springvale and

Noble Park, respectively, to be cities. Legislation is necessary if this is to be done because the Local Government Act does not provide for a shire to be declared a city, though a shire may be declared a borough if, amongst other things, it does not exceed 9 square miles in area. However, the area of each of the three shires concerned exceeds that area.

On four occasions in recent years, special legislation has been enacted to enable shires to be declared cities. This was done in 1944 for the Shire of Blackburn and Mitcham—now the City of Nunawading; in 1951 for the Shire of Braybrook—now the City of Sunshine; in 1956 for the City of Broadmeadows; and in 1959 for the City of Dandenong. The City of Dandenong and the Shire of Springvale and Noble Park were, of course, formerly one municipality under the name of the Shire of Dandenong.

In order that a municipality may become a city, it must have an annual rate revenue of not less than £30,000. All the councils referred to in the Bill have rate revenues in excess of that amount. The effect of this measure will be to enable the councils of these three shires to take advantage of the procedure provided in the Local Government Act for any borough having the necessary rate revenue to be declared a city. The councils must present a petition to the Governor in Council praying that their municipalities be declared cities. The substances and prayer of the petitions will be published in the *Government Gazette* and local newspapers, and one month thereafter the Governor in Council may make an order declaring the municipalities to be cities. It is interesting to note that two of the municipalities propose to alter their names. The Shire of Springvale and Noble Park will become the City of Springvale, and the Shire of Mulgrave will become the City of Waverley. Keilor, which was created a District Roads Board in March, 1853, and proclaimed a shire in December, 1871, has an area of 38 square miles, a population of 26,000 and a rate revenue of £165,000. It has four ridings—Doutta Galla, Niddrie, Maribyrnong and Tullamarine, three councillors being appointed from each riding. It has 17,137 rate assessments, 14,503 on the ratepayers' rate book, and 10,693 on the voters' roll. The shire includes the areas of Airport West—a new residential and industrial suburb adjacent to Melbourne airport, with a population of over 4,000; Avondale Heights—another growing residential area; parts of Essendon North and Essendon West —which are thriving residential areas with increasing populations; and Keilor East, a growing residential area where much progress and development is taking place. Niddrie, which has a population of over 5,000, is a new residential and industrial area which contains 46 shops, five banks, a post office, State, high and technical schools, churches, convents and denominational schools, a community centre, and an infant welfare centre.

St. Albans is another residential suburb which has made great progress, having a population of more than 8,000 persons. Portion of St. Albans is situated in the City of Sunshine. I understand that the St. Albans residents have requested the Minister for a severance from Keilor. An article in the *Sun News-Pictorial* of the 24th November states—

ST. ALBANS HAS "HAD" CITY ALREADY.

St. Albans was upset over the Government's Bill to proclaim the Shire of Keilor a city, a St. Albans resident, Mr. R. Huart, said yesterday. Mr. Huart, who is president of the St. Albans Progress Association and secretary of the Ratepayers' Association, said the move was being made when the recent Commission of Inquiry has not even answered St. Albans' request for severance from Keilor.

"If Keilor is made a city, it will be harder for us to get out of that municipality," he said.

"It makes us wonder sometimes what we are doing in this uncivilised part of Melbourne.

"Keilor does nothing for us. We have no made roads, no footpaths, no sewerage, no police and no public transport after 10 p.m.—

And I presume no Sunday trains either. The article continues—

"Yet this rate will go up from 6¼d. in the £1, to 7¼d. this year.

"A resident here, on a £500 unimproved valuation, pays about £15 a year in rates, plus £6 sanitary rate, and £5 water rate. That's 10s. a week, for which we live in complete austerity."

I understand that the commission of inquiry will report to the Minister, who may be prepared to take some action. The declaration of Keilor as a city should not be delayed by the request from St. Albans residents for severance.

Sydenham is an agricultural district, which is situated partly in Melton shire. Tullamarine is another agricultural area, parts of which are situated in the City of Broadmeadows and the Bulla shire. I understand that Keilor shire applied to be declared a city in 1959, but that the decision was held in abeyance. I cannot understand why this was done, because the Shire of Keilor is making wonderful progress in housing and industrial expansion. Perhaps the Government is playing politics and waiting for election year so that it can gain some kudos by declaring the Shire of Keilor a city.

I should like to refer now to the Shire of Mulgrave, which will, if this measure is enacted, be known as the City of Waverley. It was created a district in January, 1857, proclaimed a shire in December, 1871, and created the Borough of Oakleigh in March, 1891. The name was changed from the Shire of Oakleigh to the Shire of Mulgrave on the 19th February, 1897. The shire is 23 square miles in area. It has a population of 47,000 persons and obtains a revenue of £337,000 from 17,698 assessments. There are 16,223 ratepayers on the voters' roll. The shire consists of three ridings—North-west, North-east and East—with three councillors for each riding. It is an expanding residential and industrial district, and includes the flourishing suburbs of Ashwood, Chadstone, Clayton, East Oakleigh, Glen Waverley, Jordanville, Mt. Waverley, Mulgrave, Notting Hill, Springvale North, Syndal, Wheeler's Hill and part of Tally Ho.

I wish to quote from a pamphlet statistics which illustrate the development of the shire between the years 1945 and 1959. In 1945 the revenue from rates was £9,642, compared with £297,907 in 1959; in the same period, the population increased from 2,500 to 41,000, rate assessments from 580 to 16,299, the number of schools from four to twenty, and the school enrolments from 191 to 9,463. For the financial year 1959-60, the revenue from rates increased to £340,164. The fees for licences, registrations, supervision, pound, building permits, septic tank permits, subdivisions and road openings totalled £28,200, sanitary charges, £34,700, plant hire and rental of council properties, £16,400, footpath construction charges, £6,868, and miscellaneous, including Government grants, interest charges, fines and costs and superannuation recoup amounted to £33,328. The expenditure on streets and roads amounted to £167,489, health services, covering such items as infant welfare, home help and immunization, £74,050, purchase of land, £38,496, development and maintenance of council properties, £39,695, and purchase of and provision for replacement of plant, £15,030. Redemption of loans required an amount of £38,332, administration, including salaries, legal expenses, pay-roll tax, &c., £71,189, and grants and contributions, including Metropolitan Fire Brigade and superannuation, £15,379. This accounts for a total expenditure of £459,660. I think this augurs well for this thriving shire, which should be given the status of a city.

The Shire of Springvale and Noble Park will be known as the City of Springvale. This is yet another shire in which amazing development has taken place. It was created a district in February, 1857, proclaimed a shire in May, 1873 and the name was changed from the Shire of Dandenong to the Shire of Springvale and Noble Park in May, 1955. In an area of 37½ square miles there is a population of 28,250. From a ratepayers' roll of 9,760, with rate assessments numbering 10,987, a revenue of £180,000 is derived. The three ridings—North, South and East, electing three councillors for each riding—comprise the districts of Bangholme, Harrisfield and Keysborough, which are agricultural areas, and Noble Park, a residential area with a population of 9,000 which is rapidly increasing.

Springvale is a residential and industrial district with a population of over 12,000, and contains a post office, shire

offices and council chamber, schools—State and church—banks, churches, a picture theatre and public hall, an infant welfare centre and a very popular dog-racing track at Sandown Park. The new Sandown racecourse will be made available for racing in 1961 under the auspices of the Melbourne Racing Club and will be one of the best racecourses in the world. It should be a big asset to the new City of Springvale. As the Minister has stated, there are substantial rural areas of which only small parts are likely to be developed for urban use in the foreseeable future. For reasons of administrative convenience, it is desirable that these areas remain in their present municipalities, but it would be unfair to deny the privilege of city status to the urban localities because of this fact. I am in agreement with the Minister on this point.

I should like to give a brief history of the Shire of Springvale and Noble Park. Local government first came to this district in 1857, with the constitution of a District Roads Board covering an area of 59 square miles. In 1873 the area under the control of the District Roads Board was constituted a shire under the name of the Shire of Dandenong, and the council of this shire continued to control the area until 1920, when an area of approximately 5 square miles was severed and became constituted as the Borough of Carrum, later to be elevated to the status of a city and to be renamed the City of Chelsea. The balance of the shire comprising 55 square miles continued without alteration, until a petition for severance of an area of 14 square miles was granted in 1955. In the same year the name of the shire was changed from the Shire of Dandenong to its present name, the Shire of Springvale and Noble Park. Its boundaries were then redefined and diminished and the area reduced to 41 square miles. The balance of the area of the shire was constituted a separate municipality under the name of the Shire of Dandenong. Thus the old shire became known by a new name and the new shire assumed the old name, namely Shire of Dandenong. It was of course appropriate that it should take a new name more in keeping with the principal townships of the district and, it was likewise logical that a new municipality based on such a large township as Dandenong should take the latter name.

Although the change of name and the constitution of the new Shire of Dandenong were both gazetted in May 1955, it was agreed that the adjustment of assets and liabilities between the two shires should take place at the end of the financial year, namely, 30th September, 1955. As Dandenong had been the capital of the old shire, most of the fixed capital assets were located in that township, and it thus became necessary for a division of the assets and liabilities of the old shire to be carried out. This resulted in the new Shire of Dandenong assuming liability for 54 per cent. of the liabilities of the old shire and having to pay to the Shire of Springvale and Noble Park an amount of £176,513 for its share of the assets which were in the Dandenong township area. Although, this financial settlement was very favourable and satisfactory to the Shire of Springvale and Noble Park, it nevertheless brought with it a great deal of inconvenience, because for some two years the administration of this rapidly expanding shire had to be carried out from a temporary office which comprised an eleven-square house and accommodated sixteen officers. During this time the council met in a temporary council chamber measuring 30 feet by 20 feet erected in the back yard of the house which comprised the temporary offices. These inconveniences however, had a brighter side and enabled the council of the day to plan and organize its administration on sound economical lines. The council immediately set about obtaining a suitable site for the erection of suitable offices and a council chamber and succeeded in acquiring an area of 5 acres with a frontage of 255 feet to Springvale-road. This land was formerly the Gracedale Park coursing track, and joined the council's work depot and store yard which also comprised 5 acres.

Thus, the council now has an area of 10 acres with frontages of 255 feet to both Springvale-road and View-road. The services of Alsop and Duncan, architects, of Hawthorn, were engaged, and modern offices and a council chamber having an area of 10,600 square feet were planned and completed at a cost of £60,000. These were occupied on the 5th January of this year. The offices are not only beautifully planned, but also equipped with the most modern office equipment available, and they have been provided with a fully mechanized accounting system. The council has wisely looked to the future and provided accommodation to be used by additional staff, which will be required to keep pace with the unprecedented development which is taking place.

The shire comprises an area of 41 square miles, and includes the thriving and substantial townships of Springvale and Noble Park, as well as a large rural area of approximately 30 square miles, which extends to within 1 mile of the beach at Edithvale. There are just over 60,000 houses in the area, and approximately 400 homes in the course of erection. The population is estimated at 27,000, and 5,000 children attend the schools in the district.

The Hon. G. L. CHANDLER.—It is in the Southern Province.

The Hon. G. J. O'CONNELL.—I appreciate that. It could be said that the old-established firm of Kelly and Lewis Limited is the parent industry of the district; it still provides employment for some hundreds of employees. Other prominent industries are the reinforced concrete works of Rocla Limited and Humes Limited. Both of these industries are well served by the huge deposits of concrete sand which abound in the district. Another very large and important business—this will interest Mr. Gawith—is the bread factory of Austral Bakeries Limited, which is one of the largest factories of its kind in Australia. There is also in the shire the motor car factory of Volkswagon (Australia) Limited, which is at present carrying out its £10,000,000 developmental plan. There are, of course, many other small and invaluable factories, which are far too numerous to mention by name.

Five full-sized football ovals are provided in the shire at Springvale, Noble Park, Harrisfield, Keysborough and Dingley, whilst work is proceeding on the development of Burden Reserve, which comprises an area of 20 acres at the corner of Springvale and Heatherton roads. Hockey fields and general recreation reserves have also been provided in the shire. In addition, the council has reserved or acquired ample areas for development as and when required. The district is served by the Springvale Community Hospital, which was established in 1951, the forerunner of which was a seven-bed weatherboard private hospital. The present hospital has accommodation for twenty patients but, at times, it is seriously over-taxed.

The development of this area and the demand for accommodation in the shire may best be measured by comparison of the building permit figures for the past four years which are as follows:—For the year ended 30th September, 1955, the value of buildings for which permits were issued was £2,454,976; for the year ended 30th September, 1958, the value of buildings for which permits were issued had increased to £2,818,500; and from 1st October, 1958, to 31st March, 1959, the value of buildings for which permits were issued had increased to £2,504,079. Another indication of the extent to which broad acres are being subdivided may be ascertained from a study of the increases in rate assessments from the effective date of severance, namely, 1st October, 1955, to the 1st April, 1959. Assessments as at 1st October, 1955, totalled 7,700; at 1st January, 1959, the number had increased to 10,437, and, as at 1st March, 1959, the number stood at 10,891. This municipality is worthy of being proclaimed a city and the Labour party offers no objection to the Bill.

The Hon. P. T. BYRNES (North-Western Province).—This Bill will create three cities out of a wide expanse

of country. The practice of creating cities by this means was instigated some years ago—I think Heidelberg was the first case—to satisfy the ambitions of persons who did not wish to go through the ordinary routine, and who thought they would like their shires to be cities. It caused considerable argument and discussion at the time because it meant the adoption of a new principle. Since then a number of shires—Sunshine was one—have been declared cities. Although the Country party will not vote against the Bill, there are certain aspects of the matter which appear to be ridiculous. I drive through the Shire of Keilor twice a week, and it is a lovely little bush town consisting of one hotel, a nice bridge, and some excellent vegetable gardens.

The Hon. G. L. CHANDLER.—It takes in parts of North Essendon.

The Hon. P. T. BYRNES.—The area, which consists of 45 square miles, takes in part of St. Albans and some of North Essendon. I suppose that some of the shire is thickly populated.

The Hon. G. L. CHANDLER.—There are 26,000 residents in the area, which consists of 38 square miles.

The Hon. P. T. BYRNES.—Much of the area is, and always will be, farm land. It would be regrettable if some of the beautiful land along the river was turned into building sites. Some of the best and most highly productive vegetable land in Victoria is situated along the banks of the river at Keilor. No doubt, because the land will be considered more valuable as building sites, some of the vegetable gardens will disappear. When that occurs, of course, more vegetables will be grown in districts adjoining the River Murray and, provided that the Minister of Transport grants us freedom of the roads, which would mean that the vegetables could be transported to Melbourne more cheaply than at present, we would not object. In many instances, it appears that shires are being made cities too early. The original legislation was designed to cover a set of extraordinary circumstances in an area that was much closer to the heart of Melbourne than the shires now under consideration.

The Hon. G. L. CHANDLER.—This Bill is indicative of the rapidly growing outer areas.

The Hon. P. T. BYRNES.—That may be so, but there are large areas of undeveloped land in the three shires in question. When compared with areas south of the Yarra river, land to the north of the Yarra develops somewhat slowly. For some reason or other, factory owners, builders and speculators prefer to establish themselves on the south side of the river. Consequently, the Shire of Keilor has not progressed as rapidly as have certain other shires, although it seems likely that, within the next ten or twenty years, housing settlements will develop rapidly in the locality. The Country party supports the Bill, but regrets that valuable farming land will be pushed within the city area, probably just to satisfy the ambitions of a few councillors who think they would be much better off and more important if they were councillors of a city instead of a shire.

The Hon. W. R. GARRETT (Southern Province).—This is a Bill to enable to Governor in Council to declare the Shire of Keilor, the Shire of Mulgrave and the Shire of Springvale and Noble Park respectively to be cities. I wish to speak briefly on the measure because each of the three shires in question falls within the same province—the area which is represented by Mr. Chandler and myself. Indeed, the seven cities that have recently been the subject of this type of legislation all fall within the Southern Province. I have had a great deal to do with these shires, which are efficiently managed and rapidly growing. All of them have fine, new municipal buildings, and are very suitable to be created cities. I am sure that all honorable members will be happy to see such rapidly growing and efficiently managed shires become cities, and I give my support to the Bill.

The Hon. ARCHIBALD TODD (Melbourne West Province).—Bills of this type, which are designed to create new cities, are always interesting, irrespective of whether the shires concerned have the right to be created cities. As a

representative of the Melbourne West Province, I remind Mr. Garrett that a portion of the Shire of Keilor, particularly around Avondale Heights, is in the Melbourne West Province. At the present time, we are concerned because of the prospect of a quarry being operated close to this residential area. For some time, this quarry has almost been at a standstill and, as a result, there has been considerable housing development in the locality. The residents now find that the owner of the land is endeavouring to secure a mineral lease to quarry stone within a short distance of a number of houses. The residents concerned are up in arms concerning the proposal. They have pursued the matter strenuously to induce the local council to see the Minister concerning the matter, and we are hopeful of persuading the honorable gentleman to put an end to the quarrying operations in this desirable residental area in and around Avondale Heights. I hope that this district will be allowed to develop into a successful residential centre and that the values of the properties will be preserved by a restraint being placed on the person concerned to prevent him from quarrying stones in close proximity to the back fences of the houses.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

HEALTH (AMENDMENT) BILL.

The debate (adjourned from November 22) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province).—This Bill seeks to make three amendments to the Health Act. The first proposal is to allow municipal councils to increase from £1 to £4 the fee charged for the preparation of plans, inspections of work and so on in regard to the installation of septic tank systems, provided that an enabling by-law is passed. I have made inquiries from representatives of one or two municipalities and have ascertained that they consider an increase in fee is not unreasonable as on most occasions it is necessary to inspect the sites for septic tank installations on three or four occasions and in some cases as many as half a dozen times. However, it is suggested that it is unreasonable to expect municipal councils to take by-law procedure before being able to make an increase.

The passage of a by-law is a long, drawn-out process and is sometimes costly. The Government should consider amending this Bill to allow councils to adopt this increased charge either by simple resolution or by special order. The adoption of an increased charge by a special order would possibly be the best way, as it would be necessary to give at least six days' notice and to advertise the intention to do so in local newspapers. Consequently, it could not be maintained that an increased charge was authorized on the spur of the moment to meet the burden of a number of applications. If the Government adheres to the proposal that by-law procedure must be adopted, in view of the fact that many councils will close down business for the year in a fortnight's time, there would be little chance of implementing a by-law before Christmas and possibly not until February. It could easily take up to five months after the passage of the Bill for the Act to be proclaimed and the by-law procedure carried out. The Bill proposes to abolish the existing provision which permits councils to charge a fee of £1, consequently, for a period it is likely that councils will not be able to charge a fee. This could mean great inconvenience and loss of revenue to municipalities in outlying districts. In view of the high cost of inspections, it is rather obvious that if this legislation is passed, councils will adopt the maximum fee of £4. So another alternative for the Government would be to amend the Bill to provide straight out for a fee of £4 and not give councils authority to provide for a fee of up to £4. The Municipal Association of Victoria has already made representations to councils and, I believe, to the Minister of Health to take action along the lines I have suggested.

The second part of the Bill relates to the colouring of foods. The Health Act at present provides that other than those substances prescribed in regulations, harmful drugs may not be used in the colouring of foodstuffs. It has been discovered that this provision does not necessarily apply to drugs, and the proposal is to add the words "or drug" after the word "food" wherever occurring in section 230 of the principal Act. The third amendment is the substitution of a new sub-section for the present sub-section (4) of section 315 of the Health Act which deals with reports of meat inspectors. At the present time, they are required to report annually, and as the Minister of Health pointed out in his second-reading speech some matters discovered by meat inspectors could have been rectified had they been drawn to his attention in time. The amendment will require meat inspectors to furnish reports monthly not more than one week after the expiration of the monthly period, and also provides for the making of special reports as required by the secretary of the Department of Health. There is nothing unreasonable in that proposal. Members of the Labour party offer no objection to the Bill, with the exception of the points I have outlined.

The Hon. W. O. FULTON (Gippsland Province).—This is a small but very important Bill. One proposal is that councils shall be authorized to charge up to £4 as a fee for examination of plans and inspection of septic tank systems. I regret that it is still necessary to provide septic tank systems for some of our schools, and they are not always smaller schools. The installation of sewerage systems has led to great advances in the elimination of many contagious diseases, and many years ago the Government of the day passed legislation designed to help country towns to install sewerage systems. Unfortunately, it has not been possible for some towns to provide this amenity, and I should like the Minister of Health to inform me whether the Government is prepared to give consideration to helping smaller towns install septic tank systems in the same way as assistance is made available for the provision of sewerage facilities. I consider that any money made available should be provided to municipalities on a 3 per cent. interest basis.

For many years, it has been the practice of individuals to install septic tank systems where sewerage is not available, and I consider that instead of asking persons who adopt this method to pay an extra tax we should encourage them. I believe the Government should give consideration to a reduction in the amount charged when there is a mass installation of septic tank systems in country towns. It is not economically possible for residents of Stratford to install a sewerage system, so they decided on mass installation of septic tank systems. The same situation applied in Omeo and in Seaspray, which is a seaside resort for a great number of Gippsland people as well as for visitors from the metropolitan area. The increase from £1 to £4 in the fee charged by councils is rather a steep one. People who install septic tank systems help materially in improving health conditions of the areas in which they live. If 50, 60, 100 or even 200 householders in an area wish to install septic tank systems, they should not, in my opinion, all be charged the full fee. It would not be an undue burden on the Government if it assisted in the installation of septic tank systems in the same way as it has assisted in the installation of sewerage systems. Therefore, I foreshadow that in Committee I will move an appropriate amendment on behalf of the Country party.

I think that any extra payments that are required should be taken care of by the Department of Health instead of the whole burden being placed on the municipalities or the individuals who are paying high costs to have septic systems installed. Throughout the length and breadth of Victoria, in small towns and in some larger towns in which it is not economic to have sewerage systems, septic systems are being installed. Therefore, there should be some recognition by the Government of the people who are shouldering these burdens themselves while larger municipalities

are assisted to the extent of hundreds of thousands of pounds by the Government to install sewerage facilities. However, I do not think that scheme is wrong because the more sewerage systems there are the better will be the health of the people.

I take this opportunity of bringing to the notice of the Minister of Health the archaic and filthy system that exists in country schools where school teachers are responsible for burying the nightsoil from their homes and from the schools. I thought the day had long passed when that could happen in our community. Perhaps this is a matter for the Education Department and not the Department of Health, so I ask the Minister of Health to direct the attention of the Minister of Education to it. I believe sewerage and septic systems are so important that the Government should be to the fore in ensuring that every school is equipped with a septic system where it is not possible for it to be connected to a sewerage system. I ask the Minister also to give consideration to the view of my party in relation to the charge for mass installations of septic tanks in small country towns where it is not possible to have sewerage.

In relation to the drugs that are reported to be injurious to health through dyes and colouring material in medicinal preparations, in the notes circulated with the Bill it is stated that a committee is of the opinion that some of the matter used in medicine is potentially dangerous. I hope the Minister will be able to inform the House of the drugs which have made this amendment necessary, and assure honorable members that these drugs will be taken off the market in a short time. Doubtless, they appear in doctors' prescriptions as well as in patent medicines. I should like to know whether the Minister can cite any cases which led him to bring this measure before Parliament. We are unable to discuss this matter from a practical point of view unless we have that information. It could be that undue hardship could be caused to a number of retail establishments, particularly chemists, which have large stocks of various medicines which could come under the terms of the proposed amendment. So, I ask the Minister to clarify the position.

I think the amendment in relation to meat inspectors is a step in the right direction. At the present time the Act provides that meat inspectors shall submit annual reports to the Commission of Public Health. It is proposed by the amendment contained in the Bill that the meat inspectors be required to submit regular monthly reports and special reports when asked to do so by the Commission instead of annual reports as are required now. I take it that it will be mandatory for the meat inspectors to submit each month a report on the meat inspected by them at the various abattoirs and slaughter houses. It is most necessary that the Commission, the Department of Health, and the Minister should know what is happening from month to month. There could be an epidemic or an outbreak of a dread disease such as anthrax and no steps would be taken to notify the Commission. The Minister stated that the Commission will be kept posted with up-to-date information on activities at the abattoirs, on the incidence of diseases in animals sent for slaughter, the numbers of carcasses condemned, and the reasons why they were condemned. The Department of Health is of paramount importance in this State and has a record second to none in the Commonwealth, and we want to keep it that way.

The Country party supports the Bill, but I ask the Minister to give consideration to the amendment I have foreshadowed in relation to the reduction of fees for mass installation of septic tanks.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Fees for examination of plans, &c., of septic tank systems).

The Hon. E. P. CAMERON (Minister of Health).—I was interested in the comments of both Mr. Fulton and

Mr. Walton. Mr. Fulton referred to the amounts that are chargeable. I remind him that this is not a matter affecting the Department of Health because it is a responsibility of the councils, which have to bear the cost and accept the onus of raising the fees from £1 up to any amount not in excess of £4. It is a fact, as Mr. Walton stated, that many country municipalities are in a bad position in this regard and are expending the time and labour of officers in paying up to three visits of inspection where there is trouble. If a shire or a sewerage trust is putting in a septic tank system, it is up to the council to approve of the whole scheme. I point out that the cost involved would not be the same for an individual scheme. The Government has great faith in local governing bodies and leans heavily upon them. I am sure that no honorable member would not trust his local council. All the Government is doing is admitting that the fee of £1 has not reimbursed the councils for the cost of the work involved. If a person is putting in a septic tank installation it is at considerable expense to himself, and it is worth his while to have the job inspected properly.

Some members of the Municipal Association of Victoria are keen on the matter raised by Mr. Walton and others are not. The Government left it to be made by by-law for the reason that if it was by resolution of the council the people concerned would not know from week to week where they stood. A man could put in a plant to-day, get the approval of the council next day and then the fee could be raised to £4. For some years councils have charged a fee of £1, and it is a matter of waiting till the by-law becomes operative for a change to be made. The Government has no personal feelings in the matter and that is why it was left as a by-law instead of as a resolution of the council. Some councils might change their opinions, according to majorities or minorities, every week and the people would not know what was happening.

The Hon. J. M. WALTON.—That would not apply to several areas.

The Hon. E. P. CAMERON.—It would apply, but alteration could readily be made. As Mr. Fulton well knows, the Department of Health has no jurisdiction over Government buildings. Nevertheless, as he suggested, I shall take the matter up with the Minister of Education—I suppose the Treasurer also comes into this matter. It must be realized, of course, that the provision of sewerage in schools is not the job of the Department of Health.

The Hon. J. M. WALTON (Melbourne North Province).—I do not think the Minister has commented on the situation which will obtain if this Bill becomes law before Christmas, in which case a period of time will elapse during which councils will not be permitted to charge a fee.

The Hon. E. P. CAMERON (Minister of Health).—I regret that I did not comment on that aspect. At the moment municipalities have the power to charge a fee of £1. When this Bill is passed and is proclaimed, the councils will have to make by-laws, but I suggest that the proclamation will not be effected before Christmas, and so municipalities will have due notice concerning the making of by-laws.

The Hon. W. O. FULTON (Gippsland Province).—I thank the Minister for his explanation. I know that this is a matter for municipalities, which have put up to the honorable gentleman a proposal to allow them to charge a fee of £4 for preparing plans and making inspections in relation to septic systems. It is generally realized that poliomyelitis and other dread diseases can be spread as a result of the outmoded, unhygienic, filthy and insanitary conditions that obtain in many schools and, if the Department of Health has no direct responsibility in the matter, the Government should take remedial action.

The Hon. E. P. CAMERON.—I said I would do something in that regard.

The Hon. W. O. FULTON.—The Department of Health has a proud record in the matter of combating disease, and that is the secret of its success. I would not like to make a guess at the amount provided by the

Government for sewerage installations in various towns, boroughs and cities, but I consider that a small concession towards the cost of mass installations of septic tanks is justified. If the Minister is not prepared to accept my proposed amendment, perhaps he will at least give due consideration to the matter.

The Hon. E. P. CAMERON (Minister of Health).—This matter is one for the municipalities concerned but, as Mr. Fulton has requested, I shall place before the Treasurer the question of making available a sum of money for the purpose of encouraging the mass installation of septic tank systems.

The clause was agreed to, as was clause 3.

Clause 4 (Prohibition of the mixing of drugs with injurious ingredients and the selling of same).

The Hon. E. P. CAMERON (Minister of Health).—Mr. Fulton raised the question of the words "or drug" being used after the word "food" in section 230 of the principal Act. As honorable members are aware, under the Act the mixing of injurious or supposedly injurious drugs with food or mixtures of foods is prohibited. This clause merely relates to the mixing with drugs of injurious ingredients such as colourings, and it has been included in the measure at the request of the Pharmacy Board. It is not intended that the provision shall apply to any patent medicines and other preparations that are already on the market. All household detergents, patent medicines and so forth had, by the 15th October, this year, to be labelled under three separate headings, namely, "Not to be Taken," "Dangerous if Swallowed," and "Send for a Doctor if Swallowed." This clause has been drafted on the assumption that prevention is better than cure.

The Hon. W. O. FULTON (Gippsland Province).—I thank the Minister for his explanation. I take it that there are at present offered for sale certain injurious patent medicines and substances.

The Hon. E. P. CAMERON.—I did not mean that. The clause is a safeguard for the future, and no patent medicine at present being marketed will be interfered with. With the introduction of many new household detergents, patent medicines and so forth, it is necessary to lock the stable door before the horse is stolen, so to speak.

The Hon. W. O. FULTON.—If a measure is brought forward to amend the Health Act so as to prohibit an injurious colouring or other material being used in drugs or patent medicine, I think it is fair for a member to ask the Minister whether there are any injurious mixtures on the market at the present time. Moreover, it would be in the public interest if such information were made known.

The Hon. E. P. CAMERON (Minister of Health).—Perhaps Mr. Fulton misunderstood my previous remark about locking the stable door. What I intended to convey was that we proposed to take preventive action so as to provide a safeguard for the future. It is not a fact that any drugs will be withdrawn from sale. However, with the increasing use of everyday household substances and patent medicines, it was considered that there was danger of an injurious colouring being put into some substance which was not of itself injurious. In other words, the provision is a precautionary one, and I assure Mr. Fulton that no person selling goods in the relevant categories will be inconvenienced or suffer loss as a result of this clause.

The clause was agreed to.

Clause 5 (Meat inspector to furnish returns).

The Hon. E. P. CAMERON (Minister of Health).—The provisions of the proposed new sub-section (4) of section 315 of the principal Act will assist the Department of Agriculture in taking action to prevent disease in stock. Special reports are often necessary in certain cases. Copies of the monthly reports will be sent to the Department of Agriculture as well as to the Department of Health, and officers will thus be enabled to keep track of any possible spread of disease.

The Hon. J. M. WALTON (Melbourne North Province).—Meat inspectors are required to inspect meat for human

consumption, and kangaroo meat should be treated similarly. I do not know whether the Government has considered this matter, but kangaroo meat is now being offered for sale for human consumption in many shops throughout the State. I understand that the origin of the meat is doubtful. Some of it comes from New South Wales and some from South Australia, but it is difficult to ascertain the exact source. When kangaroos are killed, if the bowels remain in the carcass for some time, the meat will deteriorate earlier than usual. Possibly, the animals are not bled properly. The Government should consider this matter in the near future. The health inspector of the City of Coburg has informed me that kangaroo meat is on sale in many shops.

The Hon. G. J. O'CONNELL.—It is said that 200 tons of kangaroo meat is sold weekly.

The Hon. J. M. WALTON.—Some of the meat exported to the United States of America was found to contain bacteria, and it was rejected. If the Minister will give an assurance that he will examine the situation in the near future, the public will feel more satisfied that the kangaroo meat offered for sale is fit for human consumption.

The Hon. E. P. CAMERON (Minister of Health).—Mr. Walton has raised a difficult question, to which the Government is fully alive, and which causes concern to all connected with the meat trade. Ordinary meat for human consumption is inspected at an abattoirs, but it would be impossible for kangaroos to be taken to and killed at such establishments. I am not making a joke of this question. In view of the circumstances, kangaroos must be treated in the same way as hares and rabbits—as game. No other solution has been found to the problem. Health inspectors have a duty to check hares and rabbits on sale in shops with the object of ensuring that they are reasonably safe to eat.

The Hon. D. J. WALTERS.—What do you mean by "reasonably safe?"

The Hon. E. P. CAMERON.—Myxomatosis has caused the destruction of many rabbits, and it was on that account that I used the expression "reasonably safe." It is difficult to see how action can be taken along the lines proposed. Equally difficult questions arise with regard to horse meat, although it is more easily dealt with as regards an alteration of the law than is kangaroo meat. I assure Mr. Walton that the Government will continue to watch this subject.

The Hon. W. O. FULTON (Gippsland Province).—I thought I made it plain earlier that members of the Country party were fully in accord with the proposed amendment of the legislation. Mr. Walton has referred to a matter that could be serious. I do not know whether the kangaroo meat that is being sold in the metropolitan area comes from other States or from persons in Victoria who have permits to kill kangaroos and are able to market the meat.

The Hon. E. P. CAMERON.—It may be a little of both.

The Hon. W. O. FULTON.—I have been unable to ascertain from a perusal of the Game Act or the legislation relating to the protection of kangaroos whether people who have permits to kill kangaroos can dispose of the meat for human consumption. If kangaroo meat comes from other States, it may be claimed that the existence of section 92 of the Commonwealth Constitution permits its entry to this State. Considering the many regulations governing the manufacture and distribution of food, I consider that adequate powers exist to stop the sale of kangaroo meat. If people saw the conditions under which these animals are killed and dressed, no kangaroo meat would be sold in this State. I commend the Minister for his interest in this matter. I trust that he will be able to stop the existing practice and thereby ensure that the members of the public are not fleeced by persons whose only desire is to make profits.

The clause was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

COAL MINES (PENSIONS) BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

A number of Bills providing for increases in pensions payable to coal miners have from time to time been placed before the House. Usually, their introduction has followed an increase in the Commonwealth age pension. A coal miner receives a pension when he reaches the age of 60 years and until he becomes 65 he is not affected by the age pension. This Bill seeks to do two things. First, it raises the actual miner's pension to conform with the recent increase in the age pension. Secondly, it includes a clause which will provide for automatic adjustments in the future without the matter coming before Parliament.

The present weekly pension rates are:—

	£	s.	d.	
Miner	5	17	6	
Miner's wife ..	5	2	6	
Widow	5	7	6	
Children ..		8	6	each

The State Government, the mine owners and coal mine workers all contribute towards the cost of the scheme. I should also mention that another feature in favour of automatic adjustments is that if the House is not sitting when an increase is granted coal miners will not be forced to wait until Parliament meets in order that the increase might be authorized. The general principle underlying payment of coal mine workers' pensions is well known to members and is a recognized procedure in all States.

The Hon. G. J. O'CONNELL.—Are retrospective payments provided for in this Bill?

Sir ARTHUR WARNER.—The increase dates back to 7th October last. That is probably the date of the increase in Commonwealth age pensions. I commend the Bill to the House.

On the motion of the Hon. G. J. O'CONNELL (Melbourne Province), the debate was adjourned until Thursday, December 1.

UNIVERSITY COLLEGES LANDS BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

NORTHCOTE SCHOOL BILL.

This Bill was received from the Assembly.

The PRESIDENT (Sir Gordon McArthur).—I have examined this Bill and, in my opinion, it is a private Bill.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—In another place, this Bill was also ruled to be a private Bill, but it was treated as a public Bill. I propose that a similar procedure should be adopted in this House. Therefore I move—

That this Bill be dealt with as a public Bill.

The motion was agreed to.

On the motion of the Hon. L. H. S. THOMPSON (Minister without Portfolio), the Bill was read a first time.

SEWERAGE DISTRICTS (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

LOCAL GOVERNMENT (PRIVATE STREET) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. G. L. CHANDLER (Minister of Agriculture), was read a first time.

TOWER HILL AND MALMSBURY LANDS BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

The House adjourned at 12.3 *a.m.* (*Wednesday*).

LEGISLATIVE ASSEMBLY.

Tuesday, November 29, 1960.

The SPEAKER **(Sir William McDonald)** took the chair at 4.5 p.m., and read the prayer.

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

UNSEWERED PREMISES IN HEIDELBERG.

Mr. RING (Preston) asked the Minister for Local Government—

1. What are the numbers of unsewered private dwelling houses, shops, factories, schools, and other premises, respectively, in the west ward of the City of Heidelberg?

2. When it is anticipated that these properties will be connected to the Melbourne and Metropolitan Board of Works sewerage system?

3. What are the reasons for the delay in providing sewerage in this area?

4. What action he proposes taking to overcome the delay?

Mr. PORTER (Minister for Local Government).—The answers are—

1. Within the west ward of the City of Heidelberg provision of sewerage facilities has not been made for

55 factories
2 shops
13 houses
and vacant lands (no schools).

These premises are located in the area north of Dougharty-road.

2, 3 and 4. Consideration was given to the question of providing sewerage facilities for the area north of Dougharty-road when the 1960-61 programme was being prepared, but, owing to the limitation of loan funds—

That refers to the allocation of funds by the Loan Council—

and the fact that the area in question is preceded in priority by a number of more highly developed areas within the municipality of Heidelberg, it was regretted that approval could not be given for its construction, at a cost of approximately £120,000, during the current financial year.

It appears, on present indications, that it will be a further three years at least before sewerage facilities can be made available, unless a proposal now under consideration by the property owners can be implemented.

FORESTS COMMISSION.

MONEY FOR TREE PLANTING: EXPENDITURE IN SOUTH GIPPSLAND.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of Forests—

1. How much money was made available to the Forests Commission in each of the past five years for tree planting and how much of that money was spent in each year?

2. How much of the money expended on tree planting in each of the last five years was spent in South Gippsland?

Mr. FRASER (Minister of Forests).—The honorable member asked for the amount of money expended on tree planting for the last five years, but, for the purpose of comparison, I am giving the figures over the last ten years. The answers are—

1.—

Financial Year.	Amount Available.	Expenditure.
	£	£
1950-51 ..	200,000	150,445
1951-52 ..	80,000	90,408
1952-53 ..	50,000	45,633
1953-54 ..	60,000	56,888
1954-55 ..	60,000	55,579
1955-56 ..	65,000	63,205
1956-57 ..	75,000	72,205
1957-58 ..	65,000	64,325
1958-59 ..	90,000	87,076
1959-60 ..	79,000	72,957

The amount available for plantation establishment in the current year is £95,000.

2. Expenditure on tree planting, South Gippsland, in each year:—

	£	
1950-51	16,918	
1951-52	6,552	
1952-53	1,812	
1953-54	2,101	
1954-55	3,235	
1955-56	5,192	
1956-57	2,652	
1957-58	3,083	
1958-59	1,188	
1959-60	2,920	
1960-61	5,720	(Budget)

PUBLIC WORKS DEPARTMENT.

PUBLIC BUILDINGS: DOOR AND WINDOW SCREENS: PROVISION IN CONTRACTS.

Mr. CAMPBELL TURNBULL (Brunswick West) asked the Minister of Public Works—

1. Whether door and/or window screens consisting wholly or in part of plastic or fibre-glass are being used in State schools, public hospitals, or other public buildings?

2. Whether the Public Works Department has caused any investigations to be made to ascertain whether or not such material is inflammable or dangerous?

3. Whether in future his Department will insert in all building contracts made on behalf of the Crown a provision that mesh used in door and/or window screens shall consist of an approved metal?

Sir THOMAS MALTBY (Minister of Public Works).—The answers are—

1. In respect of such buildings constructed under the supervision of the Public Works Department or of the Hospitals and Charities Commission—No.

2. Yes.

3. This is already done.

COUNTRY TROTTING CLUBS.

ALLOCATION OF "CLASSIC" EVENTS.

Mr. MOSS (Murray Valley) asked the Chief Secretary—

How many "classic" events were allocated to each country trotting club for last season and for the current season?

Mr. RYLAH (Chief Secretary).—The answer is—

The number of "classic" events allocated to each country trotting club for the last season and the current season is as follows:—

Club.	Number of Events Allocated. Season 1959-60.	Season 1960-61.
Ballarat and District Trotting Club ..	4	6
Bendigo District Trotting Club ..	2	3
Goulburn Valley Trotting Club ..	5	2
Warragul and District Trotting Club	3	4
	14	15

PUBLIC TRUSTEE.

TRUST FUNDS: INVESTMENTS: ADMINISTRATION OF MENTAL PATIENTS' ESTATES.

Mr. MUTTON (Coburg) asked the Attorney-General—

1. What total amount of trust funds is held at present by the Public Trustee?

2. How this money is invested?

3. What rates of interest are received for the investments?

4. Whether the earnings of a trust fund administered in the interests of a person who has been committed to a State mental institution are applied towards the maintenance of that person or credited to his trust fund?

Mr. RYLAH (Attorney-General).—The answers are—

1. £6,820,642.

2. In governmental and semi-governmental inscribed stocks, first mortgages, advances to municipalities and housing societies and savings bank deposits.

3. Rates of interest vary from 3⅛ per cent. to 7 per cent.

4. Earnings of such a trust fund are not applied towards the maintenance of the person, but are credited to his trust fund.

MILK BOARD.

PAYMENT OF RENT: PROPOSED NEW BUILDING: MILK BOARD FUND.

Mr. LOVEGROVE (Fitzroy) asked the Minister of Lands, for the Minister of Agriculture—

1. What rent the Milk Board pays to the Public Works Department?

2. Where is the building which the Board proposes to purchase and what is the purchase price?

3. What is the size of the building?

4. Whether the Milk Board intends to occupy the entire building or whether it proposes to lease part of the building?

5. Whether the Board has the legal authority to lease part of the building?

6. How much money is in the Milk Board Fund?

7. How much of this money is to be used for purchase of the building?

Mr. K. H. TURNBULL (Minister of Lands).—The answers supplied by the Minister of Agriculture are—

1. £4,107 per annum.

2. The building, the purchase of which is under consideration, is in Domville-avenue, Hawthorn, and the purchase price is £46,700.

3. Floor space available in the three-story brick building is 5,645 square feet.

4. If the Board does purchase the building, it intends occupying the entire building and does not propose leasing any part of it.

5. The Board has no authority to lease buildings, but legislation now before Parliament would empower it so to do.

6. As at 31st October, 1960—£354,266.

7. £46,700 together with the additional expenditure necessary to convert the existing building to fulfil the requirements of the Board.

PERSONAL EXPLANATION.

NEWSPAPER ADVERTISEMENT.

Sir THOMAS MALTBY (Minister of Public Works).—I desire to make a personal explanation. In the issue of the *Geelong Advertiser* of the 3rd November, there appeared a statement which I issued in relation to proposed water supply services within the Geelong electorate. In large capital type, two columns wide, the article is headed "Water Supply is Planned for St. Leonards Area." The words attributed to me are correct, and were issued by me. They were extracts from a speech of the Minister of Water Supply in presenting in this House the Water Supply Loan Application Bill, and the issue of them was in conformity with the usual practice of country members of making reference to projects of that sort which are to be undertaken in their electorates.

Following the publication of that statement, a representative of the firm of Alfred Grant Proprietary Limited, which is subdividing land in the Collendina estate at Ocean Grove, communicated with an officer of my Department and sought the provision of my photograph, to be used in conjunction with my statement as to the St. Leonards water supply, for inclusion in an advertisement for the sale of land. He was told that in no circumstances did a Minister allow his photograph or his name to be used in advertising matter. He was further warned that the firm should submit to the Minister any advertisement in which his name was to be quoted. The firm did not act upon that advice and has since pleaded that there was not time to do so, as its publicity agents had prepared the advertisement.

I wish to explain that I have no connexion with this or any other land company. I did not see the advertisement before it was published, and it has not my approval. At the top right hand corner printed in heavy type, is the following statement—

> Official announcement concerning water supply by the Minister of Public Works, Sir Thomas Maltby.

I invite honorable members to notice the size of the type used for my statement which refers to St. Leonards. The advertisement to which I refer printed that part of my announcement in the smallest type, but the wording in regard to the Ocean Grove and the Bellarine Peninsula is in very large type.

Reference is made to the expenditure of £200,000. Worse still, within an inch of the map of the subdivision is set out a drawing of a reservoir with a stop-cock and distributing pipes with running taps passing through all the streets of the estate. The actual site of the reservoir is 3 miles away, and is being placed there in order to give head pressure to the principal distributing points, as I outlined, 15 miles away. The State Rivers and Water Supply Commission had no intention of making provision for this estate, but on being asked to do so agreed to enlarge the reservoir if the subdivider paid the sum of £10,000 towards the cost, which the firm has not yet done.

I do not wish to labour the matter further, except to say that in advertising in relation to this estate there have for months past appeared references to the fact that the co-operation of the Lands Department, the Soil Conservation Authority and the State Electricity Commission was being provided in this connexion. Those Departments have provided nothing that has not been paid for as would be the case with anybody else. I deplore the use of my own name. In fact, I object to it. I also think it is improper that the names of Government Departments should be so used. I trust that amending legislation that was dealt with recently by this House will bring to an end this sort of ambiguity which, of course, has its fruits in the purchase of land by people under arrangements that are called "purchase unseen"—purchased according to advertisements. I have received this morning from the general manager of Alfred Grant Proprietary Limited an apology. I am not deterred by that from doing my duty to this Parliament and to myself by directing attention to something to which I take the strongest objection.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL.

Mr. PORTER (Minister for Local Government), by leave, moved for leave to bring in a Bill to amend the Local Authorities Superannuation Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

COAL MINES (PENSIONS) BILL.

TRANSMISSION TO COUNCIL.

Mr. RYLAH (Chief Secretary) (*By leave*).—I move—

That a message be transmitted to the Legislative Council acquainting them that a Bill to increase the rates of pensions payable under the Coal Mines Act 1958, and to make provision with respect to further variation thereof, had on the 24th November been sent to the Legislative Council by mistake, and requesting that the said Bill be returned to the Legislative Assembly.

This matter is not without precedent. It arose in this way. There were two somewhat similar Bills on the Notice Paper, namely, the Coal Mines (Pensions) Bill and the Police Regulation (Pensions) Bill. This House passed the Police Regulation (Pensions) Bill and the necessary resolution for its transmission to the Legislative Council but, unfortunately, owing to an error the Coal Mines (Pensions) Bill was sent instead. We are merely asking for that Bill to be returned.

The motion was agreed to.

HOUSING (POWERS) BILL.

Mr. PETTY (Minister of Housing).—I move—

That this Bill be now read a second time.

This is a short Bill to amend two sections of the Housing Act 1958. The first amendment, that of section 89 of the principal Act, arises from the doubts which have been expressed by the Crown Solicitor as to the meaning of the term "investment." The Housing Commission has made money available to the Melbourne and Metropolitan Boards of Works to provide services in areas being developed by the Commission and, in order to do so, has made interest-free loans. This action has been queried by the Auditor-General, and the amendment contained in clause 2 is necessary to regularize the matter.

The object of the second amendment is to enable the Housing Commission and municipal authorities to enter into binding agreements in regard to development or works carried out in Commission areas. The vital point about this amendment is that agreement must exist between the Housing Commission and the municipality before the provisions of the Act can operate.

Dealing with the Bill in a little more detail, I point out that clause 1 defines the new Act. Clause 2 contains a minor amendment of sub-section (3) of section 89 of the principal Act. This amendment is necessary to permit the Housing Commission to apply funds other than Commonwealth–State Housing Agreement loan funds as the Treasurer may approve. The Commission has from time to time made available to the Melbourne and Metropolitan Board of Works, with the Treasurer's approval, loans for a relatively short term, free of interest, to enable sewerage to be installed prior to house connexion, because it is economic for the Commission to operate in this manner. Open field construction of sewers can be carried out by the Board at substantial savings when there is no obstruction of fences and houses under construction, and provision of temporary sullage drains and pan closets is avoided. The Crown Solicitor has ruled that, even though the Commission stands to gain financially, a loan without interest is not legally an investment within the meaning of sub-section (3) of section 89.

The amendment contained in clause 3 is the main purpose of this Bill. The original purpose of section 107 of the principal Act was to enable the Commission, by agreement with municipalities and other public authorities, to carry out works on their behalf in areas being developed by the Commission. No difficulty has been experienced with the other authorities,

but it has not been possible to operate this section in regard to municipalities. The main difficulty has been that the Commission can get no guarantee of take-over of the works by the municipalities for future care and maintenance, on satisfactory completion, before the funds for these works have been committed. Municipalities have been willing to give such an undertaking, but there has been no legal provision for them to do so.

The only means available to the Commission has been to proceed under Division 10 of Part XIX of the Local Government Act. However, the Commission and councils are of the opinion that it is ludicrous to go through all the formalities of a Local Government Act scheme where the Commission is the sole owner of the land affected. As a result, the Commission invariably finds itself constructing roads and other works by direct contract under the supervision of the council concerned but without the protection of the Local Government Act as to take-over of the works by the council on satisfactory completion.

The addition of proposed new sub-section (1A) to section 107 will enable the Commission and any council to enter into an agreement, with the consent of the Governor in Council, for the Commission or the council to carry out the works enumerated in any area being developed by the Commission. It will also give the council specific power to carry out construction of private streets and other works in Commission areas. These works can be carried out only after agreement has been reached between the council and the Commission as to finance, whether work is to be done by the Commission or the council, and as to standards and specification, supervision and related matters.

Proposed new sub-section (1B) of section 107 is similar to proposed new sub-section (1A), but related specifically to additional works or works of reconstruction on roads that have not been taken over by a council for future care and maintenance. Sub-sections (2) and (3) of section 107 remain as at present in the Act. Proposed new sub-section (4) provides that, on satisfactory completion of the works referred to in new sub-section (1A) and (1B) and in accordance with terms of the agreement, such works are automatically taken over by the council which will be liable for their future care and maintenance. Provision is also made for the gazettal of the roads as public highways by order of the Governor in Council.

On the motion of Mr. LOVEGROVE (Fitzroy), the debate was adjourned until next day.

ESTATE AGENTS (AMENDMENT) BILL.

Mr. RYLAH (Chief Secretary).—I move—

That this Bill be now read a second time.

This is a short Bill which makes several rather technical amendments to the Estate Agents Act 1958. Since that Act was passed in 1956, the Estate Agents Committee constituted under the legislation has kept the operation of the Act under constant review. I think all honorable members will agree that that committee has done much to advance the interests both of the public and of the estate agents in the community since it was constituted. In the light of experience the committee has proposed various amendments to the legislation which will improve and strengthen it. The chairman of the committee is an accountant appointed by the Government and the deputy chairman is a solicitor. There are two representatives of the Real Estate and Stock Institute and two of the other estate agents' associations.

The Bill is essentially a Committee one, but it does have the over-all character of strengthening the law relating to estate agents. Clause 2 will require applicants for estate agents' licences to give notice of the application in a daily newspaper. At present the notice is published only inside and outside the court-house. It is felt that as many of the public as possible should know about the application so that any reason for resisting it can be brought to the notice of the proper authorities.

Clause 3 substantially revises section 34 of the principal Act, which is a very important and intricate section. The first amendment will overcome difficulties which have occurred when the actual purchaser is not present at an auction sale. Quite frequently a person who bids at the auction desires that the contract should be made in the name of his or her spouse, and sometimes the bidding is done by an agent or attorney. This amendment will enable the Act to be complied with in such cases by delivering the statement to the person who actually makes the bid.

The second amendment makes the requirement as to the setting out and description of the property sold more convenient. It can be difficult, and in some cases almost impossible, to describe what is being sold in accordance with the present provisions of the Act. This is particularly so in the case of the sale of businesses. It has been suggested that under the existing law it is necessary to describe everything that is sold. This amendment, if it is submitted, will enable the spirit of the Act to be carried out without undue delay or technicality.

The repeal of sub-sections (3) and (4) and the amendments to sub-section (5) recast the effect of a failure to give a statement in compliance with section 34. At present it is an offence if the agent fails to give the required statement, and, in addition, the contract can be avoided under either sub-sections (4) or (5). In practice it has been found that many purchasers have avoided contracts merely because of the failure to comply with technicalities. In one instance the address of the purchaser had been omitted and the purchaser was able to avoid the contract.

The effect of the amendments will be to limit the right of avoidance to cases where the statement has not been given in relation to representations as to finance or where the statement as to finance has not been complied with, but, of course, any failure to comply with the requirements as to the law relating to the statements will be an offence against the Act and the agent will be liable to prosecution. This change in the law is proposed because it is considered that the Estate Agents Act is intended to regulate the duties of agents rather than change the law between vendors and purchasers. It does not in any way abrogate the existing rights of a purchaser under a contract of sale, which is quite independent of anything the agent may have done or may not have done to comply with section 34.

Clause 4 of the Bill extends the liability of an employee of an estate agent who is personally interested or concerned in any transaction being handled by his principal to cover cases where his interest is only indirect. This will bring the employee into line with the estate agent himself. Furthermore, the amendments will authorize any court which convicts a person for an offence against this provision to make an order for him to account to the principal for the profits resulting from his illegal transaction.

By clause 5, trust accounts are required to be kept in current account and will prevent an agent from using trust moneys to earn interest on that money while it is in his hands. This is in accordance with the ordinary law relating to trustees, and will help to establish higher standards of conduct amongst estate agents. Clause 6 is merely a consequential amendment which should have been made when amendments to the Act were made in 1957. I commend the Bill to the House.

I suggest that the debate be adjourned until to-morrow, and I will make available to the Deputy Leader of the Opposition and to any member of the Country party who may be interested in the Bill the services of Mr. Lynch, the Parliamentary Draftsman, and Mr. Synnot, the Registrar of Real Estate Agents, to provide any additional information required. If honorable members are not ready to proceed with the debate to-morrow, I shall be prepared to make any other arrangement to meet their wishes.

On the motion of Mr. LOVEGROVE (Fitzroy), the debate was adjourned until next day.

RAILWAY LOAN APPLICATION BILL.

The debate (adjourned from November 16) on the motion of Mr. Fraser (Minister of Forests) for the second reading of this Bill was resumed.

Mr. DOUBE (Oakleigh).—This is an important Bill which allocates a considerable amount of money for railway capital works. As the Minister of Forests pointed out, the amount available for the railways for the current financial year is £7,500,000, but the purpose of this Bill is to authorize the issue and application of a total of £11,000,000, which may be expended in carrying out the works specified in the schedule. The Bill is important not only because it allocates a large sum of money but also because it gives honorable members an opportunity to scrutinize expenditure on railway capital works. It is important also because the operations of the Victorian railways play a significant part in the Budget of this State. I hope honorable members will take the opportunity to debate this Bill fully.

In the last few weeks, remarks of the chairman of the Victorian Railways Commissioners have been reported in the press in regard to the difficulties of operating the railways. In the *Age* of 23rd November, the following article appears:—

> It is a well-known fact that there is no great skill involved in running a railway system.
>
> At least this is the conclusion to be drawn from the ready willingness of Parliamentarians, the press, and the general public to point out at every opportunity just how the job ought to be done.

I do not wish to cross swords with Mr. Brownbill, who is doing, as far as can be done in the circumstances, an excellent job, but I think it is rather odd for a responsible head of a Department not to expect comment and criticism from members of Parliament. After all, we have to discuss whether the railways should be granted the sum of £11,000,000 for capital works, and we would not be acting in a responsible manner if we more or less applied a rubber stamp and said, "The Railways Commissioners know what is best." Honorable members have an opportunity to speak about the railways when Bills of this type are being debated.

Mr. DUNSTAN.—May we always have that opportunity!

Mr. DOUBE.—Yes, and I trust that we will use it and will not make the debate a personal issue. I have been a member of this House for ten and a half years, and I cannot recall many occasions on which carping criticism has been levelled at the railways. The general comment in Parliament is sympathetic to the railways. It could be said that the most destructive criticism emanated from the Minister of Transport, who, when he took office, told the Commissioners that the railways would have to pay or go out of existence. It was none other than the Minister who brought the fresh approach of private enterprise methods into the railways. He indicated that if these private enterprise methods were used, the railways would function much better than they had in the past. Apart from that, there has not in this Parliament been much severe criticism of the Victorian railways.

If I could be described as a severe person, I should say that I have made some strong criticisms of the railways, but I am critical of the fact that the famous daylight interstate expresses are unable to connect with other interstate expresses to give people continuous interstate railway travel. I have no doubt that some difficulties would have to be overcome to bring interstate travel to that stage, but difficulties were made to be overcome. A person should be able to board the night train at Adelaide, travel to Melbourne, board a day train and travel to Sydney and then catch a night train from Sydney to Brisbane. It is impossible to do so at present.

One of the reasons why the Railway Department is not earning as much revenue as formerly is that it has to compete with the heavily subsidized aircraft industry. I was recently informed that there were over £1,000,000 worth of empty seats in trains travelling between capital cities. Although

it is difficult for a railway organization to compete effectively with air travel, additional traffic could be attracted to the railways if attention were directed to the times of connexion of interstate trains at capital cities. It takes only about 13½ hours to travel from Melbourne to Sydney and, if it were not necessary to spend many hours in Sydney waiting for a connecting train, a passenger should be able to reach Brisbane from Melbourne in a period from 25 to 30 hours but, as everyone knows, that is impossible. We know there are difficulties associated with the break of gauge, but that has no relationship to this particular problem. I have previously been critical of this aspect in the House, but I have been unable to obtain any reasonable explanation why an improvement cannot be effected. I am certain that many more people would travel interstate by train if the time factor were reduced.

Mr. DUNSTAN.—The standardizing of the railway gauge will make a difference.

Mr. DOUBE.—I agree, but the standard gauge will not operate in this State for some years, and in the meantime the Railway Department should do something about the matter. At the present time the railways are experiencing intense competition from private road transport operators. According to the most recent report of the Railways Commissioners, more goods that could suitably be carried by train have been carried by road than formerly. I admit that this is a difficult problem to overcome, but let us examine the extent of the Railway Department's responsibility for what is happening. If a person desires to send goods—not parcels—in full truck loads from Melbourne, the Commissioners insist that a bank guarantee of a minimum amount of £50 be lodged. What sort of way is that in which to do business? Does the Government demand that such a procedure shall be adopted? If the Commissioners are not compelled to take that action, it seems to me that they are turning away business that the railways could well be carrying.

I have no doubt that if a potential customer were to approach one of the big road transport organizations with respect to some goods that had to be transported interstate, no demand for a bank guarantee would be made. Why is it, therefore, that this outmoded method of protecting the Railway Department against bad debts is being continued? The average businessman, if asked by a road transport operator to deposit a bank cheque for £50 as a guarantee of payment, would immediately refuse and take his business elsewhere. Matters of this kind should be brought to the notice of the Minister, irrespective of whether such action is disliked by departmental heads. When consideration is being given to the expenditure of a sum of money in the region of £11,000,000, it is the function of a Parliamentarian to ascertain what value will be received in return.

The gates at many railway crossings have been replaced with excellent boom barriers, but I think they could be improved by the placement of a coloured light at the end of each boom. In such circumstances, the light would be more readily seen at night when the boom is in a perpendicular position. I am thinking in particular of a boom that is installed at Toorak-road, Tooronga, which is very difficult to see because of the fact that it has only one light, which is in the centre. If there were a light at the end of the boom, I think the factor of safety would be increased.

I consider that the Government, the Minister of Transport, and the Railway Department have made a mistake in seeking the services of outside booking agents with respect to passenger travel, and I should be interested to learn how much business the railways have derived through booking agents located in small towns and suburban districts. I imagine that a considerable sum of money is being paid out to such booking agents, and possibly they are not as profitable to the railways as they might be. A person ought to be enabled to make an interstate booking at any railway station. To me it seems to be a duplication of work to have a railway

booking office in a town and also to have a private travel agent located in the same district.

Mr. FRASER.—Where does that occur?

Mr. DOUBE.—In many places.

Mr. CHRISTIE.—Do you object to the appointment of sub-agents?

Mr. DOUBE.—I object to unnecessary duplication in the form of several people selling railway tickets. Where proper facilities are not provided by the Railway Department, it could be reasonable to make the services of a private booking agent available, but that position should not obtain in places such as Dandenong where, as well as a railway station being established, there is also a private booking agent.

Mr. FRASER.—Are you sure?

Mr. DOUBE.—I am positive.

Mr. CHRISTIE.—Do you not think such a practice is good for business?

Mr. DOUBE.—No, I do not. Perhaps the Minister of Forests could inform the House how much commission has been paid by the Railway Department to private booking agents in the past twelve months. Surely, the honorable gentleman will not claim that private booking agents are located only in towns where there are no railway stations. I maintain that the Department's action in this matter has been a mistake.

When the chairman of the Railways Commissioners spoke about the matter of criticism, he rightly brought up the question whether the people of Victoria expect the railways to operate at a profit in the same way as a private organization or to perform a public service in the community. The Commissioners are obviously in a dilemma. The railways cannot be run purely as a business because they must render a form of social service. Some of the money which is earned by the Department is used to subsidize concessional travel by elderly folk. The Government and, indeed, Parliament desires that elderly people should travel at concessional rates, but I submit that the cost involved should be borne out of the general revenue of the State.

Mr. MEAGHER.—That is what happens now.

Mr. DOUBE.—No. The amount available does not cover the cost involved.

Mr. MEAGHER.—The community makes up all the losses in the long run.

Mr. DOUBE.—That is a queer way to look at the situation. The Railway Department is entitled to operate as a separate entity and thus display its capacity and efficiency. If the railways are loaded with costs of various kinds which they cannot meet, the position is not assisted. The railways are expected to make money available to provide social services.

Mr. MEAGHER.—The Treasury meets the cost.

Mr. DOUBE.—In the long run, that may be so, but it must be understood that the railways should be expected to bear only reasonable expenses associated with the running of the railways and not those associated with providing social services.

The Railway Department subsidizes the carrying of goods from country districts, and the policy in that regard is varied from time to time as there are changes of Government. I appreciate that in the long run the State has to bear the cost involved. Nevertheless, if the railways are to be regarded as a truly transport organization, we should ensure that those extra costs that have nothing to do with the running of the railways should not be taxed to the Railway Department but rather to the general revenue account.

That always brings me back to the vexed question of loading the whole of the interest burden of the railways onto the Department. The honorable member for Mentone would probably say that it does not matter, but I submit that it does. If the people of this community expect the railways to be a sort of public service and a sort of business organization, surely they should say, "We all benefit from having the railways, whether they are used or not." Accordingly, the cost of having the railways should be borne by the Victorian

taxpayers, whilst the cost of using the railways should be borne by the travellers. Everyone knows that if the trains ceased running land values would drop immediately and there would be tremendous expenditure on the roads.

So, I think it would be a fair proposition to take away from the railways account entirely some of the interest charged on capital expenditure since 1937. I point out that interest charges are not levied in respect of money spent in the provision of headworks for irrigation projects. Yet the Railway Department is told that it must stabilize its financial policy, if it can, by reducing staff or increasing fares.

In the case of headworks connected with irrigation projects, no attempt is made to charge irrigators the full cost of the capital involved. The same principle applies to airways services, which constitute one of the strongest competitors of the Railway Department. All the airlines are subsidized, and the Commonwealth Department of Civil Aviation, which controls landing grounds, meteorological services, navigational aids, and so on, incurs an annual loss of about £8,000,000. No attempt is made to force Trans-Australia Airlines or Ansett-A.N.A. to bear the full cost of the capital works. If the Department did so, both airlines would soon be out of business. The Railway Department's strongest competitors as regards interstate services are subsidized, and the airline companies are not forced to pay the full interest on the capital invested. For some extraordinary reason, the railways are not in the same position.

Mr. MEAGHER.—They are in precisely the same position.

Mr. DOUBE.—They are not. The total cost of maintaining airways services in this State is not expected to be borne by the airline companies, but the total cost of running the railways, including capital charges, is expected to be borne by the Railway Department.

Mr. MEAGHER.—It is purely a matter of bookkeeping

Mr. DOUBE.—It is absurd for the honorable member for Mentone to say that it is purely a matter of bookkeeping, as though bookkeeping was some sort of sleight of hand or "mumbo-jumbo."

Mr. MEAGHER.—That is what you are suggesting.

Mr. DOUBE.—I am not. The honorable member for Mentone suggests that some sort of magic is done with the books of the Railway Department.

Mr. MEAGHER.—It is a question of reality.

Mr. DOUBE.—This is reality. The fact that the Railway Department must bear the full costs, as I have outlined, means that it must try to recover those costs. Consequently, it must increase fares, and the more it does so the more it forces away its marginal customers. When fares rise, more people purchase secondhand motor cars, bicycles, or other forms of transport. The cost of suburban travel becomes so great that it pays people to travel by some other means. When I was a youngster, rail travel was extremely cheap, and one could travel many miles for 1d., but at present the fares from suburban stations to the City of Melbourne are substantial.

Mr. CHRISTIE.—Four people can travel more cheaply by taxi than by train.

Mr. DOUBE.—Exactly. The Railway Department has been forced to increase fares because of the costs loaded on to it, and the present Government has been responsible.

Mr. MEAGHER.—They are normal costs of operation.

Mr. DOUBE.—That is not so. In the case of transport of a public service nature, I maintain that they are not. In the provision of airlines and headworks of water supply projects, the consumers are not expected to bear the full costs, but in the case of the Railway Department the person who travels from one station to another is supposed to pay at a rate sufficient to cover the full cost involved.

Mr. MEAGHER.—That is not so.

Mr. DOUBE.—It is. The charges are supposed to cover maintenance costs, running costs, and charges in respect of the capital invested.

Mr. WILCOX.—That is a silly statement.

Mr. DOUBE.—The honorable member for Camberwell has not the faintest idea how the railways operate. Much could be done to assist the Railway Department if the methods suggested by Sir John Elliot in 1948 were adopted. The Department should be regarded not merely as a business undertaking but as an instrumentality for the general good of the community. Consideration should be given to some of the difficulties in built-up areas where level crossings exist and where there are hand-operated or mechanically-operated gates. I have in mind in particular an area running from Caulfield—in the electorate of the Minister of Forests—through Carnegie, Oakleigh and Springvale to Dandenong. This is one of the busiest lines in Victoria. Heavy goods traffic comes from Yallourn and Morwell and an increasing number of passenger trains are run each day.

Mr. WILCOX.—Do you know the busiest suburban line in Victoria?

Mr. DOUBE.—I know who is the busiest interjector in the House. Long ago the railway line from South Yarra to Caulfield used to run on the surface, and in about the year 1910 it was reconstructed below normal ground level. However, from Malvern to Dandenong, which is a busy section, the line is on the terrain. In this area, there has recently been developed a big shopping centre at Chadstone, which attracts people from Sandringham, Bentleigh and other southern suburbs. Many more people than formerly now cross the railway line, and the traffic problem which has existed there for some time has been enormously aggravated. What is the reaction of the Railway Department to the abolition of level crossings, particularly the one at Poath-road, Hughesdale, where there is a set of hand-operated gates?

I have a letter from the town clerk of the Caulfield City Council, containing a reply to representations made on this subject. It states that the Railway Department replied that it would be costly to alter the gates, that no benefit would accrue to the Department, and that it was unable to see its way clear to accede to the request. So the same type of hand-operated gates which were in use 60 or 70 years ago remain, and thousands of people jam Warrigal-road, Poath-road and other arterial thoroughfares leading to the new Chadstone shopping centre. What is to be done about this? It is understandable that the Railway Department takes the view that the abolition of level crossings will not be the means of providing it with more funds.

Mr. FRASER.—A boom gate could be installed.

Mr. DOUBE.—That was the suggestion, and I have given the Department's answer.

Mr. FRASER.—What is the date of the letter?

Mr. DOUBE.—It is dated 17th October of this year. The Minister of Forests may examine it if he desires. This problem must be tackled. I hope the Government will not take the view that the Railway Department must run like a big store and make profits. The railways are a part of Victoria, and the gates to which I have referred must be eliminated. I trust that the suggestions made by the Oakleigh, Caulfield, Springvale and other municipal councils will be listened to by the Minister of Transport, and that some action will be taken to enable traffic to flow more easily. The last point I wish to make concerns the proposed underpass at Warrigal-road.

The SPEAKER (Sir William McDonald). — The honorable member for Oakleigh has referred to a couple of particular points, and I thought that he intended to use them as the basis of a general discussion. I suggest to the honorable member, and to other members who follow him, that the proper time to deal with individual details relating to the Bill is when the Committee

stage is reached, not during the debate on the motion for the second reading. Matters of principle may be discussed during the second-reading stage, but questions of detail should not be raised until the House goes into Committee to consider the clauses. I ask the honorable member and those who speak later to conform to that ruling.

Mr. DOUBE.—I bow to your ruling, Mr. Speaker. It really means that I cannot say anything about the subject I had proposed to raise, because the Bill contains nothing relating to it. I intended to refer to something that the Railway Department has not done, despite the fact that considerable sums of money are made available to it. If one is not permitted to criticize the Department for things left undone, I suppose there is nothing else that one can say.

The SPEAKER.—The honorable member may well find a clause under which such a point can be discussed in detail in Committee, but it is not proper for him to discuss it in detail at the second-reading stage.

Mr. DOUBE.—May I say, as a general principle, regarding the elimination of level crossings, that greater consideration should be given by the Railway Department to the wishes of particular municipalities. If I were permitted, I could particularize and point out that, without reference to the local municipal council, officers of the Department and those associated with it in the elimination of level crossings, visited the suburb of Oakleigh and said, in effect, "This is what we are going to do here." All the problems involved in clearing traffic and ensuring that the existing shopping centre would be preserved were not examined by the Department, which took the view that it should do the work involved in the cheapest manner possible. If this attitude is to be adopted, instead of the line being lowered, the level of the roadway will be dropped. If this is done, serious dislocation will be caused and permanent damage will result to the economic structure of the local shopping centre.

I suggest to the Minister of Forests that in general—I am not particularizing about Oakleigh at the moment—when work of this nature is contemplated all the local authorities, the chambers of commerce, and other bodies interested should be given every consideration. If that were done, much more co-operation would be received from the people. As a result of the lowering of a roadway, traffic will probably by-pass the main entrance to to a shopping centre such as that at Oakleigh. Local people resent this sort of thing, and are entitled to do so. Fortunately, I am told that it will be three years before work is undertaken.

The SPEAKER (Sir William McDonald).—The honorable member for Oakleigh is deliberately pursuing "parish pump" politics. I ask him to return to the principle of the Bill and to discuss the details at the proper time.

Mr. DOUBE.—I shall not proceed any further, Mr. Speaker. I do not disagree with what you have said, except with your use of the word "deliberately." I am interested in this question, and perhaps I was somewhat carried away.

Sir HERBERT HYLAND (Gippsland South).—A Railway Loan Application Bill is presented to Parliament every year. You have ruled, Mr. Speaker, that members must not discuss details during the second-reading debate, but that they can be raised during the Committee stage. We must abide by your decision, but over the years—I was the Minister in charge of the Railway Department for eight or nine years—it has been the custom to hold a general debate on the motion for the second reading, and almost no debate in Committee. When the second-reading motion has been agreed to, that has been practically the end of the matter. However, we must conform to your decision and not discuss details until the House goes into Committee.

There are several matters that I shall discuss later, but I now wish to speak about the railway debt, which my party believes should be transferred to the

General Revenue Account. On the 8th November last, I asked a question in this House regarding the capital debt of the railways, and was told that—

> The total capital debt of the railways at 30th June, 1960, was £142,446,000, including £23,168,000 being the outstanding balance of the amount of £30,000,000 by which the railways loan liability was reduced in 1937 pursuant to the Railways (Finances Adjustment) Act, and £46,512,000 in respect of loan moneys provided for "Rehabilitation Works." On these latter two amounts no interest or sinking fund payments are charged in the railways accounts.

That means, in plain language, that the capital debt of the Victorian Railways as at 30th June, 1960, was really £72,766,000. In 1937, in order to assist the railways, the Government of which I was a member, introduced legislation to cover what were called "vanished assets." It was a peculiar term, which related to various items shown in the books of the Railway Department, such items as the No. 1 locomotive as if it were still running, and to rails and sleepers which were then non-existent. A check disclosed that such items represented a debit in the accounts of the railways amounting to £30,000,000.

Mr. LOVEGROVE.—Have those debits been retained since the introduction of the diesel locomotives?

Sir HERBERT HYLAND.—All the original items were still in the books, and no depreciation had been allowed. During his visit to this State, the English railway expert, Sir John Elliot, recommended that only 1 per cent. interest be charged to the railways. That recommendation was implemented by the Country party Government and continued for some years, but when the present Government came to office it promptly said, "No, that is not right," and it increased the charge once more to the full amount of interest. That is why the financial position of the railways appears so bad. This expert was brought from overseas, at great expense to the State, to report on the Victorian Railways, and his recommendation as to a course of action was followed by all Governments until the present Administration took office. Then this Government increased the interest payments to the full amount. It will therefore be realized just how the Railway Department must feel this financial burden that was reimposed upon it.

As has been stated by the honorable member for Oakleigh, the present Government could get the support of the other two parties in this House—and I am speaking for my party—for the transfer of this debt of £72,766,000 to the General Revenue Account. This would give the railways a fresh start, and enable us to say to that Department, "It is now up to you to put your house in order." Of course, we realize that that will not be done because the Minister of Transport would say, "This idea is being pushed by our opponents in this Parliament, therefore we will not do it." We are not opponents in this matter.

I feel that we should give the railways a chance to get on their feet financially and, what is more, to enable them to give the employees the very best of conditions and to overcome the acute shortage of staff that exists at present. I am not suggesting any interference with the Arbitration Commission. The Country party believes in arbitration and we support it, but we believe that there should be other ways of assisting the railways and the railway employees, in order that we may give them a better deal. One has only to read of the vandalism that is taking place at night in trains and on railway stations to realize what is going on because of the under-staffing of stations.

I realize, as one honorable member said to-night, that in regard to railway finances the situation is one of "Tweedledum and Tweedledee"—that the deficit would be transferred from the taxpayer to the Treasury Account. It will not make one iota of difference to the Treasury Account, but it will at the same time encourage the railways to go ahead. We have a perfect right in this House to say to the Railways Commissioners, "This Parliament assisted you right up to the hilt in 1937; we transferred £30,000,000 of your indebtedness to the General Revenue

Account. Since then we have provided the Department with £46,512,000 of loan moneys on which there is no interest and sinking fund to be paid by the railways. Relief to the extent of £19,680,000 has been provided because of failure in the earlier years to provide for proper depreciation; now, having been relieved of that liability, you should put your house in order." I notice also at the end of this Bill a further £6,500,000 is provided free of interest for the railways. Therefore, to the £69,680,000 there must be added another £6,500,000.

We have been very generous to the railways. When I say "we," I mean all Governments irrespective of what Government has been in office. The road competition that exists to-day is severe in every way, because of section 92 of the Commonwealth Constitution, as anyone who travels on the Hume Highway will see. But if we relieve the railways of this debt, we can say to the Railways Commissioners, "We have done everything possible to assist you, and now it is up to you to put the railways on a sound business footing." I sincerely trust that the Minister of Transport will not feel peeved because these suggestions have come from outside his own party. I feel sure that members of the Liberal party want the railways to pay. Most of them are businessmen and desire that the railway finances be established on a proper basis in order that the Department may be able to balance its budget. I am sure that if this amount of dead liability were transferred to the General Revenue Account, the railways could "break even." I commend the suggestion to the Government, and hope for the full support of this House, as, if it were implemented, it would achieve something worth while.

It is generally supposed that any subsidy on freights for decentralized industry, which is at a disadvantage by being located in a country district, is being met by the Railway Department. This is not correct. It is met by the Treasury or from the Decentralization Fund. Only recently I received a letter from the Minister of State Development, informing me that the cost of such amounts is not borne by the railways. The subsidy for a decentralized industry can be classed in the same category as a concession to a person who requires to come to Melbourne to visit a specialist, but who is unable to pay his railway fare because he is in poor circumstances. In those cases, the Premier's Department will issue a voucher. The cost of that voucher is charged against the Premier's Department and is not a debit to the railways. I wish to clear that matter up, because it has been stated that these are charges that should not be loaded on to the railways.

Mr. STONEHAM. — But other concessions are granted; there are concessions in the rates book of the Victorian Railways for the decentralized industries.

Sir HERBERT HYLAND. — I agree that concessions are made to decentralized industries. As to the concessions in the rates book, I have yet to see them. If an industry is about to begin operations in the country and the Minister of State Development says, "We will pay half your freight for the first three years," or "We will pay the freight on your machinery if it goes by rail," that amount is charged against the Department administered by the Minister of State Development and is not debited to the railways.

Mr. FRASER.—There are also contract rates for new industries.

Sir HERBERT HYLAND.—Yes, but those rates also operated in the old days when country storekeepers were given contract rates through the Railway Department. It was good business for the railways as such contracts tied the storekeepers to the railways irrespective of the concessions they could get from road transport. They were for one, two and three-year terms.

I should like the Government to inform the House how the uniform gauge project between Albury and Spencer-street is progressing, whether the different stages of the work are being reached by the scheduled time, and when the whole project will be completed, also whether the cost is much

the same as estimated; in other words, what share of the cost will be debited against Victoria. If the Minister could obtain a statement from his colleague, the Minister of Transport, on that matter, I should be glad to have it. I know it is going to make a tremendous difference to the railways when the job is completed.

I notice from statements in the press and a statement made by the Minister of Transport that the Railway Department intends to rebuild the Spencer-street railway station. I put such a suggestion to the late Sir Harold Clapp in 1937 or 1938. At that time when there were so many people unemployed I thought it would be a good idea to make the Spencer-street railway station, a " front-window " for the railways that would be really worth while. But the Chairman of Commissioners — he was then Mr. Clapp—said, " No, the present station will have to do us as we want all our money for tracks and rolling-stock." We had no authority to order him to build a new station. We are now faced with the fact that a similar project will cost ten times more than it would have in 1937. Nevertheless, I think it is a good idea, as there should be a decent " front-window " to the railways in the form of an up-to-date main passenger terminal in this State. Honorable members will agree with me that there is no more drab-looking station anywhere than the Spencer-street terminal. Viewed from outside it is a positive disgrace.

I am sorry that there has been no money provided in this Bill for the Liddiard-road crossing at Traralgon where six children and the driver of a passenger bus were killed.

The SPEAKER (Sir William McDonald).—I suggest to the honorable member that the correct time to raise that matter is in the Committee stage when the schedule to the Bill is being discussed.

Sir HERBERT HYLAND.—We are receiving advice from everywhere, but I cannot get a " go " in regard to the Liddiard-road level crossing with the Government or anyone else.

The SPEAKER.—The honorable member should take notice of advice given from the Chair. I suggest that the matter be raised in Committee.

Sir HERBERT HYLAND.—I hope I can then get a better " go " than I have had up to date.

The SPEAKER.—The honorable member will withdraw that statement.

Sir HERBERT HYLAND.—Mr. Speaker, I am referring to the Government. I have a letter here from the Minister of Transport which I had intended to read, but I shall have to do so at the Committee stage. Of course, things change from time to time in this House, and we must abide by the umpire's decision. If I am present when the Bill is dealt with in Committee, I shall have to bring up a lot of matters that could have been cleaned up quickly at this stage. The Country party supports the Bill, although it regrets that provision is not made for certain purposes that we shall mention in Committee.

Mr. STONEHAM (Leader of the Opposition).—In strict conformity with your ruling, Mr. Speaker, as to what may be said during the second-reading debate, I desire to focus the attention of the House on the overriding importance, affecting all sections of the schedule to the Bill, of a revolutionary change and a new, enlightened outlook being brought to bear on the problem of staffing the railways. I do not think any discussion of the matters covered by the items in the schedule will be adequate unless first we attempt to solve the serious crisis that exists to-day in the staffing of the railways. I wish to say in passing that, as a result of the very serious position that exists by virtue of the reduced numbers of key traffic men that are available at present, Sunday trains are not being run in the suburban area and there are no trains to or from country destinations on Saturday afternoons.

Mr. FRASER.—Would the Leader of the Opposition assist me by informing the House to which item he is now referring?

The SPEAKER (Sir William McDonald).—I thought the honorable member intended only to make a passing reference to the railways staff. I am sure he will not attempt to deal with that matter in detail.

Mr. STONEHAM.—In view of your previous ruling, Mr. Speaker, I am surprised at the point raised by the Minister of Forests. Obviously I would have been out of order if I had been addressing myself specifically to a particular item in the schedule. I prefaced my remarks by stating that the staffing problem relates to every item in the schedule. It is the principal problem of the railways to-day. The Government must find a solution to it, or the deterioration which is so obvious and has been stressed in press reports during the last couple of days will continue. To-night the *Herald* contains a flaming headline, "Report Louts—Bolte."

The SPEAKER.—The honorable member should not proceed to discuss the press reports.

Mr. STONEHAM.—I take it that honorable members, when discussing a railway loan application Bill, are expected by the people of this State to take over-all cognizance of the major problems which have to be dealt with in the railways to-day. Foremost among these is the question of staffing. I am sure honorable members can read the *Herald* report for themselves. I am very disappointed that the best the Government has to offer on the particular problem dealt with in the report is that these louts should be reported. The question immediately arises: To whom? There is no staff on duty at night when most of this vandalism occurs on the railways. Recently very pointed comment was made by persons who are in a position to speak on this subject. For instance, the following report appeared in the *Sun News-Pictorial* on the 23rd November:—

MORE VANDALISM SINCE TRAIN HALT.

The Sunday train stoppage had helped to increase vandalism in Sunshine, the officer in charge of Sunshine police station, Sergeant K. J. Carton, said yesterday.

The SPEAKER (Sir William McDonald).—Is this the same report or another one?

Mr. STONEHAM.—I am finding it extremely difficult to deal with this matter.

The SPEAKER.—I think the honorable member's real difficulty is that this is a railway loan application Bill, and, while a passing reference to another phase of railways administration might be made with relation to the general good of the proposed application of loan funds, it would be inappropriate to enter into a detailed discussion of the staffing of the railways. That subject is not appropriate to this Bill.

Mr. STONEHAM.—I turn now to the latest annual report of the Railways Commissioners, and shall refer specifically to the financial position of the railways, which was brought to the notice of the House by previous speakers. If a common-sense and just view was taken of the responsibility of the railways, as a great public utility, towards capital expenditure, the interest charges would be reduced to 1 per cent. in accordance with the sound advice and recommendation of Sir John Elliot. For the financial year ended the 30th June last, railway revenue amounted to £39,240,397—an increase of £993,512 on the previous year's total. On the other hand, the working expenses for the last financial year totalled £39,616,378—an increase of £1,348,666 on the previous year. The loss on working operations for the year 1959–60 was only £375,981.

As you are aware, Mr. Speaker, there will be a record wheat harvest this year, probably of the order of 60,000,000 bushels, as against 38,000,000 bushels last year. As the capacity of our grain elevators was not designed to handle a crop of anything like the anticipated dimensions of the current one, there will be absolute chaos in the handling of our wheat harvest unless the railways can provide adequate staff and trains to run frequent shuttle services between the district silos and the terminals.

Mr. FRASER.—Or unless some satisfactory alternative storage is provided.

Mr. STONEHAM.—As the Minister of Forests knows, the provision of any sort of temporary storage would be very

costly. If weather conditions are inappropriate at various stages of the harvesting season, I anticipate that there will be a major economic loss to this State caused by the inability of the Railways Service to provide trains running to the desired frequency to and from silos. If the railways were able to handle this all-time record harvest under proper conditions, a great boost to the State's revenue would result. Undoubtedly, even with conditions as they are going to be—they will be shameful at times—the revenue will rise. The point is that last year the actual loss on operations was a mere £375,981. If Sir John Elliot's recommendation had applied to the last financial year, instead of the railways being charged interest to the extent of £4,017,823, the amount, calculated at 1 per cent., would have been less than £1,000,000 and the railways would have shown a straight-out profit last year of £3,000,000.

The Leader of the Country party was not quite correct when he stated that various freight and other concessions are made from the Decentralization Fund. It is true that straight-out assistance to decentralized industries granted by the Premier's Department is a charge against the Treasury, but the concessions to secondary industries that appear in the railways rates book, also concessional fares to blind persons, students on vacation, and so on—which are perfectly justifiable—are a charge against the railways accounts. In Heaven's name why are they debited against the railways? It is true that the State of Victoria should grant all those concessions, and probably many more, but if they had been charged against the Treasury, the railways would have shown a profit last year, not of £3,000,000, but of more than £4,000,000.

As soon as it assumed office, this Government deliberately saw fit to revert from the Elliot recommendation, which had previously applied, and to charge the full amount of interest on capital to the railways account, for the mere purpose of representing railway operations in the worst possible light. To-day the Government is reaping the harvest which it sowed then. The discontent and loss of staff in the railways are to a certain extent traceable to the fact that the Government has succeeded —I do not know why it wanted to do so—in bringing down the whole structure of morale within the Railways Service and in reducing the status of railwaymen in the eyes of the community generally.

As I said in my opening remarks, the situation demands a revolutionary change of front on the part of the Government, because it is definitely deteriorating. In the metropolitan area youths are creating havoc because railway stations are unattended at night. An extension of this trouble is to be expected, because the whole atmosphere is conducive to lack of discipline and ordinary decent conduct. It does not matter how many squads of special detectives the railways care to employ, until proper train services are restored and the stations are fully manned, they will not be able to suppress the vandalism that is taking place. In a leading article, the *Age* newspaper——

The SPEAKER (Sir William McDonald).—Order! Can the honorable member assure me that this is going to lead back to the issue and application of loan money for purposes relating to the railways? It seems to me that the honorable member is a long way from the Bill.

Mr. STONEHAM.—If that is so, I will have to reserve my further remarks until the schedule is under discussion.

The SPEAKER.—I doubt whether the honorable member will find a premise in the schedule on which to discuss this subject. That may be a matter for the Chairman of Committees to decide, but I suggest that it is not appropriate at this stage.

Mr. STONEHAM.—In conclusion, I trust that the Government will take an early opportunity to settle the service grants dispute as the initial step towards rebuilding morale within the Railways Service, without which the railway system will collapse.

The sitting was suspended at 5.48 *p.m. until* 7.24 *p.m.*

Mr. WILCOX (Camberwell). — This Bill deals with the putting aside of £11,000,000 for railway works. The railways are a subject on which all members are expert in some way because all are interested in transport, and there are so many experts in the community because all the people use transport. Bearing in mind that I am only an expert in that very general sense, I wish to direct attention to an amount of money to be spent on one of the items set out in the schedule, namely, a duplication of railway line, which means the laying of a third track between the Flinders-street station and East Camberwell.

However, I wish to say something generally on the railways because I feel that there is not enough money spent upon them. In the community to-day a great deal of thought is given to roads, because most of us travel by motor car from time to time and are very much concerned with traffic problems. It seems to me that, no matter what money is spent on roads, the motor vehicle population is such that the road traffic problem is not going to be overcome for many years—certainly not in the foreseeable future. That means that the railways will always remain the pre-eminent means of shifting the working force in the metropolis. For that reason, I should like to see a greater allocation for the railways if conditions permit, because we have some hope for the railways that we do not have for the roads.

As regards roads, there is the great problem of acquiring land to make any real improvements. It is only necessary to mention the freeways to the south-eastern or the northern suburbs, and we immediately hear protests because of the various interests affected by the acquisition of the necessary land, together with the great problem of providing money for acquiring the land. With the railways, however, in most of the suburban systems the land is already available. The area reserved is sufficient to take more than the two tracks that are usually laid—sufficient perhaps for three or four tracks—so there is no acquisition problem either as affecting the interests of landowners or in the provision of money. But a problem might arise so far as the City of Melbourne underground railway project is concerned. I feel that, without doubt, that scheme will have to be put into effect because it will be the only way by which the shifting of the people in large numbers can be handled. I am interested particularly in the laying of the third track on the Box Hill line between Melbourne and East Camberwell.

The SPEAKER (Sir William McDonald).—I suggest to the honorable member that the details of the schedule can be better discussed when the schedule is being dealt with in Committee.

Mr. WILCOX.—I do not wish to argue with you, of course, Mr. Speaker, but I can point out to members that the amount involved in this Bill, which I have said is £11,000,000 in all, is set out in clause 2, and the matter to which I was about to refer is one of the small items involved in that total amount. I will content myself with saying that in many of the items of the schedule—it may be in all of them—the same situation prevails, that is, that many of the works referred to in detail are set out to show what will be the ultimate expenditure, what is the estimated expenditure during the currency of this measure and what has been the expenditure to the 1st October, 1960. If honorable members look at the items they will see that the total cost of the work I have mentioned is £1,000,000. To date, £297,000 has been spent and an additional £200,000 could be spent during the current financial year. It would be fair to assume that the same situation applies to a number of other items and that, at the end of the year, £500,000 in capital will be lying idle in respect of that project. It would be a great pity if that amount of money has been spent and nothing can be obtained from it. I imagine the reason for this situation is that the Railway Department has insufficient finance with which to carry on and complete the work in any one year.

Perhaps the Railways Commissioners and the Government could examine the position to determine whether certain jobs should be completed before others. The particular project of which I am speaking has been going on for about five years. Of course, I appreciate that the Commissioners have difficulties concerning priorities and the allocation of finance for the various works. This system is holding back the proper development of the railways. In view of the importance of the railways in our community, we should encourage the Government to spend as much money as possible on them. It would be easier to solve our over-all traffic problems by concentrating on the rail system, rather than by thinking only of improving the roads, which certainly need improving.

Mr. CHRISTIE (Ivanhoe). — The debate on this Bill takes place against the background of some criticism of Parliament by the Victorian Railways Commissioners. I do not intend to deal with the operating aspects of our railway system, but rather with the loan position, because this is a Bill to sanction the issue and application of loan money for railway purposes. I desire to direct the attention of honorable members to a recent statement made by the Railways Commissioners, and I am not misquoting them because the statement appeared in the 1960 Royal Show edition of *Victorian Railways News*. It reads—

> The Commissioners are forced to operate under a burden of obligations, restrictions and compulsions imposed by Parliament and the public that makes it quite impossible for them to run their industry in a business-like manner.

All honorable members must deplore statements of this type and, no doubt, they heartily agree with some of the views expressed by Labour that when it comes to spending allotments of loan funds, the Commissioners are severely limited to the extent to which they can apply business principles. The Commissioners further stated, in effect—

> Instead of being able to buy diesel locomotives, which they would like to do to cut costs, they must devote a substantial proportion of their funds each year to works with the public service aspect, such as those designed to enable suburban passengers to be carried more efficiently and in greater numbers.

If it is not the task of the railways to do that, I should like to know what is. Although, at times I regard criticism as useful, and I have no objection to the Commissioners criticizing Parliament, I consider that some of their thinking is a little off business concepts, particularly when they state that it is a bit burdensome to give service to their clients. The railways are operating under an Act of Parliament, and they are subject to criticism from this place.

I wonder whether the Victorian Railways are in any worse position than the private railroad companies in the United States of America, which are operating under the public criticism, and under the severe restrictions of the Interstate Commerce Commission. The severe restrictions imposed in that country prevent the private railroad companies from cutting out services which they desire to eliminate. A somewhat similar position applies to the Canadian railroad companies under the Canadian commerce system. The Commissioners should be big enough to look a little beyond Victoria and understand that they have a job to perform, and that it is the reasonable right of members of Parliament to criticize the service. Probably, the criticism would be just as great and equally as widespread if the railways were operated under private control. We do not find any severe criticism from the State Electricity Commission concerning Parliamentary control—of course, it may not be as direct as in the case of the Railway Department—nor from the Gas and Fuel Corporation.

I was somewhat disappointed to find that the schedule to the Bill, which sets out the manner in which the loan money shall be applied, does not mention the need for providing finance for the further mechanization of some of the activities of the Railways Service. In recent weeks, there appeared a press item, complete with photographs, concerning the cleaning of suburban rail

cars in the Flinders-street railway yards where, apparently, the practice to-day is much the same as it was in the days of the Hobson's Bay Company. The litter is swept from the railway carriages on to the tracks, where it is gathered by an employee and placed into bags or buckets. The practice was strongly defended by one of the Commissioners, who stated that it was a very efficient way of carrying out the work. Again, I suggest that that is evidence of slightly out-of-date thinking. Surely, a more modern technique could be applied and, when next considering the allocation of loan funds, I suggest the Commissioners might contemplate the purchase of some modern industrial vacuum cleaners for this work.

I shall reserve for another occasion the question of dealing with some of the problems confronting the railways as a result of competition from road hauliers. Of course, the competition from road traffic in this country is nothing like that which is evident in the North American continent. As honorable members well know, the competition in North America is piratic in the extreme —road traffic there is free and open, and the railways are sore-pressed to retain their business. Furthermore, the union problems experienced by the railroad companies in North America are infinitely worse than those in Victoria, and any honorable member who investigates that aspect will find it most interesting.

By way of interjection, the Minister of Forests, who represents the Minister of Transport, referred to the New South Wales Railways. I suggest that if we wish to run our railways in a business-like fashion—I am now supporting the contention put forward by the honorable member for Gippsland South—it would be a good idea to start looking at the railways from a business-like point of view, and as a business undertaking. First of all, I direct the Minister's attention, and that of honorable members and the Railways Commissioners, to the annual report of the New South Wales Railways Commissioners, which is indicative of the thinking and methods adopted in that State. The latest report available covers the activities for the year ended 30th June, 1959. When compared with the drab annual reports presented by the Victorian Railways, the New South Wales report is a most attractive document. It contains some figures which I shall not quote, but which are a little revealing. It is interesting to note that the New South Wales Railways adopt a modern approach to the task confronting them, and the annual report, which includes details of the financial accounts —a capital account, a general balance-sheet, and so on—is really an attractive publication.

Mr. BOLTE.—And also a deficit!

Mr. CHRISTIE.—I shall deal with that aspect later. If we want a business-like approach to the Victorian Railways, it would not be a bad idea to start right at the foundation and institute a proper concept of accounting and of reporting, as is done in New South Wales. I invite honorable members to examine the annual report of the New South Wales Commissioners, which shows how far Victoria is behind in the presentation of the annual statement of its activities. It also supports the contention of the honorable member for Gippsland South that we should adopt a different approach to our method of running and financing the railway system. In the operative results statistics at the back of the New South Wales report, there appear such interesting figures as the percentage of profit to capital invested—that, of course, is struck before the charging of interest, which is the concept that the honorable member for Gippsland South has been advocating. If the capital investment in the railways were regarded as share capital, that is how the results would be presented—it would be the results of their capital investment.

Mr. FRASER.—Does the New South Wales annual report show how much the railways derive from the road tax in that State?

Mr. CHRISTIE.—That information is not contained in the annual report of the railways, but an examination of the

Estimates of Expenditure of that State reveals how the figures are moved about and handled. It is a method of accounting which "pins" on the railways the need to show the result of capital investment before interest is charged.

Finally, I noticed in the schedule—I shall not deal with this matter in detail—that there is no finance set aside for the improvement of the suburban railway system from an aesthetic aspect. There is nothing so drab as a Melbourne suburban railway station. If one compares Melbourne's suburban railway stations with those of other cities, it is evident that we have a long way to go. I am interested in the Heidelberg line, and I hope that some day the stations on that line will be as attractive as those on the North Shore suburban line in Sydney. Any honorable member who states that the railway stations on that line are not properly looked after obviously has not been there.

On numerous occasions, I have attempted to interest the Railway Department in the beautification of the surroundings of suburban stations, but there seemed to be no desire at all on the part of the railway officials concerned to effect any improvements of this type. Many schemes have been submitted to the Department to bring this about, but the inevitable answer is that if the local council wishes to do something about it, the Department might be able to make some land available for that purpose. We are now losing some of the land adjacent to suburban railway stations for other purposes, and I suggest that, when considering the next railway loan allocation Bill, the Commissioners and the Minister should give consideration to the beautification of suburban railway stations. If it is good enough for operators of other forms of transport to make facilities attractive, it is surely good enough for the Railways Commissioners to get up to date and make railway stations a reasonable joy to behold and not places that offend the travelling public. A lot has been said to-night about the difficulties under which the railways operate. I point out that even the painting of railway stations a different colour would make them more attractive, and I understand that in the State of Tasmania some years ago a certain Government endeared itself to the electorate by repainting the State's railway stations.

Mr. G. O. REID.—What colour was used?

Mr. CHRISTIE.—They were painted green, but I do not know whether the colour had a particular significance. I offer my suggestion to the Minister of Forests in the hope that he will pass it on to the Minister of Transport.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Application of No. 6352. Schedule. Authority).

Sir HERBERT HYLAND (Gippsland South).—Clause 4 provides—

> Without prejudice to the operation of the Public Works Committee Act 1958 no authority other than this Act is necessary to authorize the expenditure provided in this Act.

This provision is similar to the proposal in the Bill covering the deviation on the Geelong–Colac line, and I wish to know whether the Government intends to continually side-step the Public Works Committee Act. I contend that legislation on the statute-book should be adhered to. The Public Works Committee was established in order to check up on works such as are enumerated in the schedule of this Bill, provided that the sum to be expended on any one job is greater than £10,000.

The clause was agreed to, as was clause 5.

Clause 6 (Interest and sinking fund payments in respect of replacement works not chargeable to Commissioners).

Sir HERBERT HYLAND (Gippsland South).—Clause 6 provides—

> Notwithstanding anything in any Act the Victorian Railways Commissioners shall not be chargeable with any amount paid (whether before or after the commencement of this Act) by the Treasurer of Victoria for interest or sinking fund payments in respect of the amount of loan liability

which is applicable to the issue and application by this Act of the sum specified in item 5 of the Schedule to this Act for the works and purposes specified in that item.

Item 5 in the schedule covers "Replacement (Rehabilitation) Works," and the amount provided for that work is £6,500,000. The purpose of clause 6 is to relieve the railways from the payment of interest and sinking fund charges on that sum. In recent years, the railways have been relieved of the payment of interest and sinking fund charges on loan works costing approximately £47,000,000. That is clear proof, if proof is needed, that Governments of the day, irrespective of political complexion, agreed that this should be the means of helping the railways to fight what might be called a losing battle with road operators. I again press the Government to consider transferring the servicing charges of the railways capital debt of £72,000,000 to the General Revenue Account. In 1937 the Country party transferred £30,000,000 of capital debt to the Treasury. If the railways are granted further relief from the payment of interest and sinking fund charges, we could then ask them to go ahead with their work with some hope of success. The relief provided for in this clause is well worth while, but it should be extended. The railways are doing a national job in developing the country, and the community would be in a sad and sorry state without the services provided, particularly in times like the present when we are faced with transportation problems connected with an abnormally large wheat harvest. I urge the Government to take cognizance of what I have said and grant further relief to the Railway Department, even though the suggestion comes from the Country party.

Mr. STONEHAM (Leader of the Opposition).—In view of the large volume of traffic handled by the Railway Department and the financial results it has achieved for the last financial year, it is proved conclusively that the railways are being efficiently managed.

The CHAIRMAN (Mr. Christie).—Order! The Committee is considering clause 6, which relates to item 5 in the schedule. The Committee has not yet discussed the schedule.

Mr. STONEHAM.—I consider that my remarks are germane to item 5 of the schedule and follow, in broad principle, the subject to which the Leader of the Country party addressed himself. I do not think there is necessity at any stage to apologize for the results produced by the railways under the conditions imposed on them by this Government. There is not the slightest doubt that if the proposals recommended by Sir John Elliot had been continued, the railways in the last financial year would have shown a substantial profit. The whole psychology of the community towards the railway system could then be changed, and in place of a spirit of defeatism in regard to the railways and a belief that they are a losing proposition, there would obtain a clear understanding among the staff of the service itself and generally throughout the community that the railways were efficiently discharging their responsibilities. If that were the case, I feel that the unions representing the men employed in the Railways Service could go to the Arbitration Commission——

The CHAIRMAN (Mr. Christie).—Order! The Leader of the Opposition is straying from the clause which deals with interest and sinking fund payments.

Mr. STONEHAM.—I feel that these matters are inextricably bound together, and that Parliament should surely have an opportunity of discussing in the broad scope the financial implications of railway affairs rather than be restricted to water-tight partitions. The point I wish to make is that this Government has to face up to solving the staff problem.

The CHAIRMAN.—Order! The Committee is considering the Railway Loan Application Bill and is now dealing with clause 6, which strictly—and the debate must be on this point—deals with interest and sinking fund payments in

respect of item 5 of the schedule. I point out to the Leader of the Opposition that there is ample opportunity on other occasions, notably when considering the Estimates, to discuss the question of the operations of the railways.

The clause was agreed to.

Schedule.

Sir HERBERT HYLAND (Gippsland South).—Earlier, honorable members were prevented from discussing details of the schedule. I seek a ruling on the scope of the discussion of it now.

The CHAIRMAN (Mr. Christie).—Order! In Committee it is quite competent for any honorable member to discuss as many items or sub-items in the schedule as he wishes. The question before the Chair is that the schedule generally shall stand part of the Bill. However, the discussion should be confined to loan applications in respect of items contained in the schedule, and the operations of the railways should not be traversed.

Mr. MUTTON (Coburg).—I consider that there are several matters not in the schedule which should be covered. As the representative of the area, I know that many improvements needed to railway services in my electorate are not covered, and I should like to know whether I will be given the opportunity whilst the schedule is under discussion of bringing them to the notice of the Minister concerned in the hope that something might be provided next year?

The CHAIRMAN (Mr. Christie).—Order! The honorable member for Coburg will be quite in order in pointing out what he regards as omissions from the schedule.

Sir HERBERT HYLAND (Gippsland South).—I wish to direct the attention of the Premier to the matter of the level crossing at Liddiard-road, Traralgon, at which six school children and the driver of a bus were killed recently. I want to try to get some satisfaction for the parents of school children at Traralgon who fear that further accidents will occur, and I intend to fight the Government on this matter. The latest letter I received from the Premier, dated 22nd November, reads—

I have your letter of the 11th November, relative to the wish of the Traralgon Shire Council that I, and certain other Ministers, should receive a deputation from representatives of the council and representatives of local organizations, in regard to the Liddiard-road level crossing at Traralgon.

I took the matter up with my colleague the Minister of Transport, the Honorable Sir Arthur Warner, M.L.C., and I understand that he wrote to you direct on the subject on the 17th November.

We wanted a deputation to the Premier, but he wriggled out of it by referring me to a statement made by the Minister of Transport. The local residents realize that if they can get the "ear" of the Premier, they will have a better chance of getting something done. On 17th November, the Minister of Transport wrote to me in the following terms:—

I refer to your suggestion that I might receive a deputation from the Traralgon Shire Council *re* the Liddiard-road level crossing. Firstly, I should point out that I wrote you on the 28th October covering this matter.

As you are aware, the Government would like to close all level crossings and, where this is impossible, to erect various forms of warning signs, and a committee has been set up to deal with the priorities and with the most urgent of these matters in this State. I cannot, as Minister, ignore the advice which they give to me on this subject.

Accordingly, I do not think that a deputation could be of any material assistance.

However, if you would request the interested parties to submit a case which would warrant overriding the committee's decision, I would examine their submission and then either override the committee (if this is possible) or, alternatively, receive a deputation to clarify the matter.

At this juncture, however, and without some further grounds being submitted, I cannot think that either party would benefit from a deputation.

It is all right for some honorable members to jeer at what I am saying, but the people of Traralgon want action by the Government. As their Parliamentary representative I say that I am entitled to put their case. I will support any honorable member who brings forward a matter

that relates to his electorate because he is acting in the interests of the people he is paid to represent. Therefore, I have every right to bring forward this matter, which is of great consequence to the people of the district.

The outlets from Traralgon over the railway line are the poorest in the State. The crossing at Liddiard-road is just an open crossing, and in addition to the serious accident to which I have referred there have been several near misses involving buses. Therefore, I think it is up to the Government to do something more than to say to me, " If you submit a case in writing we will deal with it." I have already presented to the Minister of Transport a petition containing the signatures of 800 mothers in the district. So, I again ask the Premier to receive a deputation. He should not worry about what a committee said should or should not be done. All the committee said in its report was that some bushes growing near the crossing should be removed. The headmasters of the State schools, the principal of St. Paul's Catholic College, the principal of the high school, the high school council and the mothers' clubs have all complained about this crossing, and have asked me to try to get a deputation to the Premier. Evidently, because it is a matter affecting Gippsland, it is considered to be of no importance. However, if there happened to be a by-election the Government would pay some attention, but because there is no by-election in Gippsland the Government takes no notice.

Mr. FENNESSY (Brunswick East).—I desire to bring to the notice of the Minister of Forests, who is acting for the Minister of Transport, a matter relating to my electorate. I refer to the level crossings at Nicholson and Park streets and at Lygon and Park streets, Carlton. The railway line on which these crossings occur runs from the North Melbourne marshalling yards to the Clifton Hill station and is not now used by passenger trains. It is used about six times a day by goods trains to circumvent the yards at Flinders-street. The existing crossings are of the old type with railway gates, and in both instances the gates protrude to about half the distance of the roadway between the footpath and the tram tracks. When there is a large volume of motor traffic in the vicinity and a tram is passing over the crossing, the motor vehicles, which might be travelling three abreast, have to converge and form a single line in order to negotiate the crossing. Doubtless, the Minister will say that in any proposal for improvement or alteration the problem of finance arises, but I am sure it would be in the interests of motor transport generally if the gates were removed and boom gates installed. If the trip system were used, the motor transport on these important roads—both Nicholson and Lygon streets are main roads to and from the city—would not be inconvenienced and the result would be a smoother flow of traffic. The installation of boom gates would also be welcomed by tram drivers. I should like the Minister to investigate this matter and to advise me at some future date whether the Railways Commissioners would be prepared to consider the erection of boom gates.

Mr. FRASER.—I will be pleased to do that.

Mr. FENNESSY.—I want to refer now to a question that I have raised constantly in this Chamber—the practice of the Railway Department in leasing railway land to certain individuals, whether it be for a junk yard or for some other purpose.

Mr. FRASER.—To what item is the honorable member relating his remarks?

Mr. FENNESSY.—To sub-item No. 150. I suggest to the Minister and to the Railways Commissioners that they should not lease railway land for junk yards and such establishments in residential areas. All the residents of the area take strong exception to the railways having the right to create something which the town-planning authorities forbid.

The CHAIRMAN (Mr. Christie).—I think the honorable member is straying from the schedule in discussing this subject.

Mr. FENNESSY.—I was dealing with the matter under the heading of "Other Works."

The CHAIRMAN.—I ask the honorable member not to pursue the question of the leasing of land.

Mr. FENNESSY.—In my electorate there is an area of railway land which was used as a yard in which to store motor bodies and so forth. It has now been vacated. The area is enclosed by a paling fence.

The CHAIRMAN.—Order! I have asked the honorable member not to pursue this subject.

Mr. FENNESSY.—It is a construction on railway land.

The CHAIRMAN.—Order! I have given my ruling that the leasing of land is an operating matter and not one of loan application. I ask the honorable member not to refer to the matter again.

Mr. FENNESSY.—I am not questioning the lease; all I am asking is that the railways pull down the structure, which is progressively being demolished by people in and around the area. It is in a complete state of dilapidation and is an eye-sore. I direct the attention of the Minister to the matter.

Mr. KANE (Broadmeadows).—I am glad to see that provision has been made in the schedule for the extension of sidings and marshalling yards at Somerton, because Somerton will become in the near future, with the advent of the standard gauge line, a very important railway junction. I am also pleased to note that provision has been made for electrification of the line from Broadmeadows to Somerton, because it will not be long before additional transport facilities are required on account of the numbers of houses being erected in the district by the Housing Commission, and the numerous factories that are being constructed. It is gratifying to note that additional railway stations will be constructed when the line from Broadmeadows to Somerton is electrified. I may say that we have been fortunate over the past few years in having two additional stations, namely, Oak Park and Jacana, constructed on the Melbourne to Broadmeadows line, but more are required.

Representations are being made, which I feel are justified, for the establishment of a new railway station between Fawkner and Campbellfield. This is a matter of vital importance to local residents who, with the support of the municipality, have been agitating for the construction of a station north of Fawkner because of the enormous growth of housing in the district not only on the eastern side but also on the western side of the railway line. I trust that a station will be built in that locality in the near future. I see that provision is being made for the erection of a railway station between Reservoir and Keon Park. Such a station is urgently needed and its erection has been urged by the Whittlesea council and the local progress association for some time past. I hope it will not be long before the station is built.

The attention of the Level Crossings Committee has recently been directed to the level crossing at Station-road, Melton, which is used by a school bus twice daily for five days a week. It is felt that a warning device should be installed at that crossing. I trust that the Minister of Forests, who is now at the table, will bring this subject to the attention of the Minister of Transport.

Camp-road, Broadmeadows, is a particularly busy thoroughfare because of the industrial undertakings that have been established in the district, and I submit that a warning device is needed at the level crossing at the eastern end and another in the vicinity of the Broadmeadows station at the western end of Camp-road.

There is a level crossing at Devon-road, between Pascoe Vale and Oak Park, at which point the gates are a great nuisance and cause considerable delay to traffic. For some time past, residents have been agitating for the erection of boom gates instead of the old hand-operated ones. I trust that the Minister will endeavour to arrange for

the provision of better facilities than now obtain in this rapidly developing area.

I am pleased to see that Broadmeadows and Somerton are mentioned several times in the schedule, because this area is growing rapidly and there is much more traffic there than formerly. In point of fact, the Glenroy railway station is now busier from the passenger point of view than is Essendon railway station, and not long ago Essendon was regarded as being a very busy station. I urge the Minister of Forests to bear in mind the matters I have raised and try to arrange for the Minister of Transport to have the improved facilities I have mentioned provided as early as possible.

Mr. FLOYD (Williamstown).—I wish to congratulate the Government upon once again being able, in the dying hours of a session, to bring down a Bill providing for the expenditure of £11,000,000 and, through the intricacies of Parliamentary procedure, permit only the minimum of debate on the various aspects of the measure.

Mr. FRASER.—That remark is unfair.

Mr. FLOYD.—It is not. A measure such as this could have been brought forward in the early part of the session when the Opposition was moving adjournment motions in order to keep the business of the House going.

Mr. FRASER.—The measure has been before this Chamber for a fortnight.

Mr. FLOYD.—The Minister of Forests, who is now at the table, is acting for the Minister of Transport in another place, and what I am trying to convey is that an opportunity is not being provided for proper discussion of all the items provided for. Next week members should be attending school functions and so forth, but, due to some upset which has occurred because it was discovered that too many Bills were being brought in at the latter end of the session which would call for a certain amount of attention, the Government's schedule has been thrown out of gear. In this measure we have a classic example of the introduction of legislation at a late hour and of debate being stifled.

I now wish to discuss the acquisition of land, which is mentioned in at least 45 of the sub-items of the schedule. Such acquisitions are mainly for the purpose of erecting sidings. Indeed, the honorable member for Broadmeadows congratulated the Government upon its acquisition of land for this purpose. In the light of the inadequate information supplied, I should say that the railways are "allowing for the wind" and are acquiring too much land for their needs. The railways have a habit of acquiring more land than is needed and later leasing it out to petrol service stations. In early days, the pioneers worked out that the railways would require a certain amount of land for their purposes, but very rarely did the railways relinquish any of the land they acquired, except to junk yards, marine dealers and so forth. For years past, the Railway Department has earned a reputation for channelling its services through residential areas. When a decision is made that land that has been acquired is no longer needed, it is not let out for housing purposes as it should be. Local councillors who know the requirements of their districts better than the Railways Commissioners could ever do, desire to have some of this acquired land made available for the erection of elderly citizens' units and lone persons' units, but the Department says, "No, we cannot allow housing to be put on acquired land because it is leasehold land; the worker wants to build only on freehold land." Such an assertion would be untrue. The average person would be prepared to take up a lease for 99 years, as service station proprietors do. So, I hope that a proper evaluation of the situation will be made and that in the future acquired railway land which is not required by the Department will not be leased out to marine dealers for the purpose of conducting junk yards, which do not fit into the character of the areas concerned. Leasings for these purposes do not take place at Toorak or Malvern.

Mr. FRASER.—Be fair.

Mr. FLOYD. — I repeat that such occurrences do not take place in electorates favoured by Liberal representatives, but always in the industrial suburbs. In Williamstown, there are acres of acquired land that could be used for railway or for housing purposes without adding to the acquisitions that are set forth in the schedule. Moreover, I believe the railways could readily release some of the land they have acquired over the years.

The honorable member for Yarraville has had to leave the Chamber because of an attack of arthritis. As he represents part of the area for which I am a municipal councillor, I am pleased to take up the cudgels on his behalf in this debate. Under sub-item 43 of item No. 1, provision is made for the sum of £95,000 in respect of automatic boom type barriers and flashing light signals at level crossings, including the acquisition of land. I urge that boom gates be installed across the Sunshine–Newport loopline at Melbourne-road, Spotswood. The Bolte Government, following upon the good work started by the Cain Administration concerning the elimination of level crossings at various places, has arranged for an over-pass to be constructed at Melbourne-road, Newport, and this over-pass will take four lanes of traffic. At that point, however, the railways still have a little pair of gates which are opened by a porter who rides his bicycle up from Newport. When a goods train goes through, the guard gets out and shuts them again.

Mr. FRASER.—Do not be silly.

Mr. FLOYD.—What I have stated actually happens. Perhaps I should elaborate. At this crossing, which does not even have the privilege of having an attendant in residence, as do most manually operated gates, a porter comes up from Newport ahead of the goods train and opens the gates. When the train goes through, the guard gets out and closes the gates, and the porter returns to Newport. This happens in 1960! I do not wish to deprive any caretaker of gates of his job—this is a matter I have to watch.

Members who raise complaints during the debate on the motion for the adoption of an Address-in-Reply to the Governor's Speech at the opening of Parliament usually receive very few replies, but the general consensus of opinion is that the Minister of Forests usually supplies answers to representations on matters that affect him, and I hope that on this occasion there will be a favourable reaction.

I return to the question of the primitive gates to which I have referred. There are four gates, and they are not all of the same measurements, the minimum length being 18 feet. The width of the roadway at the gates is insufficient to allow a free flow of traffic to take advantage of the excellent over-pass which has been constructed at Newport. I urge the installation of automatic boom gates operated by electronic devices from a signal box or by means of a trip system. All the progress that is taking place should not occur in Collins-street, and our vision should extend to the outer suburbs. The authorities should discard some of the primitive apparatus that has been in operation since soon after Batman arrived. The honorable member for Yarraville will echo my sentiments, and I am pleased to have been able to put the case on his behalf.

Mr. BORTHWICK (Scoresby).—Some time ago it was my privilege to congratulate the Government on the reconstruction and broadening of the railway line from Upper Fern Tree Gully to Belgrave. I refer now to sub-item No. 15 of the schedule to the Bill which makes provision for automatic power signalling, including acquisition of land, on this line. Sub-item No. 203 relates to the same subject and sets out that the original estimated capital cost of the work was £350,000. Members will note that the revised estimated cost as at the 1st October, 1960, was £620,000, and that the estimated expenditure during the currency of this measure is £248,693.

The Railway Department is proud of the fact that in the reconstruction of the Fern Tree Gully–Belgrave line all

level crossings will be eliminated, over-passes or under-passes being used for the 3 miles of line. However, I direct attention to the fact that many problems are being created for individual citizens and for the Fern Tree Gully shire council. I have had a number of discussions with Mr. Jenkins, an engineer of the Board of Land and Works. Concerning a number of items, he has already co-operated with the local people, but we are finding it difficult to convince him on others.

I refer specifically to the bridge being constructed at the McNicol-road crossing. I have a railway plan of the proposed work, and if it is completed as the Department intends, it will create one of the most dangerous traffic hazards that could be envisaged. Traffic from Burnham-road, turning right into a by-pass from Clifford-grove to gain access to the bridge, will need to do a 340 degree turn to the left. In my view, no truck will be able to manage this without backing, and no car will be able to make the turn without swinging to the wrong side of the road. I urge the Minister concerned urgently to take into consideration representations currently being made to Mr. Jenkins with the view of improving the situation. The answer that I have received on occasions from the authority responsible for undertaking the work is that it is not its job to think ahead in terms of traffic problems that may arise twenty years hence.

I point out that the Act allowing the work to be carried out provided authority "to execute all works necessary for or incidental to any of the above-mentioned projects." The local people did not ask for the construction of over-passes, and the safety factor should be considered. The work to which I refer is "incidental," and the engineers of the Board of Land and Works have authority under existing legislation to construct by-passes and overhead crossings and make them safe for years to come. There is no doubt that a new railway station at a centre promotes development in the area. I urge the Minister to examine the situation to which I have referred.

On the question of the Glenfern-road crossing, the Department has been co-operative and has met the local municipal council in the representations it has made. This is one of the major jobs listed in the schedule to the Bill, and more than £600,000 will be spent on it. I understand that it has proved to be one of the most difficult jobs that the Board of Land and Works has undertaken in the State. Mr. Jenkins has told me that the Board has been confronted with engineering and drainage problems it has never before encountered. The terrain is difficult, and on that account it is my belief that the Board should give special consideration to the difficulties being created for local citizens, many of whom are elderly. It is well known that many retired people go to the hills to live.

Many of the traditional crossings of the old Gembrook line have been eliminated and access to townships and railway stations has become difficult because of the huge earthworks that are going on. People in the Gums-avenue area have had access across the old line. This was illegal, but this method of crossing has been used for many years. These residents will no longer be able to use it and in future will have access to the township and railway station only by a roundabout way. I realize that this means nothing to members of the House, but it is of considerable importance to the local people.

The Board of Land and Works has decided to construct a pathway on the southern side of the new line and south of the tremendous earthworks from Gums-avenue to the McNicol-road bridge. I should like members to see for themselves where the pathway is to go. I doubt whether a bulldozer will ever be taken safely into the gully to do the necessary work, and if one does get in, it may never get out. Moreover, if the pathway is constructed, one will need to be a Sir Edmund Hillary to get to the railway station and back again. My suggestion, and that of the local shire engineer, is that where Gums-avenue now finishes at the new line, a footbridge be constructed over the new

cutting. I consider that it can be done simply and cheaply. There is already a temporary footbridge at Glenfern-road which could be transferred. A bridge there would provide level access directly to the railway station and to the township and serve the people well.

Mr. FENNESSY.—Have you made any representations on the subject?

Mr. BORTHWICK.—I have frequently made representations to the Board of Land and Works. I now refer to another matter. At the Belgrave railway station itself, behind the leasehold shopping centre, tremendous earthworks have been undertaken, and there is a very deep and steep cutting which is still not fenced. It is immediately behind an extremely busy shopping centre, and an open roadway leads from that area to the side of the cutting. I should like urgent priority given to the fencing of the cutting before a serious accident occurs. As regards access to the rear of the shopping centre, the road should be formed and sealed, and curbing installed, before the Department of Health raises objections to the present situation.

I intend to refer to the subject of the acquisition of land, raised by the honorable member for Williamstown. When speaking to a previous Bill recently, a member sitting on one of the corner benches mentioned the subject of the enhancement of the value of properties. I am relating my remarks to sub-item 15 of the schedule. Until I became a member of Parliament I was not familiar with the fact that the question of enhancement of values is considered on the acquisition of land. I congratulate the Board of Land and Works upon the building of a new railway line from Fern Tree Gully to Belgrave, because it will provide a wonderful service for the people of the district. I question the action of the Government in 1948 which brought down the Bill providing for this work. Apparently it is traditional that an "enhancement" clause be inserted, but I consider that it is out of line with modern thinking.

There is the situation of the person whose land or portion of it is being acquired to enable the railway line to go through. The line will enhance the value of all the properties. But the person whose land is being acquired is the only one who is penalized. It could happen that when the enhancement of an individual property is taken into consideration and when compensation is being worked out, an owner may get no compensation.

I should like to make another suggestion. I understand that in the 1948 Act authorizing this work no provision was made for the acquisition of land for the establishment of parking areas near railway stations. Perhaps in 1948 that was not a vital issue. But in the outer suburban areas to-day many people drive to the railway stations, park their cars, and collect them at night. There is ample parking space at Belgrave, but, because of the nature of the terrain, it is impossible to have a railway yard at Tecoma and Upwey. I am not familiar with the procedure that would be followed, but I suggest that the Minister investigate the possibility of an amendment of the original Act to enable the Department to acquire land for the specific purpose of providing a place where train travellers may park their cars.

Mr. WILKES (Northcote).—Under item No. 43, provision is made for an estimated expenditure of £95,000 for the installation of barriers and lights at level crossings. I should like to bring to the notice of the Minister some facts concerning level crossings in my electorate. There are seven such crossings in the electorate of Northcote; three of them are mechanically operated, three are manually operated, and one does not operate at all, or only on very rare occasions. The Minister seems to be quite happy about closing down crossings from time to time. Only recently, he visited one area outside my electorate and deprived people there of a means of crossing from one side of the railway to the other.

Mr. FRASER.—That is not true.

Mr. WILKES.—I will tell the story, and I do not want any assistance from the Minister. The honorable gentleman went into this area just outside my electorate and, in order to duplicate the

line between Reservoir and Keon Park, he closed a crossing that had up to that time been used by the residents in the area. On that occasion an objection was raised in this House, and the Minister explained the reason why the crossing was closed. He said that the council could not afford to pay the additional money to keep it open. That was the story of the Minister.

Mr. FRASER.—That is not quite true.

Mr. WILKES.—The people in my area are still not happy about the action that was taken. A medical man from that area complained to me only this afternoon that he could not get from one side of the line to the other. He had to go to the Reservoir gates, which the Minister knows create a complete bottleneck. At that point a situation exists similar to that complained of by the honorable member for Williamstown who said that in his electorate motorists had to wait anything up to twenty minutes before they could get through a certain crossing when shunting movements were in operation. I want to make only a brief reference to this aspect, as, apparently, nothing can be done. I do not see any provision in the schedule for additional crossings in the area of which I speak, but I am concerned about the crossings in Northcote. I do not want a repeat performance of the closing of crossings there just because the railways say that insufficient cars are using them.

On the 20th October this year, the council wrote to me and pointed out that approximately twelve months ago it approached the Railways Commissioners with a request that the gates installed at the level crossing in Smith-street, Thornbury, be opened regularly for traffic. The Department advised that, as the crossing had no signal protection, it could not do what the council wished. This subject was again raised at a recent meeting of the council at which it was reported that numerous requests had been received from ratepayers for the introduction of normal facilities at the crossing. I shall read the letter, which is as follows:—

> . . . As you are aware, the council's views in the matter are unchanged, and it considers that the Department should install signal equipment so that the crossing may be used to advantage by traffic proceeding along Smith-street. It would, therefore, be pleased if you will make appropriate representations with the object of this work being carried out.
>
> For your information, copies of correspondence between the council and the Department on this subject are enclosed.

The council also wrote to the Railway Department and the secretary for Railways replied. I should like to point out that the crossing is situated between two mechanically operated crossings where a large volume of traffic passes each day. Unfortunately these crossings are restricted at the approaches by traffic control signals, which in turn, induces motorists to dodge the traffic signals and use the Smith-street crossing. When the motorists get to this crossing they find that the gates are permanently closed. I shall not read the letter of the railways other than to say that the secretary for Railways pointed out to the council that there was an employee in attendance at the gates in Smith-street and all the motorist had to do was to toot the horn of his car and the attendant would open the gates.

As the honorable member for Williamstown pointed out, in 1960 one must come along in the metropolitan area and blow a horn to have a crossing gate opened! In addition to the inconvenience to the motorists, it is distressing to the people in the area. I have raised this matter with the secretary for Railways who has informed me that it is the intention of the Railways Commissioners to abandon the crossing altogether in spite of the fact that the council and the people in the area have made representations for its retention. I am wondering whether any of this sum of £95,000 specified under sub-item 43 to be spent on level crossings represents money saved as the result of the discontinuance of the operation of this crossing. The letter from the secretary for Railways reads—

> Apart from the extremely limited use made of the Smith-street crossing by motor traffic and the close proximity of the crossing to those at Normanby-avenue and Hutton-street, an annual wages cost of about £2,800 is involved in the operation of the gates, while in addition a rent-free house is provided for the gatekeeper. In

the circumstances, the Commissioners consider it expedient that the Smith-street level crossing be closed and the provision at the site of a standard crib-type pedestrian crossing will provide suitable alternative means of crossing the line for the public.

That is amazing. I do not know what a railway employee is paid at this particular location, but when one considers that the gates are never open—they are permanently closed—and that if a motorist wishes to cross the line he must get out of his car and ask for the gates to be opened——

Mr. FRASER.—That is why there is a railway employee there.

Mr. WILKES.—The Minister visited my electorate on another occasion when I made certain complaints about the railways in Northcote.

Mr. FRASER.—And with good results.

Mr. WILKES.—It is a "Cinderella" line. It has the worst possible rolling-stock and the worst possible passenger time-table. The Minister is very well aware of the crossing to which I am referring.

Mr. PORTER.—He has been of some help to you.

Mr. WILKES.—Yes, he has, and he has interviewed some people who have not been satisfied with the railway in the area. If the Government is going to save £2,800 on this crossing in Smith-street, it is going to do so to the inconvenience of the people in the area which it serves and to the inconvenience of the council also which is responsible to the residents. Certainly in this metropolitan area motor traffic is increasing week by week and the volume of traffic through several of the crossings in proximity to the Smith-street crossing is increasing beyond the capacity of those crossings. Now, apparently, it is the intention of the Government to close the Smith-street crossing, but I suggest to the Minister that such a decision would be a retrograde step. I cannot understand how £2,800 will be saved in this way. In any event, if the sum of £95,000 is to be spent on improvements to level crossings, I ask that consideration be given to permanently reopening the Smith-street crossing for the use of the people.

I notice also that some provision has been made in the schedule for the maintenance of railway property. Earlier in this debate I heard the Minister speak on the beautification of suburban railway stations. The stations on the Northcote–Reservoir line are a disgrace to the Department, and any beautification that has been done has been outside the stations and done by the local councils. They have been responsible for keeping the shrubs and flower beds in order. If any beautification has been carried out, it has certainly not been done in the northern areas. An amount has been included in this schedule for the maintenance of railway properties in this area, but not a penny has been spent on painting them. They are very ancient properties; I suppose they were built 80 or 90 years ago by the Railway Department when the line was first opened, but no improvement has since been effected. I think the people who use the railways on this line and the people who live in the properties concerned are entitled to something better. These railway properties are an eye-sore, and they must be most inconvenient to the people using them. If any money is to be spent on improvements to railway property, I trust a little attention will be given to the buildings in the electorate of Northcote, because nothing has been done to them for a number of years.

Mr. FRASER.—How many years, would you say?

Mr. WILKES.—I do not know how many, but nothing has been done for many years, and the sooner something is done the sooner the staff who occupy these houses will appreciate the improvement; I feel it would make their job a little more tolerable than it is at the present time. I do not know whether the Minister is prepared to give consideration to my representation, but if money is to be spent I should like a little of it to be allocated for work in the electorate of Northcote.

Mr. GALVIN (Bendigo).—I rise in great trepidation, because the last time I spoke in this House I criticized the Railways Commissioners, and for doing

so was taken to task by the chairman, Mr. Brownbill. I therefore speak with great reluctance, as I should hate to criticize him again, although I told him that he would get some criticism when this Bill was being debated.

In the schedule there are various sub-items, commencing at No. 40, which provide for additional accommodation at the fitting and machine shops at the Spotswood workshops, for additions and improvements to sub-stations, road approaches thereto, overhead equipment, and so on, in connexion with the operation of the Melbourne electrified lines, including the acquisition of land; also for grade separation at level crossings and road diversions in connexion therewith, including the acquisition of land. The schedule goes on to make provision under the expression "Various" for automatic boom-type barriers and flashing light signals at level crossings, including the acquisition of land, and sub-item No. 44 provides for improvements to staff amenities in depots, workshops, stations, offices and yards, for which the estimated expenditure is £100,000.

There is no mention of Bendigo or Ballarat or of the workshops or locomotive depots at those places. When the Labour party was in power, a railway loan application Bill was much larger in volume than the Bill under consideration, and the various items it covered were set out in detail. I protest that only £100,000 is being spent on staff amenities. That amount could be spent at the Bendigo workshops alone. The Bendigo locomotive sheds, where I worked for some years, are in a disgraceful condition. Surely the Railways Commissioners can put up a better proposition than this. The honorable member for Scoresby should examine the Bill. He will find that his electorate gets some mention in the schedule—construction of the Fern Tree Gully–Belgrave railway line. But there is no mention of Ballarat or Bendigo.

Mr. FRASER.—Ballarat is mentioned.

Mr. GALVIN.—If I am wrong I shall be the first to apologize to the Minister of Forests. It is wrong not to spend some money on workshops in which 600 or 700 men are working, some out in the open. I am astounded that neither the Bendigo workshops nor locomotive depot are mentioned in the schedule. The workshops must be improved. If the Government wants to close them down, it should say that it intends to do so. If they are to continue in operation, money must be spent to improve them. If the services of the men concerned are to be retained, proper amenities must be provided.

Mr. SCOTT (Ballaarat South).—Unlike the honorable member for Bendigo, I see a small ray of hope in the Bill for my electorate, namely, the application of loan funds for the installation of automatic power signalling, including the acquisition of land, on the Bacchus Marsh–Ballan section of the Ballarat line. In my opinion, the honorable member for Bendigo adopted a somewhat inflationary attitude in discussing the schedule. When the Government came to office five and a half years ago, the number of employees at the Ballarat North workshops was at an all-time low. Since then a record has been reached in regard to employment.

The CHAIRMAN (Mr. Christie).—The honorable member for Ballaarat South is discussing operating matters. This is a Bill to sanction the issue and application of loan money.

Mr. SCOTT.—The honorable member for Bendigo was allowed to refer to employment and money spent——

The CHAIRMAN.—I hope the honorable member is not discussing my ruling.

Mr. SCOTT.—I have no intention of reflecting on the Chair. Like the honorable member for Bendigo, I hope more money will be spent in country centres, such as Ballarat, Bendigo, Geelong and Horsham. Of course, most of the discussion has been about the problems of Melbourne. Most of the men who work in the Ballarat North workshops are in my electorate, and I am concerned with their interests. As the honorable member for Bendigo said, there is no specific reference to either Ballarat or

Bendigo in the schedule, although the Bacchus Marsh–Ballan section is mentioned in one sub-item. In that instance the railways will be acquiring valuable land that belongs to farmers in the Bacchus Marsh–Ballan district. I trust they will be paid a proper price for that land. The Government has promised that adequate compensation will be granted when land is acquired by Government Departments. I point out that the Labour party, when in power, was inclined to take land from the people who owned it without compunction, and, indeed, treated the owners somewhat unfairly. An example of that was acquisition by the Housing Commission which took land from people to whom it paid a lower price than the owners had paid for it. It was the present Government which ensured that in such instances the people concerned would receive their just dues. When an amount of £11,000,000 is provided for in a Bill, it is important that we know the position in relation to the workshops at Ballarat and Bendigo. Although I have been ruled out of order, Mr. Chairman, could you advise me how I could mention the Ballarat workshops?

The CHAIRMAN (Mr. Christie).—If the honorable member for Ballaarat South is appealing to me as to how he may discuss the Ballarat workshops, I suggest that he would have an opportunity when the Estimates are being discussed.

Mr. SCOTT.—Thank you, Mr. Chairman. I am disappointed that no mention is made of the level crossings at Wallace and Bungaree. Possibly those crossings will not be dealt with until some time in the future. However, they are in important positions and possibly carry more traffic than any other two level crossings in the State. I ask that the elimination of these crossings be given top priority. I trust that in the next Railway Loan Application Bill provision will be made for works at Ballarat.

Mr. CAMPBELL TURNBULL (Brunswick West).—I wish to relate my remarks to sub-items Nos. 43, 44 and 205. I support the remarks of the two previous speakers in regard to the lack of provision relating to additions to both the Ballarat and the Bendigo workshops. The honorable member for Ballaarat South missed the bus; he started to eulogize the Government for what it was doing in connexion with the Ballarat workshops, but then found that no provision was made in that connexion in this Bill. I should like to direct attention to what I regard as a scurrilous statement when the honorable member said that Labour Governments acquired land without paying adequate compensation.

The CHAIRMAN (Mr. Christie).—The honorable member should withdraw that statement.

Mr. CAMPBELL TURNBULL.—I do withdraw the statement, but it is quite untrue and improper for any member to make such a blatant accusation against the Labour party without producing a scintilla of evidence to support it. A perusal of any Act passed during the Labour Government's régime whereby land was acquired would reveal that the legislation incorporated the provisions of the Lands Compensation Act which provides for fair and reasonable compensation. Before the honorable member makes such an accusation, he should obtain evidence to support his contention.

The first matter to which I invite the attention of honorable members is the Melbourne to Fawkner railway line, which passes through the electorate of Brunswick West. I support the remarks of the honorable members for Williamstown and Northcote who described the northern railway services as "Cinderellas." On this particular line there are approximately twenty level crossings. Important roads cross the railway line and lead into Sydney-road. At times, when the gates are shut, traffic is banked up for a quarter of a mile on each side of the line in thoroughfares such as Victoria-street, Moreland-road, and Bell-street, Coburg. As a result, motorists tend to avoid doing business in Sydney-road, Brunswick and Coburg, because adequate provision is not made for them to travel east or west into or out of Sydney-road. Sub-item No. 43

mentions the provision of automatic boom-type barriers, and it is high time some action was taken to provide such barriers on the line mentioned.

The stations on that particular line have not been painted for many years, and the toilet facilities date back to the time of Batman. They are a disgrace, and I agree with your remarks, Mr. Chairman, to the effect that it is time action was taken to liven up station buildings and to make them more attractive so that people will be induced to use them. Apparently the Brunswick or Coburg councils are not prepared to look after the gardens in the precincts of the railway stations, and, in periods such as the present, when the growth is luxurious, the effect is most depressing. I trust that the Minister will ensure that action is taken in regard to the Melbourne–Fawkner line so that motor traffic will be enabled to flow into and out of Sydney-road. The traders are complaining that the congestion which results when the gates are closed is causing customers to conduct their business elsewhere. I invite the Minister to inspect the banking up of traffic in the main streets in this area on a Friday evening or Saturday morning.

Mr. SNIDER.—What are they doing on Friday evening—late shopping?

Mr. CAMPBELL TURNBULL.—Friday evening would extend from 4 p.m. onwards. It is important that traffic should enjoy an uninterrupted flow in this locality.

In sub-item No. 44, provision is made in relation to improvements to staff amenities. I have never seen decent amenities provided for the staff at any suburban railway station. I am certain that one of the best means of retaining staff is to provide adequate and proper amenities for them. I have no doubt, Mr. Chairman, that I would not be permitted to mention the restoration of Sunday train services, but I trust that some attempt will be made to liven up railway stations, as you suggested.

The schedule was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

COAL MINES (PENSIONS) BILL.

The debate (adjourned from November 16) on the motion of Mr. Mibus (Minister of Mines) for the second reading of this Bill was resumed.

Mr. CLAREY (Melbourne).—This is a measure to vary, upwards, I am happy to say, pensions payable to retired or incapacitated miners and their dependants. I think honorable members are aware that there is operative, throughout the Commonwealth, legislation that is largely uniform in relation to the special pensions payable to retired or incapacitated black-coal miners and their dependants. At the present time an incapacitated or retired miner receives £5 17s. 6d. a week. If he has a dependent wife he receives an extra pension of £5 2s. 6d. a week. There is also compensation amounting to 8s. 6d. a week for each dependent child. In the case of a miner's widow the pension is £5 7s. 6d. a week.

The provisions in relation to the payments of these pensions are set out in Part III. of the Coal Mines Act and honorable members will recall that in May last this House passed a measure varying the rate of pension contributions which are made by coal miners. That legislation provides that black-coal miners shall receive the special pension to which I referred earlier. Retirement is compulsory at the age of 60 years or earlier if the miner is incapacitated. Payment of those pensions was made by contributions consisting of three-sevenths of the required amount from the mine owner, three-sevenths from the Government, and one-seventh from the miner himself. But the legislation passed last May provided that the miner's pension should be based upon a fixed contribution of 9s. per week. That measure was introduced on the recommendation of the Government Statist in his actuarial report as at 31st December, 1958. The pension had relation to the fact that, unfortunately, the black-coal miners are a diminishing race.

At present, there are only two coal mines operating in the State. One is the State Coal Mine at Wonthaggi, which now has 354 employees, and the other is

a small privately-owned mine known as the Coast Mine, which has only eight employees. So there are only 362 black-coal miners in Victoria. In 1939–40 there were 1352 coal miners employed in the State Coal Mine at Wonthaggi. That figure had dropped on the 30th June, 1959, according to the last report of the manager, to 411, and it has further decreased to 354 to-day. At the end of December, 1958, by legislation passed through Parliament, 36 coal miners of the ages of 58 and 59 were compulsorily retired. About the same date another privately-owned coal mine, known as the Sunbeam, at Korumburra, closed down and 130 miners were put out of work.

Those figures indicate the tragic position in which black-coal mining exists in Victoria. The Government geologist, in a report only a few months ago, estimated the effective working life of Wonthaggi as being not more than ten to fifteen years. Therefore, it is not unreasonable that some special pension rates should be fixed for the coal miners. As I indicated earlier, the legislation and the conditions of the industry are somewhat similar in all the States, except that in New South Wales the pension for a child is 10s.

The pensions which the miners or their dependants receive have some relation to the rate of pension receivable by widows or age and invalid pensioners because it is provided that, to the extent to which a retired or incapacitated coal miner receives a Commonwealth pension, his own pension from the State Government is reduced. At the present time a retired miner and his wife would be entitled to a total pension payment of £11 a week, but if he or they are in receipt of the age or invalid pension from the Commonwealth Government, to that extent the pension from the Victorian Government is reduced. Unless the existing pensions rate was altered, the miners themselves would receive no benefit from the recent increase of 5s. a week under Commonwealth legislation which became operative as from 7th October last. The same principle has been followed in the past. This type of legislation is the fourth, even during the life of the present State Government, that has been introduced to increase miners' pensions to coincide with the rise in age and invalid pensions. The last rise was 7s. 6d. a week for the individual, or 15s. in the case of a married couple. The present legislation provides that these rates shall be increased; that the miners shall receive £6 2s. 6d. a week, that for a miner's wife the rate shall be increased to £5 7s. 6d. and that for a widow there shall be an increase to £5 12s. 6d. The rate for dependent children, for some reason or another, of 8s. 6d. remains unaltered.

The Government has not indicated the cost involved in this Bill, but we are not concerned with that since the amount payable for miners' pensions shows an alarming decrease. The latest report on the State Coal Mine—that for the year ended the 30th June, 1960—shows that contributions to the pension fund by the State Coal Mine decreased from £34,786 in the year 1956-57 to £26,341 in 1959-60. No objection can be raised to this legislation which follows the precedent of earlier measures. It is provided in clause 2 of the Bill that the increased rates shall operate as from the 7th October—the date from which the Commonwealth pensions were increased.

There is an interesting proviso in clause 3 of the Bill, namely, that the variations from now on shall be automatic. It will no longer be necessary to bring in amending Bills every time there is an increase in Commonwealth pensions. Similar legislation has existed in Queensland for a number of years past. As the Minister of Mines stated when explaining the Bill—

> The principle of retaining coal mine workers' pensions at a margin above Commonwealth pensions is accepted by all States, and in Queensland legislation providing for automatic increases has operated successfully for many years.

My information is that legislation has just been passed or is before the New South Wales Parliament also providing for automatic increases. However, I was rather intrigued to find that clause 3 of the Bill, while providing for automatic increases, provides at the same time for automatic decreases.

Surely it is difficult to imagine something happening in the Commonwealth sphere that will involve a reduction in age and invalid pensions. I am wondering whether the insertion in this Bill of provision for a reduction does not have some particular significance.

Mr. SNIDER.—It allows for the possibility that your party might get back into power in the Commonwealth sphere.

Mr. CLAREY.—If that were so, there would be no necessity for the reduction proposal in this measure. I am inclined to think the reference in clause 3 is a draftsman's error. The New South Wales Bill does not provide for any automatic decrease. The miners, apart from those invalided or retired at the age of 60, gain very little from the compulsory contributions of 9s. a week which they pay into the fund. If a man voluntarily retires before reaching the retiring age he sacrifices altogether the 9s. a week contribution. The only exceptions are those provided by sections 114 and 115 of the Act. The sole contributors voluntarily resigning who get back 75 per cent. of their contributions are those who are transferred from the State Coal Mine to the permanent staff of the Railway Department. Even a miner whose employment is terminated by the cessation or curtailment of operations at a mine is entitled to receive only 75 per cent. of the payments he has made.

These comments are somewhat irrelevant to the main provisions of the Bill, but the fact is that many of the miners are making contributions from which they will receive no benefit. A large number of other contributors cannot hope to get back more than 75 per cent. of their payments, so they are helping to a certain extent to provide funds for those who retire through age or incapacity. I therefore suggest that the Government might be generous and that when the Bill is being considered in another place an amendment be made for the deletion of all reference to a decrease of the pension, so that the miners will not have hanging over their heads the fear that their pensions are likely to be reduced.

I have been in touch with the Miners Federation which represents the miners at Wonthaggi, and that fault to which I have just directed attention is the only criticism the Federation can find with this Bill. We, as a party, quite approve of the principles which the Government has followed in bringing down this measure, in making its provisions retrospective and in providing for automatic increases as and when future circumstances may render them necessary.

Mr. COCHRANE (Gippsland West).—Measures of this type, which amend the amount of pension payable to coal miners, are dealt with periodically by this Parliament. The original legislation was enacted in 1942, and since then whenever there has been an adjustment in the amount of Commonwealth age or invalid pensions, similar adjustments have been made to the pensions of coal miners in this State. The measure is entitled a Bill to increase the rates of pensions payable under the Coal Mines Act 1958, and to make provision with respect to further variation thereof. The honorable member for Melbourne explained that the original basis of payments by the mine owners, the miners and the Government was altered early this year when, as a result of the diminishing number of miners employed at the State Coal Mine at Wonthaggi, the burden upon the miners was becoming increasingly heavy. At present, the miners contribute 9s. weekly to the fund, the balance of the fund being financed in equal proportions by the mine owners and the Government.

The Wonthaggi coal mines are faced with a number of problems and the miners there are worthy of every consideration. It is well known that the coal seams at Wonthaggi are very narrow and a great deal of work is entailed in obtaining coal from them. I understand that at one particular mine, where there is a considerable depth of seam, what are known as faults have caused a great deal of concern. In securing the coal at this mine, the miners may lose a seam after following it for some distance, with the result that boring is necessary in order to find the seam

again. When they finally relocate the seam, it may be several feet higher or lower than the original seam level, thereby creating certain difficulties.

Dealing with the question of automatic adjustments of pension, I feel that the Minister should investigate the Queensland legislation, which provides for adjustments whenever there is an increase in the Commonwealth pension rate. This Bill simply proposes to adjust the rate of pension in accordance with variations, up or down, in the rates of Commonwealth age pensions. When visiting Wonthaggi yesterday, I spoke to the secretary of the Coal Miners' Union, who informed me that the miners were happy with the proposal contained in this Bill, although they would like the Queensland system of automatic increases only to be introduced here. The Country party regards Wonthaggi as a good, solid town and if the coal mines can be maintained in operation, other industries may become established in the district. The Country party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Rates of pensions increased).

Mr. MIBUS (Minister of Mines).—Before the Bill is dealt with in another place, I undertake to examine the suggestions put forward by the honorable member for Melbourne and the honorable member for Gippsland West to the effect that the pension payable to coal mine workers in Victoria should be adjusted automatically only when there is an increase in the rates of the Commonwealth age pension.

The clause was agreed to.

Clause 3 (Rates of retiring and incapacity pensions, &c., to vary in accord with variations in rates of Commonwealth age pensions).

Mr. MUTTON (Coburg).—I should like the Minister to explain what effect this proposal will have on Commonwealth age pensions, particularly so far as widows are concerned. As honorable members appreciate, not only sick and injured miners retire from the industry, but also healthy persons when they reach the statutory retiring age, whereupon they must retire and live on a pension. They are entitled to earn £3 per week over and above the full rate of pension. If this Bill is passed, will the persons concerned be deprived of that privilege? Miners spend a great deal of time in the bowels of the earth where they are exposed to various diseases such as miners' phthisis, tuberculosis, and so on, and, upon retirement, they are entitled to the full amount of Commonwealth age pension that is payable. I seek the Minister's clarification on this point.

Mr. MIBUS (Minister of Mines).—In reply to the honorable member for Coburg, I point out that, under separate legislation, a special pension is payable to miners who contract the disease of miners' phthisis. That pension, which is paid direct by the Treasury, has nothing to do with this Bill, which provides not only for the payment of increased pensions to retired coal mine workers, but also for future variations in pension rates to be made without the need for special legislation on each occasion. This also applies to permanently disabled coal mine workers and their dependants. However, the provisions of the Bill do not apply to able-bodied persons.

Mr. MUTTON (Coburg).—I am concerned particularly with the position of widows. If a widow is in receipt of a superannuation pension of £4 a week, she is unable to participate in the free medical benefits scheme. However, if she receives only £2 weekly, she can avail herself of free medical benefits. Only yesterday, I encountered an unfortunate case of a lady who was receiving a superannuation pension of £4 weekly from the Railway Department. She is a very sick woman.

The ACTING CHAIRMAN (Mr. Campbell Turnbull).—Order! Is the honorable member for Coburg referring to a miner's widow?

Mr. MUTTON.—I am speaking about a railwayman's widow, who is receiving a pension. The unfortunate woman can barely stand on her legs; she is not in a position to go to hospital and she is ineligible to receive full social service benefits. Similarly, in connexion with miners' widows, complications of this type could arise. I consider it wrong that because a poor, unfortunate woman is receiving £4 a week pension, she should be deprived of certain benefits. I recognize the Minister's sincerity concerning pensioners. From time to time, he has introduced measures designed to increase the amounts of pension payable to coal mine workers and their dependants. However, I ask him to further consider the aspect that I have raised. Perhaps these questions could be raised at the Premiers' conference so that the Commonwealth Government and others concerned would know of the anomalies that exist so far as pensioners are concerned.

The clause was verbally amended, and, as amended, adopted.

The Bill was reported to the House with an amendment, and passed through its remaining stages.

UNIVERSITY COLLEGES LANDS BILL.

The debate (adjourned from November 16) on the motion of Mr. Bloomfield (Minister of Education) for the second reading of this Bill was resumed.

Mr. WILCOX (Camberwell).—I have pleasure in supporting this Bill which deals merely with the technical subject of titles to land occupied by the residential colleges at the University of Melbourne. As honorable members know, four affiliated colleges have land of their own within the university grounds. The case of Trinity College has been dealt with separately, and this Bill deals with the titles to the land occupied by the other three colleges, namely, Queen's, Ormond, and Newman. The purpose of the measure is to clear up some doubts which, I understand, exist in relation to the titles, and to provide quite clearly that the governing bodies of these colleges will have power to mortgage the land in order to raise money and to do all other things that holders of clear titles can do.

I should like to mention one interesting matter relating to Ormond College, partly because I had the privilege to spend portion of my time at the university in that college, but mainly because I recollect that the man who gave his name to the institution, Sir Francis Ormond, was a member of the Legislative Council from 1882 until his death in 1889. He was a pioneer of this country and, amongst other activities, was concerned with grazing interests in the Western District. During his lifetime he donated more than £100,000 towards the establishment of Ormond College which was founded in 1879. He seemed to have been a man of many parts, as he also provided funds to establish the Ormond chair of music at the university and to assist with the establishment of the Workingmen's College, which is now known as the Royal Melbourne Technical College. Honorable members might be aware that stone used in the building of Ormond College is similar to that used in the construction of parts of the Royal Melbourne Technical College.

In supporting the Bill, I wish to direct attention to the very long history the churches have in relation to university colleges not only in Victoria but also throughout the Commonwealth.

Mr. SUTTON.—And throughout the world.

Mr. WILCOX.—That is so. However, I can speak in particular only in relation to the Australian universities. All the Australian universities I have visited have colleges which have been sponsored in some way by churches, and I do not think that fact should be overlooked. It is a matter of very great interest that during the last ten years Ormond College has received contributions from old students and others totalling more than £300,000. In addition, the Commonwealth Government matches those contributions on a £1 for £1 basis.

What prompts me to mention this matter is that I understand that at Monash University no provision is being made for grants of land to churches in order to establish colleges. I consider that is very unfortunate because the history of churches in establishing residential university colleges has been very good. The obvious advantage in having church colleges at universities is that contributions of money towards their support are attracted from people who otherwise would not contribute, and I am sure that the Treasurer would be very happy to know that this sort of money was available. The colleges mentioned in the Bill do not obtain any grant from the State Government and I am not complaining about that.

Whilst the same thing as has occurred in the case of Ormond College would not happen over night at Monash University if land was made available to the churches to establish colleges, I know that at least one church would be interested and whatever money was contributed through that church would represent a saving to the Government which has to provide so much of the money needed at Monash University. Any funds contributed would, of course, attract a matching Commonwealth grant. I understand that halls of reverence will be erected at Monash University, but I am not aware how they will function. I ask the Minister of Education to consider the point I have put forward. Perhaps he may be in a position to speak on the proposal in the Committee stage.

Mr. BLOOMFIELD (Minister of Education).—On the assumption that what the honorable member for Camberwell has said is relevant to this Bill, I seek leave of the House to respond. As often happens, one hears many helpful suggestions in debate as to what might have been done, and the assumption is that they have not been thought of before. When I was entrusted with the early negotiations and arrangements relating to Monash University, I was approached by representatives of one denomination stating that there was interest in the acquisition of land for the building of a church residential college at Monash University. I received this suggestion with warm sympathy, and the considerations which the honorable member for Camberwell have raised did not take long to occur to me. I approached Archbishop Mannix, the Moderator of the Presbyterian Church, and the Anglican Archbishop, and pointed out the advantages which in my view might be afforded to many parties if what had been done at the University of Melbourne were accomplished at Monash University. I was rather surprised to find that there was a lack of warmth in the response to these suggestions.

Mr. CAMPBELL TURNBULL.—Who was to buy the land—the Government?

Mr. BLOOMFIELD.—At that stage it was a question of the churches asking for something similar to what was done at the University of Melbourne. I suggested that if they cared to make such a request, I would gladly bring it before the Government. Of course, I had in mind, among other things, a consideration of Commonwealth assistance. I also felt that as a consequence of the establishment of this university some considerable accommodation facilities would be required for country students, and it seemed to me that it would be better for the Government if it was provided at the expense of the churches rather than the Treasury.

In spite of my suggestion to Archbishop Mannix, the Roman Catholic Church at that stage took the matter no further. The Anglican Archbishop of Melbourne said that he and his advisers had some doubt as to whether it was advisable in a modern university that students should be congregated according to denomination—whether it was a good thing to have Anglicans living together as a community, and Methodists and Presbyterians similarly provided for. He also put forward the very substantial difficulty that the church, like Governments, was feeling

the strain of an intense immigration programme entailing the need to provide more vicarages and more churches and to educate more ministers of religion. The Anglican Church, the Presbyterian and, I believe, other Protestant denominations consider the matter would be best met by providing a Chaplaincy Centre and a Library within the grounds of the university. That will be done, leaving the way open for such denominations as wish to make any arrangements they desire outside the grounds of the university. Then an area of 287 acres was acquired for Monash University, and it was found necessary to provide 37 acres of it for the Commonwealth Scientific and Industrial Research Organization. At that stage, when the university had 250 acres of land at its disposal, we heard from the Roman Catholic Church, which made an application for a grant of an area.

Mr. CAMPBELL TURNBULL. — How much land was required?

Mr. BLOOMFIELD. — It did not ask for a very large area, but the size was more or less irrelevant because at that stage it was thought that if something was done for one denomination similar facilities would have to be provided for others, although they might feel at the time that they did not wish to establish their respective colleges. The Interim Council of Monash University, in consultation with the Government, expressed the view that it would require all the 250 acres, but it would be happy to arrange for affiliation of any college which might be established alongside the university. I understand that the Roman Catholic Church was happy with that arrangement and has secured land.

Mr. WILCOX.—There would be much more land there than at the University of Melbourne.

Mr. BLOOMFIELD.—Yes, more than twice as much.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

LADY NORTHCOTE EMIGRATION TRUST BILL.

The debate (adjourned from November 15) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This is a most interesting Bill and, no doubt, a desirable one when one has regard to the introductory speech of the Chief Secretary. At page 1127 of the current issue of *Hansard* the Chief Secretary is reported as having said that there was some doubt as to whether there had been complete agreement between the legal advisers for the Australian trustees and the British trustees. The honorable gentleman then stated—

> I understand that the legal advisers to the English trustees may wish to submit some suggestions for technical amendments to the Bill. We have received two rather contradictory cables, one suggesting that the English trustees desire some amendments, but the second indicating that they probably will not require them.

Sir THOMAS MALTBY.—An amendment will be necessary.

Mr. CAMPBELL TURNBULL.—I am indebted to the Minister of Public Works. Apparently the doubts have been resolved. The Bill takes one back to the days when there were philanthropists in our midst. The late Lady Northcote provided for the balance of her residuary estate to constitute a fund under the name of the Northcote Children Emigration Fund for Australia for the purpose of enabling and assisting poor children of either sex and in particular orphans to emigrate from any part of Great Britain to any part of the Commonwealth of Australia and there to establish and equip themselves in life. As a result of that residuary gift a fund of £200,000 was created.

Sir William Angliss, who was no doubt struck by the benefaction of Lady Northcote, purchased a farm at Bacchus Marsh, and established it for the purpose of rearing and educating British children. Provision was made for 100 children. The farm consists of a village of twelve children's cottages, a hospital, a dental clinic under the

care of a fully-qualified sister, a dining-room, a kitchen, a tuck shop, a library, a workshop and so on. The children were properly fed on food produced from the farm.

The history of the school is that during the term of office of her husband, Lady Northcote was so impressed with the possibilities existing in Australia for the future of under-privileged and orphaned British children that she made provision in her will for the establishment and maintenance of some place to which such children could be brought. A portion of the land, all of which was donated by Sir William Angliss, was set aside for the erection of homely cottages where children of various ages and both sexes could live together as family units under the care of cottage mothers.

The cessation of child migration during the war temporarily closed the school. After the war it was reopened with young children. All pre-war children are to-day self-supporting citizens. I have no doubt that hundreds of children have passed through the school and have become desirable and honourable citizens of this State. No doubt, owing to the better conditions existing in Great Britain to-day, the source of supply of these children has been reduced with the result that there are now only twenty children in attendance at the school. Therefore, it has been considered desirable that the tapering off of the number of children should be supplemented in some way and the Chief Secretary has outlined a scheme whereby children of this State may be put in residence and be given the care that has been given to the British children in the past.

When one reads the objects of this society one realizes that the Chief Secretary is on sound grounds in wanting our children to share the homes which the British children have had since 1937. The objects of the trust are to provide real Australian Christian home life for orphaned and under-privileged British children, to educate them, to find occupations best suited to their capabilities, to look after their interests until they attain the age of 21 years and to provide them with all the necessities of life and to set their feet on the path to good Australian citizenship.

The view of the Chief Secretary is that by using this existing institution the bursting seams of Turana may be relieved. I assume that great care will be taken in selecting the children, because the British children who arrive here are not delinquents in any sense of the word. In his second-reading speech the Chief Secretary said—

> There is a great need for suitable accommodation for Australian children who are orphans or who cannot be cared for by their parents. The trustees and the Victorian Government have come to an agreement which will permit the excess capacity of the homes to be used for the care and upbringing of Australian children.

In a memorandum which he has forwarded to me the Chief Secretary points out that the population of Turana is 340 children, consisting of 71 girls and 269 boys. It is obvious that something must be done so far as Turana is concerned.

Adjoining the Lady Northcote farm there is a State school which has a capacity of 150 children and the present attendance is only fifteen. So, honorable members can appreciate that there is scope for the education of children from Turana. I am informed by the Chief Secretary that the Department plans to relieve Turana by transferring 40 children to Northcote. Some of these children will come from large families and will remain together. The honorable gentleman also informed me that other types of institutions will be used for relieving the strain at Turana. I do not think it is relevant to this debate, but I hope that this State can take advantage of what has been done by those responsible for the establishment of the Lady Northcote farm at Bacchus Marsh. I sincerely hope that in sending the Victorian children there we will be able to carry out the most commendable objects which were devised by the people who established that institution. I think the scheme will be a success and I hope that those in authority at the farm will be able to rehabilitate the lives of many Victorian children in the same manner as they were able to assist a large number

of British migrant children who from time to time went through the institution. I commend the Bill to the House.

Mr. BROSE (Rodney).—The Country party supports this measure, which may be described as an arrangement that is being entered into between the English and Australian trustees of the Lady Northcote Emigration Trust. The honorable member for Brunswick West has discussed the early arrangements. When I visited the home at Bacchus Marsh, I was greatly impressed with it. Lady Northcote, herself an orphan, was brought up by people who were well circumstanced in life and, in her will, she made provision for the emigration trust that bears her name, the money for which trust is devoted towards the care of English children both in England and overseas.

When I visited Western Australia some years ago, I inspected what was being done at the Fairbridge farm which was established by Kingsley Ogilvie Fairbridge who was born in 1885 and died in 1924. That benefactor was intensely interested in the welfare of homeless people. He came to Western Australia in 1912 and bought 160 acres of land at Pinjarra, which has since been developed and extended so that there are now over 600 acres of well-farmed land plus the necessary buildings, and the whole property is a self-contained unit upon which a good deal of money has been spent. I was particularly interested in that farm for the reason that it was conducted along the lines of the William Angliss establishment at Lerderderg, in the Bacchus Marsh district, where every cottage has a house mother. At that particular time more than 2,000 children had grown up and were associated with the Fairbridge farm system. When they married they would move away, but later they would return and add their photographs to the collection in the drawing-room.

It was originally intended that the girls from the Bacchus Marsh institution would become servants and that the boys would become farm workers, but times have changed and many of the children from the institution now hold important positions in various parts of the State. There is a State school adjacent to the Bacchus Marsh farm property, and it is attended by children from the institution and by children living in that locality. Eight or nine years ago there were 52 children in the Bacchus Marsh institution, but I regret to say that that number has since fallen to twenty. The Chief Secretary is endeavouring to make an arrangement with the trustees for the filling of the vacant places with Australian children who require care and attention.

I am interested in that particular aspect, because in the electorate which I represent there is an old home known as Dhurringile which has been bought by one of the churches, and which, after the second world war, was used as an institution for boys who were war orphans. It had 42 inmates originally, but with the passing of the years the numbers dwindled, and it is now almost impossible for the establishment to carry on. As a result of an arrangement made last year, we have been able to get some young people from Britain to swell the ranks at Dhurringile. That is the very thing that is being done in respect of the Lady Northcote farm, and I submit that similar action could be considered respecting other institutions.

At Dhurringile there is a well-organized farm covering 160 acres which is stocked with cattle and sheep and grows fruit trees, and it offers a valuable training ground for young persons, not only Australians but also those who are brought here from overseas. Young migrants who are trained in these institutions will make the best type of citizens. Any money spent on bringing them to this country and training them will be a good investment. Indeed, I suggest that an approach be made to the Federal authorities in that regard. The Chief Secretary, in the course of his second-reading explanation of the Bill, said—

> Unfortunately, since the war, owing to changes in the law and practice relating to the custody of orphan children in Great Britain, there have been very few children available to take advantage of the scheme.

Apparently, there is some reason for that situation. In Great Britain I was impressed with the manner in which children generally were cared for, and there did not appear to be many in need of attention.

I have taken considerable interest in the report recently issued by Mr. Nelson, who has just left the service of the Children's Welfare Department. That document sets forth what is being done to render neglected children good citizens. That report also states that whilst the number of children requiring institutional treatment is decreasing in Great Britain it is increasing in the State of Victoria. I should be very pleased if arrangements could be made for the authorities in the Old Country to co-operate with us by sending to this country children in need of care and attention, who can be made good citizens as has been done in years gone by. I commend the Government upon what it has done in connexion with the farm at Bacchus Marsh.

Mr. SCOTT (Ballaarat South).—I compliment the Chief Secretary upon the bringing down of this measure which relates to the Lady Northcote farm in my electorate. The honorable gentleman, who has visited that farm, is aware that the number of children cared for there has fallen to twenty. It is stated in the preamble to the Bill that the Australian trustees have resolved to disband the trained staff and close the buildings at the Northcote School on the 31st December, 1960, unless additional children can be admitted. Honorable members have already been informed of the history of the institution at Bacchus Marsh, and I do not intend to bore members with a recapitulation. I think you, Mr. Speaker, who have visited the farm, will know of the valuable asset it represents to the children who have migrated to this country. Unfortunately, however, the conditions surrounding the migration of children from England have altered somewhat in the past few years, so there are not as many children as formerly needing institutional treatment coming to this country. The Northcote farm was made possible by the generosity of both English people and Australian people and it has served a very useful purpose.

The Chief Secretary has stated that a problem exists because of the overcrowding of certain institutions for children in the State of Victoria, and I give the honorable gentleman full marks for seeking the most convenient way out of that situation. The establishment at Bacchus Marsh is recognized as having done a great deal for young people from the Mother Country, and this measure will afford it an opportunity to render similar service to Australia. Previous speakers have emphasized that the Bacchus Marsh establishment is a home away from home.

It has been my pleasure and honour to attend sports meetings at which children from the Northcote School have competed, and they have held their own with participants from State schools in the district. I emphasize that children sent to this establishment should be specially selected. The people of Bacchus Marsh take a great interest in the school and desire to help in any way possible. Opposition members have condemned the Chief Secretary regarding the overcrowding of a particular institution, and he has found a way out, for which I congratulate him. I commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1—

1. This Act may be cited as the Lady Northcote Emigration Trust Act 1960.

Mr. RYLAH (Chief Secretary).—I move—

That the words "Lady Northcote Emigration Trust" be omitted with the view of inserting the words "Northcote School."

This is one of the amendments suggested by the English trustees. I must be frank with the Committee; I am still a little confused regarding the desires of the English trustees. I think they have made it clear that they want

the establishment to be described as the Northcote School, and they wish to have it made clear that the Australian trustees are taking the responsibility for this move. Having regard to the stature and position in the community of the Australian trustees, the Government is prepared to back their views, and I am sure that they are acting properly.

I take the opportunity of thanking the honorable member for Brunswick West for his approach, on behalf of the Opposition, to this Bill, and the honorable member for Rodney for the remarks he made on behalf of the Country party. One or two matters were mentioned during the debate. Dhurringile Rural Training Farm, Tatura, was referred to by the honorable member for Rodney as being a suitable place for children. I agree entirely, and the Government has made two approaches to the Presbyterian Church, which conducts the institution at Dhurringile, and asked whether it would take some of the children who come under the jurisdiction of my Department.

I realize that there have been certain problems at Dhurringile and at one stage it seemed that the institution would be closed. A certain number of children have gone to Dhurringile from overseas in the last few weeks, and at this juncture those in charge are not prepared, if I may use a colloquialism, to do business with us. But I am still hoping that the Presbyterian Church will be interested in taking children at Dhurringile, and I am sure that if they signify their willingness, children will be sent there.

The honorable member for Rodney suggested that the Government was not exploring all possibilities of bringing children from overseas. All I want to say to that is that the trustees of the Northcote School include Lord Casey of Berwick, Sir Arthur Coles, the Chief Justice, Sir Samuel Wadham, Mr. Justice Sholl, Professor George Browne, Mrs. Bakewell, Lady Giddy, and Mrs. Coldham, whose work in this field is well known to every member. They have been making desperate efforts to get children from overseas. I cannot explain why the children do not come, but I think that there is perhaps a much more constructive and enlightened approach in Great Britain to-day to the question of care of children than there has been in the past. Consequently, there are not the children available that Lady Northcote expected there would be when the farm was established. In this proposed legislation, and in the agreement it is making with the trustees, the Government is guaranteeing that if children arrive from England provision will be made for them.

The honorable member for Ballaarat South raised the question of the selection of suitable children. I thought I had given sufficient assurance in my second-reading speech regarding this matter. I make it clear that the children who go to the Northcote School will be selected by the Children's Welfare Department in consultation with the superintendent of the establishment. I assure members that the Government would not expect the Northcote School to take any children that the superintendent does not approve of. I am sure that the arrangement can be worked out to the mutual satisfaction of all parties.

Mr. CRICK.—Do you mean children of both sexes?

Mr. RYLAH.—Yes.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 2, providing, *inter alia*—

(1) The Australian trustees may with the consent of the English trustees on such terms and conditions as they think fit enter into and carry out any arrangement for the education and upbringing of children whether from Great Britain or elsewhere at the Northcote School with any Government person or organization in Australia.

Mr. RYLAH (Chief Secretary).—I move—

That in sub-clause (1) the words "with the consent of the English trustees" be omitted.

Perhaps the English trustees are being over cautious, but I understand they are fairly elderly. They do not want to take any risks of a breach of trust over this arrangement and, in effect, to use a colloquialism, they are "passing

the buck" to the Australian trustees, who are happy to accept full responsibility in this matter. The amendment has been proposed with the complete approval of the Australian trustees.

Mr. CAMPBELL TURNBULL (Brunswick West).—I assume that the fact that the application of the legislation will be confined to Victoria will not cure any breach of trust committed by the English trustees. One can imagine their dilemma considering that the Northcote School is a joint venture between Australian and British trustees, so far as the original scheme was concerned. It is a pity that it has not been possible to obtain the consent of the British trustees as regards local intentions. I consider that the present intentions are as worthy as was the original concept.

The amendment was agreed to.

Mr. RYLAH (Chief Secretary).—Correspondence is still flowing thick and fast between the English trustees and their solicitors and the Government, and I should like to say that if any further amendments are desired from England I shall, on behalf of the Government, undertake that they will be brought to the attention of another place. I again thank the members of the Opposition and of the Country party who have given full consideration and help to this measure.

The clause, as amended, was agreed to, as was the remaining clause.

The Bill was reported to the House with amendments, including an amended title, and passed through its remaining stages.

SEWERAGE DISTRICTS (AMENDMENT) BILL.

The debate (adjourned from November 22) on the motion of Mr. Mibus (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This Bill contains a number of amendments to the Sewerage Districts Act, most of which are unrelated to one another. It would appear to Opposition members that the measure has been designed to streamline administrative procedure and to bring the provisions of the principal Act into line with up-to-date amendments to the Local Government Act and the Water Act.

There is not a great deal that need be said about the Bill. One provision adds additional sub-sections to section 26 of the principal Act. That section relates to disqualifications of members of a sewerage authority. As amended by the Bill, sub-section (3) would read, *inter alia*—

> No member of a sewerage authority shall be disqualified under this section from acting as a member by reason of his—
>
> . . . . .
>
> (*d*) selling to the sewerage authority in the ordinary course of a retail business, and not pursuant to any written contract, any goods of a value not exceeding Fifty pounds in the aggregate in any year;

We have argued, in respect of the amendment to the Local Government (Disqualification) Bill, that the recommendation of the Statute Law Revision Committee which, in relation to transactions by councillors, fixed the amount at £20 instead of £50 should be adhered to. I desire to state that when the Bill is in Committee, we will move that amendment to the proposed new sub-section (3) substituting the word "twenty" for the word "fifty."

The Bill provides for a new provision in respect of financial accommodation for sewerage authorities, and, of course, members of this House are wholeheartedly in favour of any measures to expedite the provision of sewerage in a number of country centres where it is most urgently required. We recently had information conveyed to us of the thirteen constituted country sewerage authorities which have not yet been authorized to commence their work. Some of those authorities have been established for a period of 21 years. There is undoubtedly a very great need to do everything possible to facilitate the procedure of the authorities in obtaining financial accommodation for this important sewerage work. Provision is made in clause 5 to increase the allowance to the chairman of the Sewerage Authority from £25 to £75. That

merely brings the Sewerage District Act into line with the relevant provision in the Water Act. Generally speaking, the Opposition has not been able to find any fault with the provisions of the Bill, other than the section to which I have referred, and, as I have indicated, we intend to move an amendment in the Committee stage.

Mr. BROSE (Rodney).—On behalf of the Country party I support this Bill. There is no doubt that we are all in favour of the provision of sewerage facilities throughout country towns and cities. This Bill was introduced mainly at the instigation of the sewerage authorities in relation to those little items which may not seem very important to us but which are very important to them. I think the most important aspect of the proposed amendment of the legislation is the slightly different forms in which the authorities may borrow money. If they can borrow on mortgage deed, it will, I think, by-pass quite a lot of red tape. If sewerage and water are made available to the people of the country districts we must supply the ways and means to enable the authorities to raise funds. Finance has been one of the real difficulties and quite a number of schemes have been held up for many years. I am hoping that this simplified means of supplying money to these sewerage districts may be a means of bringing this amenity to many towns.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4, providing, *inter alia*—

After paragraph (*c*) of sub-section (3) of section twenty-six of the Principal Act there shall be inserted the following paragraphs:—

(*d*) selling to the Sewerage Authority in the ordinary course of a retail business, and not pursuant to any written contract, any goods of a value not exceeding Fifty pounds in the aggregate in any year;

Mr. STONEHAM (Leader of the Opposition).—I move—

That in proposed new paragraph (*d*) the word "fifty" be omitted with the view to inserting the word "twenty".

The Statute Law Revision Committee considered this matter very carefully and recommended £20. A vital principle is involved.

Mr. MIBUS (Minister of Water Supply).—The Government is not prepared to accept the amendment. We think the amount of £50 is reasonable, and it is in line with the provision in the local government legislation.

The amendment was negatived, and the clause was agreed to, as was clause 5.

Clause 6 was verbally amended, and, as amended, adopted, as was clause 7.

Clause 8 (Amendments of No. 6368).

Mr. MIBUS (Minister of Water Supply).—I intended to submit an amendment to this clause, but the draft was handed to me only a little while ago, and I have not had an opportunity to study it. Therefore I will not proceed with it at this stage.

The clause was agreed to.

The Bill was reported to the House with an amendment, and passed through its remaining stages.

LOCAL GOVERNMENT (PRIVATE STREET) BILL.

The debate (adjourned from November 23) on the motion of Mr. Porter (Minister for Local Government) was resumed.

Mr. FLOYD (Williamstown).—The Minister stated that this was a small Bill. Whilst I feel it is a privilege for me, as a member of the Opposition, to look after the Bill on behalf of the Opposition, I think the main contribution to the debate will be from the honorable member for Benalla in whose electorate is situated the area with which the measure deals. At the same time we on the Opposition side must take some cognizance of the fact that whilst it is a small Bill it involves a big principle. With all due respect to the Minister for Local Government, he may be falling into the same category as some of his colleagues who have spoken on bigger Bills in that he has

not given sufficient information to enable this Bill to be debated in its proper context. First, the State Rivers and Water Supply Commission commenced a big project at Eildon, and it laid out streets in which houses were erected for its employees. After the constructing authority had finished its job, some of the employees desired to remain there, and the shire had to take over control of the streets as part of the Eildon township. During the time of the construction the Commission did not charge the abutting owners of land anything towards the cost of street construction. Whilst they surveyed an area and prepared a plan, they did not enter into any private street construction scheme as we know it in the metropolitan municipalities, and when they moved out the council took over. The residents who remained desired that the streets be constructed. The question then arose whether it was a private street construction scheme or not. The shire council is quite willing to take over the work in the logical sequence of events, and in fact it has done so. The Minister has said something to the effect that there was a lot of unemployment in Eildon and that the Government wanted to employ workers in the construction of the streets. We must ignore that reference, because I have heard the Premier say on many occasions that no unemployment exists in Victoria. Therefore we do not have to worry about the sentimental aspect of it.

The fact is that the people now living in the area desire the construction of the streets to be completed. The council is prepared to do the job and it has in fact spent £27,000 on this work to date. I understand that an amount of £54,000 has to be spent before the streets can be declared public highways. The existing legal position is that the council, possibly, is not in order in proceeding with this project, and it desires that its action up to be date be validated. This Government is always accommodating, and, as I have said before, is always prepared to cover up other people's errors. I have enumerated such errors on several occasions, so I shall not do so again as that would not be fair. It may be said that my argument is not relevant, but it applied in regard to parking in Melbourne, it applied in regard to the Oakleigh rates case, and it applied also in regard to the Wangaratta plebiscite. However, there is a measure of retrospectivity in regard to this legislation to which I do not subscribe, and which I hope the Government will eliminate. If the people want streets constructed and the council is agreeable, they should be constructed in the usual course under a private street construction scheme, after preparation of the plan.

If the people who bought the land were not charged for future street construction, we have no objection to the proposal, irrespective of whether the area concerned has been under the jurisdiction of the State Rivers and Water Supply Commission or the Housing Commission. Of course, that does not apply to Government roads, but they seem only to appear in old subdivisions. The Bill seems to be of a machinery character, and although it contains a degree of retrospectivity, the Opposition offers no objection. In his second-reading speech, the Minister for Local Government referred to other housing estates that were developed by Government authorities for their employees, and he instanced the Mount Beauty township established by the State Electricity Commission and the Railways Commissioners housing estates at Sunshine, West Newport and elsewhere. In regard to the West Newport estate, the Railways Commissioners actually acquired some land in areas with built-up streets, so with all due respect to the Minister, I would say that there is no analogy there. No street construction scheme was involved.

Mr. PORTER.—I was speaking only of semi-Government and Government authorities entering into subdivision schemes. I made the distinction that provision had been made for streets in the areas I mentioned.

Mr. FLOYD.—I do not wish to make an issue of the matter. The local council has been flat out trying to get the

railways to pay reasonable rates in respect of the property. In the city where I live, 23 per cent. of the area is unrateable and the railways are a large "culprit." We offer no objection to the proposal as it affects Eildon. If the honorable member for Benalla can assure us that the people there are happy about it, the Opposition will lend its support. I suppose anomalies must arise now and then in a growing community. The Opposition is prepared to co-operate, provided that the shire council and ratepayers concerned are convinced that the Bill offers a solution to the problem.

Mr. COOK (Benalla). — This is a small but nevertheless important Bill. Its history dates back to the time when construction of the big Eildon weir commenced. A township was formed and was inhabited mostly by staff and workers employed in the area. The State Rivers and Water Supply Commission controlled the township, and laid out the streets, and so on. The Commission constructed a certain number of streets but had not completed the construction by the time the weir was finished. Eventually the township was handed over to the Shire of Alexandra, which agreed to accept that responsibility. During the time when difficulties were experienced in the works, unemployment became prevalent and, in order to provide work for many of the men, the shire agreed to form some streets. The shire continued to do that work for some time, being under the impression that the streets were private streets, and spent an amount of £27,000 on the work. Suddenly to its surprise the shire learned that the streets could not be classified as private streets as they were still under the control of the State Rivers and Water Supply Commission. The council discovered that it could not be reimbursed by the holders of the land for the money which it had spent.

The matter was referred to the Minister for Local Government. After all aspects of the case were examined, it was decided that the only way to put the matter in order was to pass legislation such as that which is now before the House, including provision for the validation to be made retrospective. As far as I know, the State Rivers and Water Supply Commission, the Local Government Department, the local council, and the people concerned are all satisfied with the proposal.

Consideration of this matter raised the question of whether or not streets in a plan of subdivision of this nature should or should not be private streets. The conclusion reached is that where a public corporation has cause to subdivide land in a manner similar to that carried out by a private person, there is no reason why the persons who acquire ownership of lots in such subdivision should not have to pay for the construction of the streets. That is the crux of the situation. The present instance may not be the only one that occurs. I hope the House will agree to the Bill which will correct something about which we are rather concerned. My party supports the measure, and hopes it will have a speedy passage.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

TOWER HILL AND MALMSBURY LANDS BILL.

The debate (adjourned from November 23) on the motion of Mr. K. H. Turnbull (Minister of Lands) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This is a type of Bill that we see from time to time, which purports to revoke permanent reservations and Crown grants of certain land. Down through the years land may be reserved for a particular purpose which ultimately is not achieved, and from time to time such reservations are revoked or the land is reserved for other purposes. This particular revocation applies to three areas of land, the most important of which is the area associated with Tower Hill in the Western District. That particular reservation is an extremely interesting one. It contains an area of 1,475 acres, which was reserved in 1873 as a public park for public

recreation. Of course, that expression is as wide as the ocean. The area is extremely interesting from a geological point of view, as it contains one of the oldest volcanoes in the State. The people of the day were very wise to make this reservation but, unfortunately, it was not put to the use that was intended. It became simply a harbor for vermin and noxious weeds, and persons gained entry for the purpose of carrying on quarrying operations. It is to be regretted that such an area has not been utilized to the full extent. Tower Hill was probably the source of the fertile areas surrounding it, such as Koroit and Warrnambool. When introducing the measure, the Minister stated, *inter alia*—

> The control of Tower Hill and its management as a public reserve has been a matter for controversy since its first temporary reservation in 1866. Even at the time it was set aside with the intention of preserving the scenery, the unique geological features, the attractive vegetation and the wild life, deterioration had already begun in all these features.

It is pleasing to note that even at this late stage it is proposed to do something with the area, the idea being to make it a reservation for wildlife. An advisory committee will make an attempt to re-establish it as a reserve, as was intended originally. It is difficult to find any historical information about Tower Hill, and the only reference which I could find is contained in an article in the journal of the Royal Automobile Club of Victoria. Unfortunately, proper roads have not been constructed in the area, and this fact has held back its development. I trust that in future persons will have scope to further their interest in the history of volcanoes, and that the new reservation will be a greater success than the old.

The other two reservations mentioned in the Bill concern the old and charming town of Malmsbury. Travelling along the highway, one is attracted by the natural scenery at this point. An area of approximately 80 acres is reserved for the purposes of a racecourse. No one is distressed at the fact that Malmsbury is to be deprived of the racecourse reserve, because this land has never been used for that purpose. A further area of 2 acres 2 roods 8 perches was reserved as a site for water supply purposes. I do not know whether it was intended to establish a pumping station, or how it was proposed to use the land.

Mr. K. H. TURNBULL.—As a place for watering stock.

Mr. CAMPBELL TURNBULL.—I am indebted to the Minister, whose knowledge of the country outstrips mine. In the days when horses provided the medium of travel in the country, such a reservation was necessary. It is proposed that the new Social Welfare Branch will establish on the combined areas a youth training centre. I trust that an appropriate centre will be set up because it is proposed to house approximately 120 boys. No doubt the Leader of the Opposition will be more familiar with the project than I am. Members of the Opposition raise no objection to this measure and trust that the land concerned will in the future be put to better use than it has been in the past. No doubt these reservations were made by our predecessors with the best of intentions, although in these three instances their objective was not achieved.

Mr. MOSS (Murray Valley).—The Country party supports this measure. I take this opportunity of saying how much I appreciate the trouble to which the Minister went to allow me to see aerial photographs of Tower Hill and to provide further information in relation to the Malmsbury project. I have not had the opportunity of visiting the area, although I should like to have done so, because this Bill has been introduced so late in the session. The reservation of Tower Hill hardly achieved the desires of the local people. This Bill simply revokes the purpose for which it was reserved originally and gives it a new designation under new management. The restoration of the native vegetation and wildlife will be the primary problem that the new committee will have to face. The land concerned is all Crown land. It consists of an old volcano which has great

possibilities from the scenic and geological points of view. I trust that as a result of the passing of this legislation wildlife will be restored and much greater use made of the area as a geological feature.

In connexion with the land at Malmsbury, two reservations—one of approximately 2 acres and the other of 80 acres—are concerned. As the Minister stated, in view of the fact that good racecourses exist at Woodend and Kyneton, hardly any need exists to continue a reservation at Malmsbury because the local residents seem content to travel to Woodend or Kyneton. This area of approximately 83 acres will now be utilized by the Social Welfare Branch to establish a youth training centre, which is a commendable proposal. These reservations will now be put to a useful purpose, and I am sure the Bill has the support of all honorable members..

Mr. STONEHAM (Leader of the Opposition).—Briefly, the people of Malmsbury and district are delighted at the Government's decision in respect of the future use of the racecourse and the water reserve, neither of which has been used for the purpose for which it was originally reserved. It is intended to establish quite an elaborate and modern youth training centre on this land. The Shire of Kyneton, as well as the townspeople of Malmsbury, can be relied upon to give solid community support when the institution becomes an accomplished fact. I understand that it will accommodate approximately 120 boys aged between fourteen and seventeen, that it will necessitate the employment of a staff of approximately twenty persons for whom residences will be provided and that in all it is planned to have a most attractive group of buildings. In addition, academic and specialized trade training in appropriate subjects and the usual recreation facilities will be provided. Generally speaking, it will be an institution that will obtain a very warm welcome in the district. I trust that the Government will not delay implementing this proposal. I understand that it is hoped to start the work in 1961. The authorities can rest assured that when it is completed it will have the whole-hearted co-operation of community organizations in the district.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

COAL MINES (PENSIONS) BILL.

The SPEAKER (Sir William McDonald) announced that he had received a message from the Legislative Council returning this Bill, sent to the Legislative Council by mistake, as requested by the Assembly.

LOCAL GOVERNMENT (KEILOR WAVERLEY AND SPRINGVALE) BILL.

This Bill was received from the Council and, on the motion of Mr. PORTER (Minister for Local Government), was read a first time.

ADJOURNMENT.

EDUCATION DEPARTMENT: PASCOE VALE GIRLS' SECONDARY SCHOOL—PARLIAMENTARY CHAUFFEURS: ACCOMMODATION IN PARLIAMENT HOUSE.

Sir THOMAS MALTBY (Minister of Public Works).—I move—

That the House, at its rising, adjourn until to-morrow, at half-past Ten o'clock.

The motion was agreed to.

Sir THOMAS MALTBY (Minister of Public Works).—I move—

That the House do now adjourn.

Mr. WHEELER (Essendon).—I desire to bring to the attention of the Minister of Education a matter of importance to the Government and to the health of the children who are attending the Pascoe Vale Girls' Secondary School. Ever since this school was occupied in 1957, sullage water has been discharged on to the school property from houses in an adjoining street—Lake-avenue. The street in question is unmade and, consequently, there is nowhere else for the water to flow other than on to the school property. To my knowledge, representations have been made on two occasions to the Coburg City Council and, I understand—I am not sure on

this aspect—that an approach has been made to the Public Works Department for action to be taken in the matter. The local council cannot do much about the position until such time as it has sufficient finance available with which to make the street.

Mr. CAMPBELL TURNBULL.—There is no jurisdiction over unmade streets.

Mr. WHEELER.—I am aware of that fact. At one stage, the Public Works Department blocked up the end of the drains with concrete, but that action was unsatisfactory so far as the people were concerned, and they quickly removed the concrete because they did not want the sullage water lying stagnant on their own properties. They are unable to cut the grass because the ground is saturated with water. The stench of the water lying there is not particularly pleasant. I suggest that the Education Department could make an *ex gratia* payment to the local council to assist that authority to make the street, which would obviate the trouble caused by the water lying around. This matter is urgent because it is injurious to the health of the children, and it is an embarrassment to the people who are draining the sullage water from their properties simply because there is nowhere else for the water to flow.

Mr. KANE (Broadmeadows).—The matter that I propose to raise has been discussed on a previous occasion and it falls within the jurisdiction of the House Committee. I refer to the provision of accommodation for Parliamentary chauffeurs during sittings of Parliament. I understand that the employees concerned have no room where they can meet, with the result that they simply sit around in the corridors, or sit in the gallery, waiting for the House to rise. As honorable members will appreciate, the chauffeurs must frequently wait for long periods while the House is sitting. The matter was discussed by the House Committee, but apparently no action has been taken to rectify the position. In fairness to the persons concerned, I feel that suitable accommodation should be provided, and I ask that the House Committee give the matter further consideration.

Mr. BLOOMFIELD (Minister of Education).—I am grateful to the honorable member for Essendon for directing my attention to this problem in connexion with the Pascoe Vale Girls' Secondary School. In dealing with the matter, I may be confronted with what appears to be a sound departmental policy, namely, that as a rule, the Department does not direct the attention of municipal councils to matters which appear to come under their jurisdiction, because it might well be thought that such action represented an interference by one governmental authority with the prerogatives of another. However, I shall investigate the matter and communicate with the honorable member for Essendon without delay.

Sir THOMAS MALTBY (Minister of Public Works).—In reply t the honorable member for Broadmeadows, I point out that a note has been taken of the matter raised by him, which will be directed to the attention of the House Committee.

The motion was agreed to.

The House adjourned at 11.51 *p.m.*

LEGISLATIVE COUNCIL.

Wednesday, November 30, 1960.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 2.26 p.m., and read the prayer.

DISTRIBUTION OF POPULATION COMMITTEE.

THIRD PROGRESS REPORT.

The Hon. R. W. MACK (Western Province), chairman, presented the third progress report of the Distribution of Population Committee, together with minutes of evidence.

It was ordered that they be laid on the table, and that the report be printed.

POLICE REGULATION (PENSIONS) BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to provide the same types of increases for police pensioners as are to be given to retired State Public Service pensioners by a Bill recently introduced. However, there are some striking differences between the superannuation schemes as applied to the Police Force and to retired Public Service employees. In the first place, the Public Service scheme provides for a system of contributions for specified units in accordance with salary and according to the age of the contributor. A contributor may take out a certain number of units, dependent upon the salary he is earning, and the rate at which he contributes depends upon his age at the time of his taking up units.

The scheme, with respect to the Police Force, is quite different. A policeman contributes 4½ per cent. of his annual salary towards the pension fund and his contributions are not based upon the unit system. When he retires he obtains a pension equal to two-thirds of his salary; that is, if he has completed 30 years' service or more. Actually, the pension he receives is based on the retiring salary and his years of service. If he has had only fifteen years of service he receives as a pension only one-fourth of his salary. If he has completed 30 years or more, he receives a pension equal to two-thirds of his retiring salary.

Over the past seven years it has been the policy of Governments to keep the Public Service and police pensions schemes as near to parallel as possible. Where there has been an increase for retired public servants there has been a roughly equivalent increase for retired policemen. There was one exception; that is, that the increases for retired public servants applied only to those who retired before 1956. The reason was that in that year the right was given to public servants to take up, without medical examination, all the units to which they were entitled and which they had not taken up previously. However, there was no similar scheme introduced for policemen because of the nature of their scheme. It was difficult to introduce a parallel provision in the police system and, therefore, there is that difference in the proposals. The increase proposed in this measure applies to all retired pensioners who have been policemen and will continue to apply, whereas the scheme for retired State employees applies only to those who retired before 1956.

In fairness, I should stress that, from now on there will not be many police retiring on pensions of £7 a week or less. The only individuals in that category would be those who retired with a small number of years of service through ill health; it will not apply to those who have had 30 years or more of service in the Force. Over the past six or seven years, police pensions have been increased in a number of different steps. In 1953 the Cain Government introduced a temporary increase of one-sixth for all police pensioners except those receiving a pension of more than £624 per annum. In 1955, the present Government made that increase a permanent one and, for the first time, the one-sixth increase applied to those receiving more than £624 per annum. There was also a further increase of £26 a year, or 10s. a week for the lowest group of pensioners—those receiving less than £364 per annum.

To return to the clauses of the Bill, this measure will have the effect of giving an increase of 12s. 6d. a week to those persons receiving less than £7 a week, provided that that sum does not lift the pension above £7 a week, and it will have the effect of giving widows an increase of 8s. a week provided that that does not lift the pension above £3 10s. a week. If a widow is receiving a pension of £3 6s. a week she will get an increase of 4s. a week to lift the amount to £3 10s. This limit has been brought about by a desire not to transfer liabilities from the Commonwealth to the State. The reason for the fixing of these maximums of £7 and £3 10s. a week is that those amounts are the maximum sums that a person

can earn without disqualifying himself from any part of his social service pension. Thus, with the old pension at £5, a man and wife may receive £17 a week and a widow or widower may receive up to £8 10s. a week.

So these increases have been introduced to protect the finances of the State, at the same time giving the maximum of increases possible to pensioners without taking 10s. out of one pocket and transferring it to another—that is to say, from the Commonwealth to the State. As administrative machinery has to be completed, it will be appreciated if this Bill can be given as speedy a passage as possible.

The Hon. D. G. ELLIOT (Melbourne Province).—I move—

That the debate be now adjourned.

With the concurrence of the Minister in charge of the Bill, I suggest that the debate be adjourned until to-morrow or next week. I also make the proposal in the interests of the smooth running of the House and in view of the amount of business to be dealt with during the remainder of the session that it may be possible to debate this Bill immediately after the Superannuation (Additions to Pensions) Bill is dealt with, because both measures are substantially the same and can be disposed of pretty well at the same time.

The Hon. L. H. S. THOMPSON. — I thank the honorable member for his suggestion. It may well be adopted.

The motion of the adjournment of the debate was agreed to, and the debate was adjourned until next day.

UNIVERSITY COLLEGES LANDS BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

The measure is one that relates to the lands occupied by Queen's College, Ormond College and Newman College, respectively, at the University of Melbourne. As honorable members are aware, four men's residential colleges are affiliated with the University of Melbourne. These are the three denominational colleges mentioned in the title to the Bill, and Trinity College. The Bill deals with the three institutions which I first mentioned since the title of the land occupied by Trinity College has already been adjusted. The Bill proposes to safeguard and consolidate for the purposes required the titles relating to the other three colleges. Trinity College land was the subject of a Crown grant made in November, 1871, to trustees of the Church of England. Since that time that land has been the subject of two Acts, one in 1927 and one in 1957, for purposes similar to those contained in the present Bill. The title and legislative history of Trinity College are therefore separate from those of the other colleges and outside the scope of this present Bill.

In the case of each of the other three affiliated colleges, Queen's, Ormond and Newman, the title position is similar, and similar doubts and difficulties have arisen in each case. For that reason they are dealt with conjointly in this Bill which aims at resolving the doubts which have arisen. The Bill results from representations made to the Government by a sub-committee representing each of the three colleges consisting of Professor David Derham, for Ormond College, J. X. O'Driscoll, Esq., for Newman College, and C. W. Webster, Esq., for Queen's College.

As far back as 1853 the Government decided to grant 25 acres and to reserve a further 75 acres for "ultimate educational use in subordination to the University." It was out of these 75 acres that the land for all four colleges was subsequently to be allocated. In December, 1861, an Order in Council was made approving a subdivisional plan showing four equal areas as allocated to the Church of England, the Roman Catholic Church, the Wesleyan Methodist Church and the Presbyterian Church respectively near the university. As has already been said, the Church of England area was granted to trustees in 1871, but no other grants were made at that time.

In 1870, the Parliament of Victoria passed an Act which was reserved for the Royal Assent, and that Royal

Assent was proclaimed on the 6th January, 1871. That Act is entitled "An Act to Provide for the Abolition of State Aid to Religion." Prior to that time the constitution of Victoria, as originally in force, made special provision for State assistance to religion out of public funds according to the relative proportion of the members of each denomination in the colony. The provision for this assistance was repealed by the Act assented to in 1871. In view of the cessation of State aid, the Act made provision for the issue to trustees on behalf of the several denominations of certificates of title to all lands which, at the time of the passing of the Act, had been granted by the Crown without receiving any purchase money, or promised or reserved by the Crown or by the Governor, either permanently or temporarily, for church purposes or church and school purposes or dwelling-houses for the ministers of any denomination.

In the course of time, certificates of title under that Act were issued on the respective dates cited in the Bill to trustees for the Methodist Church, the Presbyterian Church and the Roman Catholic Church for the lands which had been respectively set apart for them at the Melbourne university. Prior to the issue of the title to the Newman College land, a Crown grant of the land had been made to trustees for the Catholic Church in 1882, but this grant was subsequently surrendered and the certificate of title issued under the Act No. 391 on the 10th of September, 1900. From that time until the present, the title position in respect of the lands of the three colleges has not altered except that, in place of the bodies of trustees which formerly represented the Presbyterian and the Catholic Churches, there have now been substituted as proprietors of the respective lands The Presbyterian Church of Victoria Trusts Corporation and The Roman Catholic Trusts Corporation for the Dioceses of Melbourne. The Methodist Church, however, is still represented by a body of trustees whose names appear in the preamble to the Bill.

The Hon. E. P. Cameron.

Doubts have arisen as to the validity of the titles, as to the purposes for which the lands may be used, and as to the precise powers of the present proprietors. First, under the Act No. 391 the issue of Crown grants was restricted to lands which had been reserved &c., "for church purposes or church and school purposes or dwelling-houses for ministers." It has long been doubted whether the purposes of an affiliated college at the university, even when established by a religious denomination and intended primarily for the education of young men of that denomination, came within the permissible purposes. In the case of *Queen's College* v. *The City of Melbourne*, 1905 V.L.R., page 247, considerable doubt was expressed as to whether the title issued in that case was within the ambit of the Act No. 391 and consequently as to whether the title was validly issued.

Secondly, some of the old reservations of the lands in question and, in the case of Newman College, some of the provisions of the earlier grant since cancelled, were so worded as to imply restrictions on the user of the lands; for example, there were references to the use of the land for the education of young men of the religious belief in question. It has never been the practice of any of the colleges to refuse admission to students of another faith, but it has been felt by some of the trustees that in opening their doors to receive persons of all faiths the colleges may have committed technical breaches of trust in this regard.

All of the colleges have progressive proposals which will require them to expend large sums of money, to raise finance, and otherwise deal with the land. Therefore, the persons with whom they deal must not be affected by any restrictions or limitations. Without assurances in this regard, it is felt that the trustees or trust corporations would not be in a favourable position to borrow money or to enter into other transactions necessary for the betterment of the respective colleges. This Bill has the approval of all parties

concerned, including the Lands Department and the Education Department. Therefore, I confidently commend the measure to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until the next day of meeting.

SEWERAGE DISTRICTS (AMENDMENT) BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

This is a Bill to amend the Sewerage Districts Act 1958. Its purpose is to make some amendments to the administrative procedure prescribed under the existing Act in order to facilitate the activities of country sewerage authorities. A number of the provisions relate to borrowing by sewerage authorities, and others are designed to bring sections of the existing Act up to date. At the same time administrative procedures will be brought into line with procedure under the Water Act and the Local Government Act. Many of the proposals have been sought by the Provincial Sewerage Association of Victoria and others have been recommended by the State Rivers and Water Supply Commission to facilitate operations under the Sewerage Districts Act and to streamline administrative procedure.

A definition of the word "building" is included with the object of relieving ratepayers from the burden of higher minimum charges in respect of sheds and similar structures which are not inhabited. The limits on minimum charges specified in the present Act, last amended seven years ago, will be increased to accord with the change which has taken place in money values. The provision for the chairman's allowance, which dates from 1944, and the fee for rate certificates, will likewise be increased in line with corresponding existing provisions in respect of waterworks trusts.

Provision is made to enable a sewerage authority to adopt voting by post at its elections, if it so desires. This proposal is in line with section 149 of the Local Government Act and the provision in the Water (Amendment) Bill now before Parliament. The Bill also provides that a sewerage authority will be permitted to publish a notice that a by-law has been made and giving a summary of the contents of the by-law, instead of being required to publish the by-law in full in the *Government Gazette*. An authority will be permitted to give notice of the laying of sewers by a single notice in the *Government Gazette* and in a local newspaper, instead of the present requirement for publication of such notice in the *Government Gazette* and four times in four consecutive weeks in a newspaper. These amendments regarding notices should relieve sewerage authorities from an unnecessary financial burden.

Three amendments made in the Bill will facilitate the raising of loans from private sources by authorities. The new provision for borrowing by means of a mortgage deed will widen the field of lenders who are willing to make loans to Victorian sewerage authorities. A provision is also included to permit the payment of interest on debentures in Canberra as well as in Melbourne or London, and, in the case of borrowing by a deed of assignment of rates and charges, it is proposed to give the same protection to lenders as at present exists for lenders to local water authorities. It is proposed to eliminate, under this Bill, the existing outmoded procedure whereby separate Orders of the Governor in Council are required in respect of loans to sewerage authorities which have already been authorized by Parliament under an annual Water Supply Loan Application Act. This change will eliminate much of the paper work now involved in the payment of claims made against Government funds by such authorities. A further provision in the Bill will enable a member of a sewerage authority to have normal minor business dealings with the authority, and to surrender land to the authority and receive compensation without disqualification. This amendment is in line with the provisions of the Local Government Bill now

before Parliament and a similar provision in the Water (Amendment) Bill. I commend this Bill to the House.

On the motion of the Hon. ARCHIBALD TODD (Melbourne West Province), the debate was adjourned until the next day of meeting.

LOCAL GOVERNMENT (PRIVATE STREET) BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That this Bill be now read a second time.

This small Bill concerns mainly the Shire of Alexandra, and is brought forward to overcome a situation which has arisen with regard to the construction of streets in the township of Eildon. As honorable members are aware, this township was created by the State Rivers and Water Supply Commission for employees who were engaged on the construction of the big Eildon project. The Commission prepared a plan of subdivision of the township area, and, after it had been sealed by the Alexandra Shire Council, the plan was lodged in the Office of Titles. Lots on the plan of subdivision have been sold and only a few now remain in Commission ownership. The Commission carried out certain improvements to the streets, but it was not thought necessary to construct them fully in the generally accepted sense. When the big Eildon project was completed, the administration of the township was handed over to the Alexandra Shire Council.

Last year, the council became concerned with the unemployment position at Eildon, and to create some local employment decided to carry out certain works of a permanent nature in township streets, and prepared formal schemes as though the streets were private streets and the works such that owners of premises fronting the streets were chargeable with the cost of them. After completion of the preliminary formalities, the works were put in hand providing employment for some fifteen men. Only a little over half of the planned work has been completed at a cost of approximately £27,000. Recently the council was queried as to its power to charge the owners of premises fronting the streets for the works. The council consulted its solicitors who advised that as the streets were set out on land vested in the State Rivers and Water Supply Commission they were not private streets which could be constructed at the cost of abutting owners. The council has now requested that the scheme prepared by it in good faith be validated.

The consideration of the council's request raised the question of whether or not streets in a plan of subdivision of this nature should or should not be private streets, and the Government reached the conclusion that where a statutory corporation subdivides land in the same way as a private individual there is no reason why the streets on such a plan should not be regarded as private streets. Honorable members will recall that earlier this year in the Local Government (Preston Streets Agreement) Act it was enacted that streets in Housing Commission subdivisions shall be regarded as private streets within the meaning of the Local Government Act. Since the war, public corporations undertaking major development works have had cause to develop housing estates or townships for their employees. The township of Eildon is one such case. The State Electricity Commission established the Mount Beauty township. Also, due to the general housing shortage, the Railways Commissioners developed housing estates at Sunshine, West Newport and elsewhere. In most cases the streets have been fully constructed from public moneys and have been or are being taken over by the council of the municipality concerned. In the Eildon case, the State Rivers and Water Supply Commission did not consider it necessary to fully construct the streets.

A simple amendment to the Local Government Act deals with the matter and is made retrospective in operation to validate the Alexandra Shire Council's street construction scheme. Section 575 of the Local Government Act defines the term "private street" as—

(*a*) any street road lane yard or passage formed or set out on private property or on property of the Housing Commission; and

(*b*) any street road lane or passage formed or set out on land of the Crown or of any public body in such manner as to form means of back access to or drainage from property adjacent to such street road lane or passage—

or any part thereof, whether it is or is not a public highway.

Sub-section (3) of that section provides that a street, road, lane, yard, or passage shall be deemed to be set out on private property if the same is shown on any plan of subdivision of private property which has been or is sealed by a council or lodged in the Office of Titles, as made or laid out or proposed to be made or laid out on such land. The Bill alters this sub-section to provide that streets on any plan of subdivision sealed by the council or lodged in the Titles Office shall be deemed to be set out on private property whether or not such streets are actually set out on private property. Also, the amendment is being made retrospective in operation to validate the Alexandra Shire Council's scheme. Roads set out on Crown land are not affected by the Bill. I commend the measure to the House.

On the motion of the Hon. J. M. WALTON (Melbourne North Province), the debate was adjourned until the next day of meeting.

RAILWAY LOAN APPLICATION BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

During the past six years, the State Government has set aside approximately £7,500,000 per annum for general capital works on the railways, and for railway rehabilitation purposes. The debate on this Bill might be an appropriate time to explain the general interest question applicable to these loan funds, because I have noticed a number of statements in the press, and from the leaders of political parties, which indicate that there is some misunderstanding about it. An amount of approximately £30,000,000 was invested in the railways, and that amount has been written out of the railway accounts. Of course, the liability for it, less recoup, is still held in the Treasury and interest is being paid on it, the sum being charged to general revenue.

A further amount of approximately £30,000,000 has been spent on the post-war rehabilitation of the Railways Service. That capital fund is also a charge against the general loan fund of the State, and the interest thereon is charged directly against the taxpayers. Currently, the taxpayer is paying the interest on approximately £60,000,000. Under a bookkeeping process, the balance of the railway interest is charged to the railways, for the purposes of an accounting record. In fact, the total interest bill that is charged to the railways amounts to approximately £4,000,000 per annum. However, in view of the fact that the average deficit incurred by the Department exceeds £4,000,000, it means that an additional £4,000,000 must be borne by the ordinary taxpayers as part of the Budget expenditure. While for account records and purposes, interest is charged to the Railways, in reality, the Department does not pay any interest upon its capital fund at all.

The Hon. D. J. WALTERS.—If the Department made a profit, it would do so.

Sir ARTHUR WARNER.—That is so. Last financial year, the railways made a small profit and, to that small degree, I would be inaccurate in saying that the Railway Department does not pay interest upon its capital fund. I do not necessarily think the Department should pay interest—at least, not all of it. I am in agreement with the idea that the railways should give the service that is required in the community. However, members of Parliament should be conversant with the accounting procedure that is adopted, and should know what amount of interest is being charged, to whom it is being charged, and so on, so that they may look the position squarely in the face, so to speak.

The Hon. W. O. FULTON.—Do you feel that policy is conducive to good management?

Sir ARTHUR WARNER.—I think it is, because managers — the Railways Commissioners are really managers so far as Parliament permits them to manage railway affairs—should know what their true costs are. I do not mean that the Department should necessarily be asked to pay the whole of those true costs. However, if a person knows that he is running a subsidized service, and that it is necessary to receive some Government contribution to assist him in his task, he may consider that he has a responsibility to serve the public well, and do his best to reduce the amount that the Government is expected to pay. On the other side of the ledger, we must be conscious of the fact that the Railway Department provides a number of services to the community for which it receives no reward. I have always advocated, somewhat unsuccessfully, that we should credit the railways with those services which they give to the community for nothing. If this were done, we would be brought much closer to the actual truth so far as the railways are concerned as an operating business.

The Hon. J. M. TRIPOVICH.—What prevents that policy from being applied?

Sir ARTHUR WARNER.—I can see no reason why it should not be adopted.

The Hon. J. M. TRIPOVICH.—Have you investigated proposals for accomplishing it?

Sir ARTHUR WARNER.—Without going to too much trouble, I could give the House what I estimate is the cost of the contribution the railways have made. These figures are available to me. I have worked on them and they are approximately correct. If Mr. Tripovich would like me to make a guess at the figures now—

The Hon. J. M. TRIPOVICH.—No; I would prefer to have a more considered and accurate statement on the matter.

Sir ARTHUR WARNER.—I shall make available to Mr. Tripovich the information which is at my disposal. I recognize that it is in the interests of everyone to understand what is the true position.

The Hon. W. O. FULTON.—Would it not be advisable for the Railways Commissioners to include that information in their annual reports?

Sir ARTHUR WARNER.—To some extent, that practice is already adopted. According to the Commissioners' view, which is not necessarily my own, the most expensive services provided relate to the aid given to assist decentralization. The Railways Commissioners suggest that the aid should be the difference between the ordinary freight rates and the actual rates paid by decentralized industries. However, I argue that the subsidies should be the difference between the amount that would be charged to a big customer, who is normally on a contract, and the rate which is actually charged. The difference between the two viewpoints represents approximately £600,000 a year. In other words, the Commissioners say that the aid to decentralized industries amounts to approximately £1,000,000 annually, whereas, if my basis of calculations is adopted, the assistance amounts to only £400,000 a year.

The Hon. SAMUEL MERRIFIELD.—It would prove of great assistance to honorable members if you could make the relevant statistics available. Possibly the information could be roneoed so that all honorable members could receive a copy.

Sir ARTHUR WARNER.—I could not provide the information within a week, but I am prepared to obtain it for the benefit of honorable members. During the past six years, the efficiency of the Railway Department has increased considerably. This is attributable to a number of factors. For example, more money has been expended on rehabilitating the railways, and that is one of the objects of Bills of this nature. Furthermore, there is now better management and, to some extent, more freight traffic is being handled. These improvements have been achieved largely by means of improved business techniques. It is interesting to note that the improvement has taken place during a period of increasing costs,

higher wages and salary rates, and so on, and yet the actual ton-mile rates have been reduced since the present Government assumed office.

The policy that has been adopted has been to reduce the freight rates on the high-cost goods, rather than on the low-cost goods, which is the normal policy one would expect to find in a competitive field. It has been necessary to reduce certain freight rates because it is natural that road transport operators, particularly interstate hauliers, seek to carry the high-rate products. They would not desire to carry the low-freight cargo—they leave that to the railways.

The Hon. J. M. TRIPOVICH.—Would it be possible to credit the railways with the amount of assistance that is given to primary industries?

Sir ARTHUR WARNER.—Notwithstanding the increased wage costs—

The Hon. J. M. TRIPOVICH.—We do not accept that argument because wages are now pegged.

Sir ARTHUR WARNER.—I disagree with Mr. Tripovich on that point.

The Hon. J. M. TRIPOVICH.—The workers in Victoria have suffered to the extent of 37s. a week as a result of the abolition of cost-of-living adjustments.

Sir ARTHUR WARNER.—I do not agree with that argument and, in fact, Mr. Tripovich admitted quite clearly the other night that he did not support it. The actual operating costs of the railways have not come down, but the freight rates have been reduced. If there has been any variation in the ton-mile rate it has been downwards.

The Hon. D. J. WALTERS.—That is the ton-mile rate on all goods carried?

Sir ARTHUR WARNER.—Yes, on an average. However, I have not the relevant figures with me, and I am speaking from memory on this point. If there has been no reduction, the rates have gone up only slightly, which is remarkable in view of the constant increases in other costs. This success has been achieved because a greater tonnage of goods is being handled. A somewhat curious situation arises in connexion with rail traffic, namely, that when the wheat harvest is not being carried, the railways lose a good deal of money. On the other hand, when the Department is fully occupied in handling the wheat harvest, because of the low ton-mileage rate, it appears to lose heavily on the operation. In other words, the ridiculous situation exists whereby if the Department does not have the traffic, it loses money, and it appears to lose when it is carrying the traffic.

The Hon. D. J. WALTERS.—Surely you do not mean that the wheat traffic is unprofitable?

Sir ARTHUR WARNER.—If the railways were set up for the exclusive purpose of hauling wheat, they would lose a fortune.

The Hon. D. J. WALTERS.—The same situation applies to tomato sauce and certain other commodities.

Sir ARTHUR WARNER.—As time goes on, Mr. Walters is becoming increasingly difficult. I am simply endeavouring to provide information that may be useful to the House. The wheat harvest is carried for approximately seven weeks each year. This season may be extended because of the tremendous quantity of wheat that is to be carried.

The Hon. D. J. WALTERS.—The railways carry wheat for twelve months of the year from terminal to terminal.

Sir ARTHUR WARNER.—That is so in respect of the transport from the silos to the flour millers, but the major wheat income is received over a period of approximately seven weeks. In the areas where trains are run to pick up the wheat harvest, the lines are practically not used for the other ten months of the year. During that time the railways lose a " packet " on those lines.

If the matter was dealt with purely on the basis of the wheat traffic over the whole year, from a cold-blooded business point of view one would say,

"Do away with the railways." On the other hand, if it was considered that wheat is also moved over unprofitable lines during a period when other goods —such as manure—are not moving to a great extent, it could be considered that overall the railways make a profit on wheat. The freight on wheat, which is of the order of 3d. a ton-mile, is very low. The profit is not made when the crop is low because there are dead lines and thousands of trucks are waiting to cart wheat that is not there. Over a term of five or six years the picture would be that the railways lose very little on wheat. Wheat is a cargo that can be handled in bulk and its carriage has a lot of good features from a railway point of view. Its disadvantage is that it is very seasonal on certain lines. To-day the railways are making a profit on cargo generally. It is most difficult to dissect the figures accurately as to lines, types of goods, journeys, distances and so on, but I should say that the railways are doing all right at present in regard to cargo, under the various disabilities that apply. However, I remind honorable members that this is entirely due to volume. If that were taken away the railways would face disaster.

To deal with some of the details of the Bill, I would point out first that the general principle relating to loan funds for the railways is that each new Railway Loan Application Bill terminates any loan funds that have not been spent. This year is no exception in that regard. As the Bill is usually brought in at about this time of the year, the two pieces of legislation overlap periods of the normal financial Budget. Therefore, there are some anomalies in the presentation of the measure to the House. Generally, the railways provide a schedule of all the works they would like to carry out and for which they have applied to the Government for money, knowing full well that the total money that they are likely to receive will not exceed £7,500,000. That schedule is incorporated in the Bill. In effect, the Bill is an authority for the railways to carry out the work that is proposed in the Bill to the extent of £11,000,000—if they can get the money. As Parliamentarians, we know that they will receive approximately £7,500,000. We hope that a miracle will happen before the end of the period and that the railways will get all the money they require.

It might be as well if, instead of going right through the list, I deal with some of the major improvements that it is anticipated will be carried out during the year. Honorable members are aware that the Commissioners have authority, without reference to the Minister, to deal with works whose cost does not exceed £10,000, although often they do in fact refer such works to the Minister. In the case of such items the aggregate amounts are covered by a lump sum. Under sub-items 150 to 160 of Item 1 of the schedule, funds are provided for:—Additions and improvements at various country and suburban station yards, &c.; additions and improvements to the signalling and safeworking systems; additions and improvements to various lines, including the widening of banks and cuttings; alterations to curves; road diversions; the provision of heavier rails, sleepers and ballast, &c., and of sidings for the purpose of obtaining access to sources of ballast; additional and improved dwelling accommodation for employees; improved telephone and telegraph facilities; strengthening bridges; and so on.

Prominent among the major works for which provision is made in the Bill are works associated with the Melbourne-Albury standard gauge project, which is going along very well. These include construction at Dynon of a new diesel and electric locomotive depot which will eventually replace the existing North Melbourne locomotive depot; the reconstruction and rearrangement of Spencer-street station; construction of a flyover at North Melbourne to eliminate interference between country passenger locomotives and suburban trains; and the provision of improved communications between Melbourne and Albury. When we get rid of the last steam engine, it will be unnecessary to retain provision for water supplies and so on at various points. This will effect quite a saving.

The Hon. J. M. TRIPOVICH.—Is there any proposal to retain steam engines to meet the possibility of hostilities? Otherwise availability of oil will determine what railways can be run.

Sir ARTHUR WARNER.—I think our access to oil will determine our life generally. There is no doubt that some steam engines will be preserved for a few years to meet emergencies, but as the years go by we will be able to rely less and less on them. When we reach the situation that we have no oil with which to run our railways, we will not have anything. I think the war would finish before that.

Other major works include further progress with the duplication work between Flinders-street–South Yarra and Flinders-street–Burnley and a third track between Burnley–East Camberwell—including the construction of a new station at Richmond to accommodate the additional tracks—to facilitate the handling of the steadily increasing passenger traffic on the Caulfield and Box Hill groups of lines; completion of the installation of automatic power signalling between Box Hill and Ringwood; and completion of the new goods terminal at Dynon to relieve the serious congestion that occurs in Melbourne goods sheds and yards. Provision has also been made for preliminary planning work on the flyovers, rearranged tracks, signalling, &c., which will be necessary to connect the Melbourne underground railway with the existing lines.

Other important works for which provision is made in the Bill include rearrangement and extension of the station yards at Dandenong, Morwell, Moe, and Bairnsdale; new stations between Bentleigh–Moorabbin and Reservoir–Keon Park; installation of automatic signalling between Bacchus Marsh–Ballan, Caulfield–Mordialloc, Lower Fern Tree Gully–Belgrave and Oakleigh–Morwell; deviation and regrading of a section of the Warrnambool line between South Geelong and Moriac; preliminary work on the electrification of the Broadmeadows–Somerton line; improved crossing facilities on the Melbourne–Serviceton line; the Department's estimated contribution during the currency of the Act towards the cost of grade separation at level crossings; further expenditure on the installation of automatic boom barriers and flashing lights at level crossings; and improved facilities at a number of stations to expedite the handling of traffic. Provision is also made for additional staff amenities such as ablution facilities, lockers, meal rooms, sanitary conveniences, &c., at various locations.

Item 2 of the schedule relates to the provision of rolling stock, equipment, machinery and other works. It provides for the altering of 54 air-conditioned cars from direct to alternating current for satisfactory preconditioning in the North Melbourne car shed; the equipping of over 100 cars with electric in place of gas lighting; and the purchase of workshops equipment and machinery. Provision is also made for the estimated expenditure on the equipping of a further number of cars and vans with automatic couplings.

Item 3 provides for the construction of new lines of railway surveys, &c. The amount made available under this item is required to cover the completion of the work of converting to broad gauge and electrifying the Upper Fern Tree Gully-Belgrave line; preliminary planning work on the Melbourne underground railway; surveys, plans, &c.; and preliminary expenditure on other lines which have been or may be authorized by Parliament for construction.

Under Item 5 provision is made to enable the Commissioners to make further progress with the rehabilitation programme to overcome arrears of track and bridge renewals and replacement of worn-out and obsolete locomotives, cars and wagons, resulting from inability to make adequate provision for renewal and replacement works in past years. As was done last year, the Government is making loan funds available to the railways to enable the rehabilitation programme to be proceeded with, and

the interest and sinking fund payments will be borne by the Treasury. This is provided for under clause 6 of the Bill.

The amount provided is required to meet expenditure during the currency of the Act for locomotives, suburban trains and country carriages and wagons ordered from outside manufacturers or to be constructed and rebuilt in railway workshops to the maximum extent that can be done with the available staff, and for various replacement works including relaying of tracks and reconstruction of bridges.

Further details of the works included in the Bill have been supplied to me, and I shall be pleased, at the Committee stage, to furnish any additional information that may be desired by the honorable members in respect of any of the items.

On the motion of the Hon. J. M. TRIPOVICH (Doutta Galla Province), the debate was adjourned until Tuesday, December 6.

NORTHCOTE SCHOOL BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—

That this Bill be now read a second time.

Its purpose is to allow the trustees of the Northcote school at Bacchus Marsh to enter into an agreement with the Victorian Government to take a number of wards of the State at the Northcote farm. The Bill does not actually vary the terms of the original trust, but extends the conditions of management. Lady Northcote was the wife of a former Governor-General of Australia and she developed a very great liking for this country. She felt that English orphans and under-privileged children could perhaps with advantage be brought out to Australia, and raised under Australian conditions to become Australian citizens. In her will Lady Northcote set up a trust of £200,000 to be devoted to this particular purpose. Later, in 1939, Sir William Angliss gave the trustees certain land near Bacchus Marsh on which the Northcote school or farm was built.

In the early years of its establishment, many children came out to the school from England. However, in the post-war years a different approach was adopted in England towards the care of under-privileged children and the flow of children from the Mother Country to the Northcote farm diminished considerably—to the extent that there are at present only twenty children at the farm. Under those circumstances, quite obviously the costs of management are high, and the trustees reached a stage where they were thinking of closing down the farm. The arrangement provided for in the Bill will not only preserve the terms of the original trust but also help to preserve the trust assets. At the same time, it will provide a valuable source for housing under-privileged children from the State of Victoria.

There is a widely-held concept that the majority of wards of the State in the care of the Children's Welfare Department are orphans. It is of interest to note that of some 4,000 wards of State in Victoria approximately only twenty are orphans in the true sense of the word. So, the Department is largely caring for children whose parents, for a variety of reasons, have been unable to look after them effectively. This move to make use of the Northcote farm at Bacchus Marsh is one of a number of moves the Government is making to relieve congestion at Turana. The Government is dissatisfied with the overcrowded conditions there and has been planning the decentralization of Turana with a view to allowing it to revert to its original function of a staging centre. It may also be used for some specialized purposes, such as the treatment of specially difficult children or children who are badly handicapped. It certainly is the intention of the Government to relieve the overcrowding in the institution as quickly as possible. The passing of this Bill will enable the first move to be made in that direction, and it is hoped that in the near future 40 children will be accommodated at the Lady Northcote Farm at Bacchus Marsh.

The Hon. P. V. FELTHAM.—How much is the Government to pay for them?

The Hon. L. H. S. THOMPSON.—That has not been decided upon, but it is the intention of the Government to pay its way in order to assist the trustees who are being financially embarrassed. It is only right that the Government should do so. In the notes circulated with the Bill, there is a suggestion that the English trustees may desire certain amendments to be incorporated in the Bill. However, it has now been confirmed that they are satisfied with the Bill in its present form.

One or two arrangements such as that mentioned by Mr. Feltham will have to be made with the trustees before the actual move is made to send children to Bacchus Marsh. However, we hope that the move will not be long delayed because there is an urgent need to relieve the overcrowded conditions at Turana. Finally, I suggest that we are making use of a particularly valuable natural and healthy environment for bringing up children, and it is indeed fortunate that in this move we have the complete co-operation of the trustees of the farm. This Bill, if it is passed, will preserve the assets of the trust and help to provide an excellent opportunity for under-privileged children in Victoria to grow up in a healthy environment and become first-class citizens of this State.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned until the next day of meeting.

TOWER HILL AND MALMSBURY LANDS BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

This is a Bill which I feel confident will interest honorable members, and I am sure that everyone will agree with its purpose. It proposes to repeal the Tower Hill National Park Act 1892 and revoke the permanent reservation of 1,475 acres, known as Tower Hill Reserve, near Koroit. It will be re-reserved as a site for public recreation. The Bill also provides for the revocation of two permanent reservations at Malmsbury, one of which is the racecourse and public recreation area and the other a reserve set aside for water supply purposes. The two jointly cover 83 acres.

The control and management of the Tower Hill area as a public reserve has been the subject of great differences of opinion since the first temporary reservation was made in 1866. At that time, it was set aside as a scenic gem and one where wildlife, both flora and fauna, was to be preserved. At that time it did have some attraction. Owing to distances and motor transport it more or less fell into disuse, the flora and fauna disappeared, and the area became overgrown with bracken. There was insufficient finance to keep it going. From the inception some quarrying had been undertaken, and this added an eyesore to what was otherwise a beauty spot in an area which, from a geological point of view, was well worth preserving. Wildlife could not survive, and the wild flowers died as a result of burning and grazing. Only the vermin progressed. An Act of 1892 vested the reserve in the municipality of Koroit, and a Crown grant was issued. The Koroit council has been concerned with the control ever since, but now realizes its inability to bring the area back to what it should be and has requested that the Fisheries and Wildlife Department take control, subject to the council retaining its water rights to the mineral springs on the lake bank.

The State Wildlife Reserves Investigation Committee considered the matter, and the possibilities of several methods of control were explored. It was the unanimous decision of that committee that all interests would best be served by developing Tower Hill as a game reserve under the control of the Fisheries and Wildlife Department. The National Parks Authority also discussed the matter and supported the proposal. It recommended that an advisory committee be constituted, with one representative from the Authority. There has been considerable support, both locally and from other parts of the State, for the restoration of Tower Hill, and all surrounding municipalities, the Warrnambool and District Game Shooters Club and the Warrnambool

Field Naturalists have co-operated in making experimental plots. The protection of this unique geological feature is not only desirable but urgent, and it can certainly be achieved.

The Hon. I. A. SWINBURNE.—What type of wildlife was there?

The Hon. E. P. CAMERON.—Quail and similar birds.

The Hon. R. W. MACK.—There used to be many ducks on the lake.

The Hon. E. P. CAMERON.—The Fisheries and Wildlife Department has the organization, knowledge and financial ability to carry out necessary works. It is proposed, in view of the financial difficulties facing other authorities, that the Department should take over the job of restoring Tower Hill to its original beauty. The access tracks necessary for its management will be constructed by the Department and will be useful for tourists.

The second intention of the Bill relates to the repealing of the reservation of the Malmsbury racecourse and an adjoining piece of land which was a water reserve under the control of the State Rivers and Water Supply Commission. The racecourse has not been used for many years and, in view of the number of racing clubs surrounding it, it is most unlikely that it will ever again be used as a racecourse. It is proposed, therefore, that it should be re-reserved and used by the Children's Welfare Department. The two areas are within the township of Malmsbury and are open country and generally undulating. The re-reservation of these combined areas will be entirely suitable for the Department. The council of the Shire of Kyneton, which has had control of management, and the State Rivers and Water Supply Commission are agreeable to the revocation and reallocation for the purposes of the Children's Welfare Department. The local people are pleased that some activity will be undertaken in the area which will possibly benefit the local community. I commend the Bill to the House.

On the motion of the Hon. ARTHUR SMITH (Bendigo Province), the debate was adjourned until the next day of meeting.

COUNTRY FIRE AUTHORITY (SAWMILL BURNERS) BILL.

The debate (adjourned from November 23) on the motion of the Hon. L. H. S. Thompson (Minister without Portfolio) for the second reading of this Bill was resumed.

The Hon. ARCHIBALD TODD (Melbourne West Province).—This is a small Bill to amend the Country Fire Authority Act, and it is an important one. It proposes to add a small sub-section to section 40 of the principal Act, which forbids the lighting of fires on days of acute fire danger. The proposed new sub-section provides that on such a day a fire for the disposal of sawmill waste may remain alight if it is in an approved burner. This is a departure which should be examined carefully by the House.

It would appear that, in presenting the Bill, the Government made sure that both the Country Fire Authority and the Forests Commission are certain that the particular burner proposed to be approved, and which is described in the second-reading notes of the Minister without Portfolio, is completely safe. To obtain a proper picture of the scene affecting country sawmills, it is necessary to consider the operations of particular mills. At the few mills which remain in the forests, the general practice is to burn sawdust in an incinerator and to have an open fire in a pit or depression where waste from the logs is thrown and allowed to burn. Under the direction of the Forests Commission, every sawmiller has to ensure that waste is disposed of and is kept clear of the mill.

In the timber industry, one of the greatest fears is that of bush fires, because a carelessly lighted fire, whether originating from a sawmill or some other source, can cause irreparable damage in the forests. As the preservation and development of the forests goes hand in hand with the progress of the timber industry, nothing must be left undone to ensure that fire is kept out of the forests.

The Forests Commission has learnt many valuable lessons from the catastrophic fires of 1939. One of the policies that it adopted was that sawmills were not to be built in forests but were to be situated at railheads or at settlements. Fires occasionally break out at sawmills, and it must be admitted that they generally occur not in the burning of waste, but in the mills themselves, as a result either of a bearing running hot, a motor catching fire, or an engine throwing out a few sparks.

The Hon. W. O. FULTON.—In one area in my electorate last year, seven fires in the forests were started by lightning.

The Hon. ARCHIBALD TODD.—In those cases Mother Nature interfered. Those engaged in the timber industry must take all possible precautions to prevent a repetition of what occurred in 1939, but if nature intervenes ordinary human beings are helpless. In the second-reading notes distributed by the Minister without Portfolio there appears a description of the type of burner proposed to be approved. The honorable gentleman indicated that it was not proposed to give approval to every type of burner that different sawmillers may decide are efficient and so allow them to escape the provisions of section 40 of the Act. The description given of the approved burner indicates that it is probably reasonably safe, and inquiry at the Forests Commission confirms this view. The second-reading notes contain a description of it. They state—

> . . . a waste disposal unit has been developed which is an enclosed area with sides of forty or more feet in length, the walls of which are ten or so feet high and constructed of corrugated iron bolted to steel posts and angle iron rails and, although the enclosure is open to the air, there being no roof, there are overhead sprinklers with a supply of water which can ensure that the whole disposal area can be drenched if need be.

Mr. Seaton, of the Forests Commission, explained to me certain other corrective factors which render it almost impossible for this burner to start a fire. However, the Bill represents an attempt to allow fires to burn on days of acute fire danger, and members of the Labour party approach it with a certain degree of guardedness. We do not desire to be parties to anything that could allow the forests to be turned into blackened ruins. We are given to understand that only one unit of the type proposed to be approved is in operation in the forests. We approach this measure cautiously and have reservations. If the Government is prepared to depart from the principle that no fires shall be allowed in the forests on days of acute fire danger, probably the burner in question must be regarded as effective. It is important that fires in pits or depressions alongside mills should be put out on such days. Although members of my party approach the Bill with a degree of caution, we intend to support it.

The Hon. I. A. SWINBURNE (North-Eastern Province). — In his second-reading speech, the Minister without Portfolio stated that the introduction of this measure was probably the result of efforts that I made on behalf of a sawmiller in my electorate. I thank the Chief Secretary, the Honorable A. G. Rylah, and the Solicitor-General, Sir Henry Winneke, for their co-operation in this matter. The mill in question is situated in Stanley and is owned by a company of which a local sawmiller, Councillor Ray Sinclair, is the chairman of the directors. Experiments have been conducted there with the object of producing a safer type of unit for the burning of waste than those which have been in operation for many years. A new type of burner was installed in the mill, but the company has been penalized because neither the Country Fire Authority nor the Forests Commission has agreed that it complies with the regulations. It has been classified as an open fire, and on all days proclaimed as days of acute fire danger the mill has been shut down because it is impossible to operate the mill unless the burner functions with it.

The company approached me with the view of having the new type of burner officially approved. I brought copies of the specifications to Melbourne and discussed the matter with the Chief Secretary. It was true that the burner did not comply with the existing legislation, and there was no way in which it could be brought within the ambit of the

Act. However, it was considered that the new burner represented a progressive move. As Mr. Todd has stated, over the years the question of the burning of waste at sawmills has been contentious among country people. In the early days of the industry, a massive heap of sawdust could be seen adjacent to a sawmill, and later heaps of waste would accumulate. Eventually, all the waste was burnt.

Sawdust burns for a long period. I have seen heaps that have been lit as early as possible in the spring still burning in the following winter. Such fires are practically impossible to extinguish. In my home town between 1940 and 1945 sawdust and waste lengths of timber from a mill were placed in a heap and ignited. The fire burned for some time and it was thought to be out, but on a day of acute fire danger the heap became a mass of flame and sparks and ashes were blown about by a strong wind. Fire brigades, with officers of the Forests Commission, attempted to subdue it. The fire was fought for three days, and at the end of the third day, after the whole heap had been completely turned over, it was still burning in places.

The Forests Commission and the Country Fire Authority have endeavoured to exercise proper control in this matter. The first step taken was the elimination of heaps of sawdust by use of the McCashney burner. This type of burner is normally constructed by the use of a square or round container 14 to 20 feet in height. Sawdust is blown into it and is burnt within the confines of the burner. At night when such a burner is in operation, sparks and flames can be seen issuing from the top. The company to which I have referred decided that a better method of disposing of waste was desirable. Experience showed that it was possible not only to overcome the problems of sawdust but also to burn all the waste which is normally disposed of in an open trench. Of course, this method cannot be used on a day of acute fire danger. To overcome the problem, it was decided to do all the necessary burning within the confines of an enclosure.

When I approached the Chief Secretary on the matter, he stated that the Solicitor-General had expressed the opinion that the burner in question was an open fire. I told the Chief Secretary that I should like either him or the Solicitor-General to inspect the new type of burner, as that appeared to me to be the only means by which the deadlock could be overcome. I give credit to both gentlemen for the fact that they travelled to Stanley to look at the burner. They realized that a person engaged in the sawmilling industry had produced something of value. After seeing the usual type of burner in operation at various sawmills, the Solicitor-General stated that all were open fires and did not comply with the regulations. As a result of the passing of this Bill, all the burners now in use will be classified as safe, and permits will be issued for their operation. Various types of burners will receive official sanction.

The Hon. W. O. FULTON.—Are all types in use effective?

The Hon. I. A. SWINBURNE.—Yes. The new type will be more effective than the burner in common use. It disposes of sawdust and other waste. Despite precautions that may be taken in the way of putting waste in a pit and burning it between certain hours, experience has shown that ash left at the bottom of the pit at the end of the day is still a hazard. For instance if it has been burning from 7 a.m. until 7 p.m. and the next day is proclaimed a day of acute fire danger, there is grave difficulty in making the pit completely safe because the ashes are still at the bottom and it cannot be cleaned out during the proclaimed period. The ashes can only be soaked with a considerable amount of water, and even then there is still a fire risk. However, by utilizing this enclosure, there is no evidence of any ash. I have inspected the burner on several occasions and have yet to find any ash or refuse escaping. However, the burner could be improved by modifying its construction and I believe that the firm concerned, having gained the support of the Government in the bringing forward of this measure, will effect the necessary improvements in the interests of the State.

I desire to correct what may possibly be a misinterpretation of the answer given by Mr. Todd to an interjection by Mr. Fulton regarding lightning. He said that when Mother Nature interfered nothing could be done.

Honorable members will agree with me that in this State irrespective of whether a fire is caused by Mother Nature or by an accident, or is lit by someone on purpose, it has been the great tradition among the fire-brigade organizations and the Country Fire Authority that their members and employees, along with those of the Forests Commission, endeavour to subdue it wherever it may be found. That tradition has grown up possibly since 1939, after the experience of having one-third of the timber resources of this State destroyed by fire. I believe, as does every honorable member in this Chamber, that irrespective of how or where one starts, it should be extinguished at the earliest possible moment. I pay tribute to those men, and women also, who over the years have rendered valuable service to the people of this State. It does not matter where a fire may be, these folk get to work and put it out. In the hazardous country of the north-east, a district which I have the honour to represent, when smoke is seen one often wonders how fire-fighters get to the fire. The forest workers manage not only fires in their own areas, but also those in other districts. Once a fire starts, they recognize no boundary, and wherever it may end there will be a settlement close by, and so they continue to fight it.

Finally, I thank the Government for the action it has taken in this matter. In the mill to which I have referred, an organization has been set up in an effort to improve the safety precautions and the fire-fighting facilities. By bringing down this Bill, the Government has shown that sawmills can be improved and that the person who sets out to improve the type of burner employed will not be penalized by being required to shut down on proclaimed days. The measure will enable the millers concerned to carry on their activities with security and with a continuity of work which is highly regarded in these districts. I thank the Government for the support it has shown, which will mean a big step towards the safety of our forest areas.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Provision relating to the days of acute fire danger).

The Hon. ARCHIBALD TODD (Melbourne West Province).—I assure Mr. Swinburne that my remark to Mr. Fulton had no reference to the fighting of forest fires. What I intended to convey was that if Mother Nature decided by means of a bolt of lighting to start a fire we could do nothing but try to put it out. I also have a high regard for the members of the fire-fighting organizations in the forest areas, but I am disturbed about one aspect. I hope that this measure does not mean that every burner provided by every sawmiller, whether it is good or bad, or whether it conforms to an approved pattern or otherwise, will be authorized by the Forests Commission. I would ask the Government to ensure that the strictest control be kept on these burners. I believe the answer lies in the complete banning of sawmills from the forests. It would be an advantage to the sawmiller to take his mill out of the forest and put it in a settlement. At Heyfield, for example, sawmillers have been able to put in chippers and chop up waste which is despatched to Australian Paper Mills Proprietary Limited plant at Maryvale, where it is used in the manufacture of paper. The recovery value of the logs is increased if they can be brought out to an area where the offcuts can be used for paper making. It was not without a great deal of thought that our party agreed to support this measure, and we desire the assurance of the Government that the strictest control will be enforced.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I am prepared to give that assurance to Mr. Todd. I stress that the Bill provides

for a treble-barrelled method of control. First of all, there must be a recommendation from the authority. Secondly, the approval of the Minister is necessary, and, thirdly, the Minister may approve only on certain terms and conditions. It is the policy of the Government to maintain the strictest control.

The Hon. I. A. SWINBURNE (North-Eastern Province).—The burner mentioned is not erected in a forest area. It is erected in the township of Stanley and on the opposite side of the road there has been a mill for many years for the treating of hardwood. The mill to which I have been referring deals with pine, and it is located on the edge of the settlement area. I, like Mr. Todd, thoroughly agree that the day of placing sawmills in forest areas has gone, and I hope it never returns. The sawmills should be brought out into settled areas.

The clause was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

MARKETING OF PRIMARY PRODUCTS BILL.

The debate (adjourned from November 23) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. ARTHUR SMITH (Bendigo Province).—It would be fair to say that the purpose of this Bill is to iron out a legal tangle in relation to the Onion Marketing Board for which it is not responsible. It seems that in about 1947 the then chairman of the marketing Board, Mr. Carmody, was appointed to a supervisory position within the Board itself. That appointment was queried by the Auditor-General, and the Board sought advice from its solicitor, who expressed the opinion that the action of the Board was valid. The Crown Solicitor agreed with the reasons given. Mr. Carmody was subsequently appointed as manager of the Onion Marketing Board, of which organization he was already chairman. Further advice was received from the then Crown Solicitor. This left the Onion Marketing Board in a somewhat insecure position. In fact, it looks to me as though something like a crossword puzzle has developed through no fault of any of the persons concerned. The purpose of the Bill is to straighten out this position. It also lays down that a member of a marketing Board cannot hold a salaried position with the same Board. I feel that a lesson must be learned from the action taken by the Onion Marketing Board in appointing one of its members to a salaried position; such an action could very well jeopardize the existence of such organizations. I am not querying the legality of the position that was created. I consider that the advice that was given in the first place by the Board's solicitor was tendered in good faith, as was the ruling of a previous Crown Solicitor. The Labour party supports the Bill, but it regrets that a Board such as the Onion Marketing Board should get itself into such a tangle so easily. I pay a tribute to Mr. Carmody, who as chairman of the Board for a number of years carried out a particularly fine job. I understand that onion growers are firmly behind the Board. This Bill will also preserve the rights of Mr. Carmody and his dependants to a retiring allowance which otherwise might not be legally payable.

The Hon. P. T. BYRNES (North-Western Province).—This Bill has been brought forward to help the Onion Marketing Board elucidate a problem that has arisen in regard to the payment of a retiring allowance to its chairman. The Minister of Agriculture explained that Mr. Carmody had given long service to the Board, for a period of more than twenty years. He has carried the Board through many vicissitudes and has now reached the retiring age. Some time ago the Board reserved funds to pay him a retiring allowance, but unfortunately some legal difficulties must be straightened out. I understand that there is some problem in connexion with the dual positions held by Mr. Carmody, as he was both manager and chairman

of the Board. This is one of those abstruse technical matters that are sometimes very hard for laymen to understand. However, there is no doubt that the Onion Marketing Board is prepared to pay this gratuity and expected that it would be able to do so. The Country party offers no objection to the Bill. Steps have been taken in the past to ensure that the chairman of the Board on retirement will receive a gratuity as a reward for the great service he has given. Anybody who knows Mr. Carmody and the activities of the Onion Marketing Board realizes that Mr. Carmody was even more than both chairman and manager of the Board. On many occasions, by the strength of his own personality, he was able to play a prominent part in negotiations and keep the onion growers together.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

SALE OF ALLOTMENTS OF LAND (AMENDMENT) BILL.

The debate (adjourned from November 22) on the motion of the Hon. E. P. Cameron (Minister of Health) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This Bill seeks to amend the Sale of Allotments of Land Act which has remained almost unaltered since its enactment in 1930. Unquestionably, this Bill is required to the extent to which it goes, but whether it is the complete answer to a situation that exists to-day is quite another matter. I think it is true to say that the origins of the measure lie in the dispute between certain members of the Government and certain well known property subdividers. They have been carrying on a private fight for some time.

The Hon. G. W. THOM.—I do not think that statement is correct; the Bill was being prepared before any private fight took place.

The Hon. SAMUEL MERRIFIELD.—It seems to me that the private fight played a part in the origins of the measure. Of course, the merits of either side in the argument are unknown to me. I just mention in passing that there was a complaint by a Minister—It was published in to-day's press—concerning an advertisement regarding land sales in the Bellarine Peninsula. Consequently, it is true to say that the Government has some complaints along these lines, and whether the Bill was brought on to rectify those matters or not is hard to say. Possibly, in the case concerning the Minister to which I referred the honorable gentleman brought the trouble on himself.

So far as Payne's Properties Proprietary Limited and its Sunbury estate are concerned, I have a copy of a blue and white brochure the firm issued very early in the proceedings. Much of it is completely misleading. The question of water supplies and the provision of schools for the estate have been elaborated elsewhere, and I shall not go into those matters. I do not think the question of transport has been mentioned previously. The firm has stated that the estate is only eight minutes from Broadmeadows by bus. Whether they mean from the boundary of the City of Broadmeadows, which is on the Lancefield-road at Tullamarine, or not I do not know. Even so, to get there would mean travelling from the estate down a hill to Bulla and up a corkscrew hill. To traverse that distance by bus in eight minutes would mean travelling at something like 76 miles an hour. If the firm meant eight minutes from Broadmeadows railway station, the bus would need to travel at 102 miles per hour on a public road. That illustrates another phase of the extremely misleading statements that have been made by this company.

No doubt many people who bought land at Sunbury did so in the belief they were helping themselves, and maybe they thought they would be able to make some easy profits. Possibly they were foolish and gullible to a great degree. Many of them paid prices which can only be described as fabulous. The payment of £575 for a shop site measuring 20 feet by 120 feet situated in the middle of the bush reveals how stupid people can be. One person told me that he had bought

two adjoining shop sites for £1,150. These people are led on to create false values by their own purchases, and that in itself is undesirable. These companies are not content with making misleading statements in advertisements and seeing people create fictitious values; they seek, I suppose, to evade the law in another direction. Whether they operate illegally is a fine point. But with a view to evading Commonwealth taxation it is well known that a big subdivider will subdivide a certain area and transfer to the name of a subsidiary company, a proprietary company. A sale will then take place at some enhancement of the original purchase price, after which the subsidiary company will make a second profit in transferring the land to individual purchasers.

All this sort of thing has been going on, and I do not suppose it can be deemed illegal. I do not suggest that it is being done solely in the realm of real estate. With respect to three subsidiaries that I found associated with Payne's—Federated Development Proprietary Limited, Sunbury Proprietary Limited, and Land View Proprietary Limited—this type of corporation is trading in land and is said to be the owner. While these concerns do not sell regardless of the provisions of the Real Estate Agents Act, they are not registered under that Act and it would not be possible for an employee to hold a sub-agent's licence without the principal being licensed. So the particular company would be without much limitation or restriction such as is applied under the Real Estate Agents Act. There could be two cases—one in which a person selling land might be an employee of a proprietary company, and the other in which those concerned would be nominal shareholders and therefore deemed to be owners, with part interest in the land. And I suppose that would tend to put them outside the scope of the Estate Agents Act which requires the selling of land for fee or reward.

So we see the various dodges practiced to remove much of this type of activity from the normal legislation passed over the years, no doubt with the thought on the part of Parliament that it would be controlling, regulating and safeguarding. I met with a case not long ago in which two sub-agents, working for two separate estate agents, were brothers and, with their wives, were registered as a proprietary company. One sub-agent, selling for the agent, would take his brother along to meet the vendor and would introduce him as a buyer. He would then proceed to say to the vendor that the property required repairs and that if he would knock £100 off his price a sale would be effected. That was a case of a brother selling to a brother, as the nominal buyer, but actually to the proprietary company, the four shareholders in which were those men and their wives.

That can only be described as a plain swindle, although it is outside the scope of the existing legislation. No doubt there are respectable people of the highest character and integrity operating, but unfortunately there are numbers of get-rich-quick operators who have no principles whatever. I inquired at the Titles Office for particulars of the number of allotments which have been the outcome of subdivisions over the last three years. I was informed that approximately 25,000 homes were being built each year. In 1958 the subdivisions created numbered 26,458 lots; in 1959, the total was 39,911; and this year, for the ten months to the end of October, the total number has amounted to 40,945, which would be a rate over the full period of twelve months of 49,000 odd. So, from 1958 to 1960, the rate has increased almost 100 per cent. and the figures are doubtless further multiplying.

Honorable members are aware of the indiscriminate subdivisions that are taking place everywhere. Most of those, since the amendment of the Local Government Act which requires partial, temporary or full street construction, have drifted from individual vendors into the hands of finance companies registered in all their devious forms. So in spite of limitations imposed upon them by amendments of the Local

Government Act, the totals of subdivided lots have grown to an inordinate degree. In 1887 and 1888 particularly, there was a period of intense subdivisional activity which preceded the land boom.

All members of this House are aware of the history of that period and are familiar with the story of the disaster which followed. There was a similar period after the first world war when I entered into surveying as a pupil. I recall how many lots were created, here, there and everywhere, and we were only one of a number of survey firms operating; some firms had many working parties going out regularly. The reservoir of allotments so created pretty well sustained the demands with the aftermath of 1888, which persisted for a long while. Now we have again entered into an intense subdivisional period which will no doubt have a similar effect. What will be the result to people who have been paying £575 for a shop site out in the middle of the mulga beyond Sunbury?

I remember, as a pupil, a proposed subdivision for which competitive designs were called. It covered a vast area adjacent to the Nobbies, on Phillip Island. Some members of this House are probably aware of what happened there then. Possibly in the 40 years that have elapsed no real change has taken place there. How many people were burned by that experience I do not know. The same thing is taking place again on Phillip Island to-day. I note that one of the local councillors, opposed by others, has protested that certain protection is being given in the matter of desirable areas there. On French Island there have been set up about 2,000 allotments, and French Island has no local government so that there is no control over what may take place there. Then there are the activities to be seen at Frankston, on the Mornington Peninsula, on the Bellarine Peninsula, at Sunbury, Melton and other areas all round the countryside.

The Hon. W. P. MAIR.—All the Mornington Peninsula shires have town planning.

The Hon. SAMUEL MERRIFIELD.—Mr. Mair mentioned that earlier in the session, and he suggested that because there was town planning in such locations that was the answer to the whole matter. Unfortunately, it is not so. To indicate my point, I can describe areas that are being subdivided at this moment. Only the other day I saw a bulldozer creating temporary roads in almost virgin scrub country. There is some control but not full control in the matter of prices of land and it is just possible that town planning has the unfortunate effect of increasing values of certain desirable blocks. I can name an area in the Shire of Whittlesea, at South Morang, that was zoned as an industrial area. The Melbourne and Metropolitan Board of Works felt that it would provide a great new industrial suburb, but as soon as the project was planned one firm bought the lot. It is probable then that town planning itself has some unfortunate effect in the matter of prices.

The Hon. G. W. THOM.—The advantages of town planning outweigh its disadvantages.

The Hon. SAMUEL MERRIFIELD.—That is so, but the time has arrived when the provisions of the Town and Country Planning Act ought to be supplemented. There have been attempts in England to control matters such as we are now considering. Here, unfortunately, there is no control. To speak of town planning as the sole answer is wrong. In England during the 1930's, because town and country planning was not applicable to each separate municipality, the municipalities planned and set aside allotments for an enormous number of people. In this State, every municipality is giving way to the pressures of developmental companies and is making available enormous subdivisional areas just as readily as occurred in earlier days. What is taking place is proved by the fact that approximately 50,000 allotments will have been created in this calendar year, although the number of homes erected will be approximately 25,000. If this practice is continued, a reservoir of vacant allotments will be created. In

future, competition might tend to decrease the price, but many gullible people will be tied to contracts for possibly twenty years paying off allotments purchased at fantastic prices, whereas the land around them will be sold for a song.

I recall the acquisition by the Commonwealth Government of land adjacent to the Essendon aerodrome. Many protests were made in relation to that acquisition, because the Commonwealth was offering a low price of £40 to £60 an allotment, although people paid £300 or £400 for the land twenty years previously and had since been paying rates on it. The municipalities concerned had valued the land at a constant figure for the whole period instead of making a re-valuation, with the result that people were paying exorbitant rates.

As in 1888, finance companies are today using the same methods of operating proprietary companies and mentioning well known names in order to attract the public. Persons in this building, who should know better, are attaching their names and their activities to some doubtful operations. The Federal Treasurer has stated that speculation in shares and other securities and land is disturbingly active and prevalent. Several finance companies have issued annual reports, prepared by the same chairman of directors, Mr. Staniforth Ricketson. I do not know the gentleman, but probably he is a man of considerable ability. At the 23rd annual meeting of Capel Court Investment Company (Australia) Limited, Mr. Ricketson quoted Mr. R. L. Garner, president of the International Finance Corporation. He said—

> Dealing with the inflationary problem, Mr. Garner said that Australian land values were moving up faster than anything else he had ever seen. "Land prices here," he added, "are higher than in the United States. I do not know how a working man, or a young man in Australia earning the wage he is, can afford to pay the price for land and build a house."

He then referred to a gentleman whom I shall mention later. At the second annual meeting of Jonathan Investments Limited, under the heading of "Speculation in Land and Shares," Mr. Ricketson said—

> One of its principal manifestations has been in the fantastic boom in real estate values, stimulated by the operations of land trusts, and now reaching a stage reminiscent of the disastrous Land Boom of the 1880's.
>
> The public have been attracted into this field of speculation by propaganda highlighting the profits made in real estate deals, and have been induced to buy land in cities, towns and rural districts in the belief that they will be able to reap handsome tax-free profits within a relatively brief space of time.

He then mentioned warnings issued and official action taken in other States, particularly South Australia. A further example is to be found in the chairman's address to the 10th annual meeting of Sherbourne Investments Limited, at which, again, Mr. Ricketson presided, and said—

> Some of the authorities in State spheres have, however, recognized the position and are being moved to take official action. The State Government in New South Wales has already initiated an official inquiry into land values, whilst in Queensland valuations of land in the tourist areas, which have been the happy hunting ground of project developers, have been doubled, and even trebled, to adjust them to prices recently paid.
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> Similarly, the South Australian State Government has been investigating the position and refusing consent to uneconomic subdivisions . . .

He then referred to the gentleman I wish to mention.

> . . . whilst the Minister of Housing in Victoria has been in the forefront in warning the public of the unduly high prices being asked and obtained for land.

A similar reference to the Minister of Housing appears in the report of Capel Court Investment Company (Australia) Limited. The Minister of Housing is warning the public in relation to inflated land values, yet, when I asked a question in this House last year, I received the impudent reply that if I submitted evidence of high land values and speculation, the Government might take some action. However, the Government has taken no action in regard to this problem.

All sorts of faked sales are taking place by means of subsidiary companies. I have referred previously to land transactions which took place at Tullamarine

when the jet airport was projected. Land was transferred from one proprietary company to another, and land values were inflated. I regret to say that Mr. Mair's suggestion regarding municipal planning schemes is nowhere near the answer.

The Hon. W. P. MAIR.—But it is an answer if properly used.

The Hon. SAMUEL MERRIFIELD.—It is only a partial solution of this problem. It will be found that infinitely more allotments will be available than purchasers for them. I am afraid that municipalities compete one with the other in order to entice development in a particular area, but for some considerable period the total number of allotments available will far out-number the purchasers. In the meantime gullible people who buy land will be "taken for a ride." I have little sympathy for the person who thinks he is being shrewd and wishes to outsmart the next person by buying land with the intention of profiting himself at a later stage. However, I do sympathize with persons who buy land with the intention of erecting and occupying dwellings.

One of the weaknesses in the Act is that it deals only with land on which no building suitable for a dwelling is erected. Companies which sell land with dwellings already erected are outside the terms of the Act and of this Bill. The Bill does not help persons who invest more than they would if the land had been vacant. Proposed new section 4 refers to persons inducing other persons to buy land. What is the position of a man who induces another person to pay a higher price than he should for the land? The Bill does not cover that point. The question of price is the whole crux of the problem. Paragraph (*a*) of the proposed new section relates to the making or publishing of any false representation or promise. There are weaknesses in that provision. The publisher of a newspaper could not hope to be aware of every development in sales of land and property. Therefore, the publication may be unwittingly false; nevertheless, the damage would be done. In regard to the provision contained in paragraph (*b*), not only sellers of land suggest that they will buy at a profit to be received in the future but also insurance companies and other persons make the same claim. I do not know how it would be proved that a person made a forecast which he knew at the time was misleading. It seems to me that many loopholes remain, and I am not sure that the Bill will achieve the results suggested by the Government. It is true to say that we are now passing through what may be termed a get-rich-quick society. The predominating motive behind land sales, land subdivisions, home sales, and such like, is the desire to get rich quickly. With this Bill, the Government hopes to curtail certain practices that have been evident in the community, but it appears that many other avenues for protecting the people could be followed. It is difficult to understand why the Government should endeavour to do something in this narrow field, when so many other malpractices are taking place. It is analogous to putting tar on a leaking vessel, instead of endeavouring to replace the whole vessel. The Government should endeavour to stamp out this problem which is rampant in the community. The Labour party supports the Bill, although it considers that it will prove worthless. Certainly, it would be difficult at this stage to estimate how many "fish" will be netted under the proposed legislation.

The Hon. P. V. FELTHAM (Northern Province).—This Bill is intended to provide greater protection to the purchasers of allotments of land. The first attempt at the regulation of real estate agents was made in Victoria in 1922, when it was provided that they should be persons of good character and that they must be registered and issued with licences. It was not until 1930 that the first effort was made to provide protection against incorrect or fraudulent warranties and representations in connexion with the sale of land. The 1930 enactment has been kept more or less intact until the present time, although the name of the Act has changed considerably. In 1956, Parliament passed

a large Estate Agents Act, which took away all of the registration provisions previously contained in the Real Estate Agents Act. Those registration and licensing provisions now appear in the consolidated Estate Agents Act. When the consolidation was carried out in 1958, the remaining provisions of the old Estate Agents Act relating to the protection of purchasers of land became the Sale of Allotments of Land Act.

This Bill might seem to provide a new code for intending purchasers of land, but many of the provisions contained in clause 2, which provides a new section 4 of the principal Act, were in the old legislation. Of course, the expression "wilfully false promise" has been added in this Bill. Paragraphs (*b*) and (*c*) of the new section were taken straight from the old Act. Paragraphs (*d*) and (*e*) are new. The Government was faced with the problem of having to protect the community from false representations or false statements. It has always been difficult to protect a person against a promise which relates to some future intention. It is almost impossible to prove misrepresentation or fraud if a person states that he intends to do something at some future time, because, if he fails to carry out his intention, the person concerned can always claim that something has arisen which has prevented him from doing so. Similarly, in general law, if a forecast proved to be inaccurate, it would not be regarded as a fraudulent or false representation. Therefore, the task confronting the Government was to provide, for the benefit of purchasers of land, certain additional safeguards against these odd promises and forecasts. That is the purpose of this Bill.

The Government has used the widest possible words to cover the circumstances likely to arise under the existing evils which it is desired to correct. I am sure that if Mr. Merrifield could suggest other words to further tighten up the legislation, the House would be happy to consider them. I do not suppose the Government claims that it has closed every escape door, because the ingenuity of people selling land is so great that they may find some other way of perpetrating frauds. However, the Government has used every expression of which I can think in its endeavour to cover the nature of misleading promises, forecasts, statements, and such like.

The Bill does not relate only to estate agents, but also to any person who makes statements or representations which may be fraudulent in character. The penalty for a breach of this law has been increased from a fine of £100, as it was under the old Act, to £250, which appears a reasonable penalty. The Country party hopes the Government will do something to clear up the evil to which the Minister referred when explaining the Bill and to which Mr. Merrifield alluded during his second-reading speech. The Country party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Offences in relation to the sale of land).

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—If this Bill becomes law, a person who commits an offence in relation to the sale of land will be liable to a fine of not more than £250, or to imprisonment for a term of not more than twelve months. However, even though a person may be found guilty of an offence under this legislation, and subsequently be fined or imprisoned, there is no provision in the Bill for the voiding of the contract that has been made. Under the 1930 legislation, contracts were void if certain conditions were not fulfilled — for example, if the name and address of the vendor were not shown. Surely, if a contract is voided for such a simple offence, it should also be cancelled when a more serious offence has been committed.

The Hon. P. V. FELTHAM.—If fraud was proven, the person concerned could take action to have the contract declared void.

The Hon. SAMUEL MERRIFIELD.—That is so, but further court action would be required, and persons of limited resources should not be put to this expense and inconvenience. Perhaps, at this stage, the Minister might be prepared to report progress so that the matter I have raised can be given further consideration. Frequently, in Monday's newspapers, details of week-end sales of land and houses are published. As honorable members probably realize, much of this information is "cooked" as the published prices were not obtained, nor were the number of allotments which were purported to be sold really disposed of. The practice of publishing this misleading information encourages other persons to purchase privately blocks of land of the type to which the newspapers refer. This position is not covered in the Bill and, for the Minister's information, I suggest that a new paragraph (*f*) could be inserted in the Bill to follow paragraph (*e*) of new section 4, as contained in clause 2. This would create an offence for any person who—

> states or publishes or informs any newspaper for the purposes of securing publication that allotments of land offered for sale at auction have been sold on the day on which the auction is held unless a valid sale note or contract of sale signed by the purchaser on that day is held by the vendor or his agent or the auctioneer in respect of every lot claimed to have been sold and for which a deposit has been received.

If the Minister reports progress at this stage, I shall not delay the Bill unnecessarily when it is again considered.

The Hon. E. P. CAMERON (Minister of Health).—I consider that the matter raised by Mr. Merrifield concerning the publication of false information in Monday's newspapers is adequately covered by paragraph (*d*) of proposed new section 4 of the principal Act, as contained in clause 2 of the Bill. I agree with Mr. Feltham's comments. The Government is endeavouring to prevent a continuation of the misrepresentations and misleading statements to which reference has been made. The Government is willing to give further consideration to the measure, but, at this stage, we should not become mixed up with the Estate Agents Act, or other irrelevant legislation. Consequently, I do not propose to report progress at this stage.

The clause was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

LOCAL GOVERNMENT (DISQUALIFICATION) BILL.

The debate (adjourned from November 22) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. A. R. MANSELL (North-Western Province).—As far as my party is concerned, this is a very important Bill which will afford relief and peace of mind to councillors throughout the State. There is only one of my colleagues who has not been a member of a shire, borough or city council, so we have some first hand knowledge of their problems. The ramifications of the Local Government Act are very great. I take this opportunity of paying a tribute to the men who, in the interests of the community, have given so freely of their time and efforts in the past to municipal work. We believe that all men should take a part in the affairs of the community. It is a pleasure to discuss with men who have served over a great number of years the different approach to municipal affairs that is made now as compared with the attitude adopted in the past. Of course, regulations must be varied to meet changed circumstances and conditions.

This Bill results from a request by the Municipal Association of Victoria to the Government for certain amendments. I commend the Minister concerned for his wise decision to refer the matter to the Statute Law Revision Committee for consideration. Several members of that committee have had municipal experience. My party congratulates the Minister for introducing the Bill. One or two things sought

by the Municipal Association are not covered in the Bill, but we agree with the Statute Law Revision Committee that there is no great need to bring those matters in at this stage.

The start of this matter was that twelve months ago a problem arose in regard to the disqualification of certain councillors who had not taken the oath in the proper form. For a number of years councillors in some municipalities have been doing things that were regarded as legal, but which advice has revealed would disqualify them from service. If a man is prepared to give a lot of his time to serving the community he should not be punished unjustly. My party considers that a man should not trade with a municipality to an unlimited extent if he is a member of its council. We support the provisions of the Bill on that aspect. In future there should be no excuse and no cause for fear by councillors in regard to disqualification for this reason.

Probably the greatest problem in the country relates to road building materials. In certain areas the only suitable material occurs in outcrops on certain properties. If the owner happens to be a councillor, he is in trouble if that material is taken. Councillors have been under the impression that if the council compulsorily acquired the road making material he would not be disqualified, but that is not so. If an owner who is a councillor desires to utilize certain roads that are closed, and which are only a harbour for noxious weeds or vermin, he is prevented from doing so, as it has been ruled that he would be trading with the council. That problem will be overcome by the provisions of the Bill. In the horse and buggy days there was no problem about right-angle turns in a road, but with motor vehicles, turns cannot be too sharp and councils or the Country Roads Board have had to acquire land in order to improve roads. If the owner of land that the council desires to acquire is a councillor of the council concerned, under the existing legislation he is disqualified from dealing with the council. The Bill rectifies that position.

The Hon. A. R. Mansell.

In a number of instances, particularly in smaller centres, a councillor may trade in particular lines of merchandise. If the council requires a tractor or implement part, under the present provision it cannot purchase the item from a trader who is a councillor of the particular municipality but must go to a good deal of trouble and expense to obtain it elsewhere. The Bill provides that trading not exceeding £50 in a year may take place. There may be differences of opinion as whether the amount should be £100 or even £150, or whether there should be no trading, but my party thinks that the provision in the Bill will meet the situation. We support the proposal contained in clause 2, which substitutes a new section in the principal Act, relating to disqualification of councillors, because we think it will be of assistance to councils, councillors and the community in general.

The following clause relates to the burden of proof of qualification of a person to act as a councillor. That burden will lie on the person suing. If the councillor is successful, the court will be empowered to order the informant to pay the costs and expenses, if it thinks fit. Officers of the council are in the same position as councillors, as regards accepting fees or being concerned in contracts but in their case, instead of being fined for the offence, they would forfeit their bond of £200.

The new provisions will clear up a lot of misunderstanding and make their position clear to councillors and employees. No hardship will be suffered in regard to road construction or the provision of electricity, gas or other services by the municipalities to a councillor who is a ratepayer or to officers of the council. The Bill puts the matter beyond doubt.

Clause 6 deals with discussions and voting by a councillor on any matter in which such councillor is interested that comes before a council. This question has caused a good deal of heart burning. As a councillor, I have had some experience of it. A councillor has not known whether he could take part in

any discussion on the matter in which he had an interest, before the vote is taken. I have heard council officers query the matter. In the meantime, while there is a doubt, either the councillor takes part in the proceedings and unknowingly breaks the law, or he sits back and does not vote or take part in the discussion when he is entitled to do so. This Bill will overcome that problem, and I am sure that any council officer or councillor who studies it will be able to understand his position. The result will be that the work of councils will be greatly assisted. The Country party congratulates the Minister for introducing this necessary and important Bill. Men who have given and are giving valuable service to the community will appreciate it to the full.

The Hon. ARCHIBALD TODD (Melbourne West Province).—This Bill comes before the House as a result of a reference to the Statute Law Revision Committee by the Minister for Local Government. A number and variety of complaints were being forwarded to the Local Government Department regarding the eligibility of councillors to remain in office, and it was decided to obtain some clarification. Any man who is prepared to stand for election as a municipal councillor to-day must have plenty of courage because the problems of local government, particularly in regard to finance, are tremendous. In the Local Government Act there is provision to ensure that any person elected to a municipal council shall not profit from his office. In recent years quite a number of queries have been raised as to the circumstances in which a councillor may put himself within the shadow of disqualification. Legal opinions have been sought and in common with many other legal opinions on local government matters there never seems to be unanimity. Queries have been raised as to whether a councillor, as a ratepayer, has the right to take part in fixing the rate or in fixing the charges a municipality makes for service given. In country districts gravel may be taken from a councillor's property, and there is a doubt as to whether that is legal. All these queries led to the inquiry by the Statute Law Revision Committee, which heard many competent witnesses on the subject. Out of that mass of evidence the proposals in this Bill have emanated, although it does not contain all the recommendations of the committee.

During the Committee stage I propose to move amendments in relation to the amount of trading that can be carried on by a councillor with his council and the number of shares a councillor may hold in a company which contracts with his council. There have been a number of cases in Victoria regarding the qualification of councillors which have arisen as a result of personal spite. One particular case was that of a man named Allen in the Shire of Mulgrave. He was faced with a substantial loss because he allowed the council of which he was a member to use his land as a rubbish tip.

The Hon. G. L. CHANDLER.—He set out to render a service to the council.

The Hon. ARCHIBALD TODD.—That is so. He was victimized by another individual who had not succeeded in being elected to the council. I shall quote another instance involving the same council. A businessman who operated in Port Melbourne transferred his activities to Mulgrave and was eventually elected to the council. Afterwards he decided it was not worth his while facing all the arrows that were shot at him. The provisions of this Bill constitute a reasonable attitude in relation to these matters. My party does not consider that an individual enters a council for the sake of profit to himself. It could well be that he might be motivated in a small way by a desire to improve his social status. Because of all the problems that face municipal councillors to-day, I consider that they show courage by even offering themselves for election. Particularly is that so when the time comes for fixing the rate and it is discovered that an increase will be necessary. A councillor must have a great deal of courage to resolve in open council that the rates are to be increased, because no one favours the continuous rise in prices that is occurring in the community to-day.

One clause of the Bill deals with the various ways in which a councillor may be disqualified. Some of the provisions are merely re-enactments of the provisions in the present Act, but others do permit a certain easing of the restrictions. Doubtless they will be further debated during the Committee stage.

Problems were being encountered in connexion with the disqualification of officers for accepting rewards outside the avenues of their municipal duties. Many and varied were the opinions expressed by witnesses who appeared before the Statute Law Revision Committee as to the dangers involved. It was questionable whether an officer of a municipality had the right to occupy a house owned by the council and pay rent to the council. It was also questioned whether he had the right to receive a reward for carrying out duties associated with municipal elections. On one occasion officers from one municipality went to another municipality to do this job and vice versa because there was this doubt about disqualification. Some of the provisions in the present Act are most severe. An officer could be not only disqualified but also prevented from being re-employed ever again by the council for whom he was working. The Statute Law Revision Committee examined this question carefully, and many of its recommendations are incorporated in the Bill.

Another question raised was where the onus of proof should lie when ouster proceedings were taken. In the first instance, it is necessary for the councillor to ensure that when elected he is qualified to occupy his position. If after some period of occupancy of office ouster proceedings are taken against him, under the provisions of this Bill, the onus of proof will lie with the person taking those proceedings. There was a case in a suburban municipality where ballot papers had been incorrectly printed and a person defeated in the ballot took action to have the election declared null and void. The costs of the action were loaded on the councillor who had been elected, despite the fact that he had had nothing to do with the preparation of the ballot papers. The mistake had been made by a council officer. If such a situation occurs in the future the council will be liable to pay for the mistakes of its officers. I believe honorable members will agree with that because no innocent person should suffer for the mistakes of others.

The Labour party is opposed to some of the provisions relating to trading with a council and to what degree this should be allowed. The Statute Law Revision Committee examined this matter thoroughly and recommended, after a great deal of consideration, but without much enthusiasm, that a limit of £20 a year be set. The Government has considered the matter and has decided to increase the amount to £50 a year. I think that is a dangerous action because it could well provide that a councillor will have the right to supply his council with newspapers or milk as a regular practice so long as the amount involved does not exceed £50 in one year. That means that the council could spend almost £1 per week at the shop of a councillor and everything would be in order. I think we are launching into a dangerous avenue by permitting an extension beyond the limit recommended by the Statute Law Revision Committee. One reason for increasing the limit put forward before the Statute Law Revision Committee was that in far country areas it could well be that the councillor representing a particular firm of machinery merchants would be the only source of supply for a particular part required to replace a damaged part of a council vehicle, and it would be costly and cause delay to send away to another town for a replacement. Maybe that was drawing a long bow, but the committee, after due consideration, suggested a limit of £20. So, I think the increase to £50 creates a dangerous precedent. It will permit an average weekly trading of approximately 18s. a week and that could include the regular supply of some small article.

The Hon. A. R. MANSELL.—The £50 applies to the whole year.

The Hon. ARCHIBALD TODD.—That is so, and that represents an average of 18s. a week. So long as the amount does not exceed £50 in any one year, the councillor will be within the ambit of the proposed provision. It is creating a precedent and "mighty streams from small beginnings rise." I suggest that by increasing the limit to £50 we are providing an opportunity for people to run counter to something that was expressly laid down as not to be encouraged—regular trading by a councillor with his own council.

Sir ARTHUR WARNER.—It could be a small-minded outlook that you are applying.

The Hon. ARCHIBALD TODD.—I do not know how the Minister applies that kind of thinking. Perhaps he would say that small minds were responsible for the insertion of the original disqualification provisions in the Local Government Act. Members of my party consider that the Government has gone too far on this question of trading between councillor and council. It may be that the mind of the Minister of Transport is a little smaller than ours.

The Hon. R. J. HAMER.—Would not a £20 limit create a precedent?

The Hon. ARCHIBALD TODD.—The Statute Law Revision Committee was not exactly enthusiastic about this matter. It stated that a provision allowing trading to the value of £20 was as far as it was prepared to go, but the Government has decided that the amount be increased to £50. The Labour party proposes to move in the Committee stage for a reduction to the amount recommended by the Statute Law Revision Committee, which took evidence on this subject and gave earnest consideration to it. I would not suggest that members of that committee are small minded.

Members of my party agree with the proposal that councillors should enjoy the services provided by municipal councils for ratepayers in general. Some shires in outer country districts hire machinery, and we do not consider that because of his office a councillor should be debarred from exercising in this regard the same rights as other citizens.

The Hon. W. O. FULTON (Gippsland Province).—Although this is a small Bill, it could have far reaching complications. For many years, the Local Government Act has guarded very jealously municipalities and those associated with them, whether councillors or officers, from any possible accusations arising from the discharge of their duties. As a member of the Statute Law Revision Committee, I feel that it is incumbent upon me to express some views regarding the Bill. In the main, I consider that the provisions are justified. No-one would suggest that a municipal council should not pay for gravel, for example, which can be obtained only from the property of a councillor, nor would any one cavil at payment being made to a councillor in respect of land acquired for road purposes. The provision prohibiting the latter has remained on the statute-book far too long. The Bill contains a number of other matters which are in the same category.

It is proposed that a councillor may, in the ordinary course of trade, sell to the council of which he is a member goods up to a value of £50 in any year without becoming liable to disqualification. The amount involved is infinitesimal, but over the years a number of cases which have come to light have shown how the Local Government Act can be abused. However, few people will lay a charge in these matters. Occasionally, there is a case motivated by vindictiveness, and an information is laid against a councillor. In the main, councillors throughout Victoria have a wonderful record of service. I know of instances in which amounts have been received, and some council officers have done much the same thing.

The Statute Law Revision Committee investigated this matter thoroughly. It is our task as Parliamentarians to endeavour to preserve the good relationships that have existed in municipal life. If this Bill is passed and a councillor is permitted to engage in trade to the value of £50 a year with the council of which he is a member, it may be that later the sum will be increased to £100, £150,

or £200. The amount is not so important as the principle involved. If it is adopted now, I have no doubt that the limit will increase as the years pass, whereas for years the legislation has sternly opposed this sort of thing. In my view, there is merit in the amendment foreshadowed by Mr. Todd.

The Hon. T. H. GRIGG (Bendigo Province).—I support the Bill, which is the outcome of representations made by the Municipal Association of Victoria to the Minister for Local Government with the object of having certain anomalies removed and making it possible for councillors to retain their seats in various circumstances. Mr. Todd has referred to the proposal that a council should be permitted to purchase goods up to an amount of £20 a year from a councillor without rendering him liable to disqualification. The Municipal Association was interested in this provision because in many country towns there is only one hardware store, and in some cases it is conducted by a councillor. Should a small article be required by the local council, rather than wait for days to get it from a neighbouring town, it would save much inconvenience if it could be purchased from the councillor without affecting his status.

Another matter discussed by the Municipal Association of Victoria was the eligibility of a councillor who happened to be the proprietor of a newspaper. Such a person has been liable to disqualification because of advertisements inserted by the council in his newspaper, and provision is made to rectify this situation. The question of dividing fences between the property of a councillor and a municipality is also dealt with. Another matter which disturbed the Municipal Association was that of a councillor participating in a fire-prevention competition for which the council provided the trophy. A misconception has existed regarding this matter. Apparently it has been thought by some people that the Country Fire Authority conducts the competitions. Actually, the Authority writes to each municipality asking it to arrange for the competitions and to provide trophies. Under this Bill, a councillor who wins such a competition will be exempt from disqualification.

The taking of gravel from a councillor's property has been mentioned, and provision has been made that where payment is made under arbitration there will be no possibility of disqualification. Another matter which has caused concern, particularly to small municipalities, is the interest that a councillor may have in an organization such as an agricultural society which may use council property for the holding of a show. Because I hold office in such an organization, I could become liable to disqualification until the Bill becomes effective. The question of interpretations of "physical recreation" and "cultural activities" is important. Physical recreation is now interpreted to include the games of cricket, tennis, football, bowling or other sport, and "cultural activities" to include religious, social, educational, literary, musical, scientific, agricultural, horticultural or other like activities.

The passing of the Bill will enable many councillors to walk safely along the path that they have trod in danger for many years because of their liability to disqualification, particularly as the result of action taken by vindictive persons. I commend the measure to the House.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I do not wish to be misunderstood in the statements I intend to make about this measure, which contains much of merit, nor do I want anyone to think I have the temerity to criticize the Statute Law Revision Committee. But I should like to state that, in my opinion, it is not, as Mr. Mansell has claimed, a Bill that will put beyond reasonable doubt some of the fears that have been held by various councillors and council officers. Clause 2 of the Bill provides that for section 53 of the principal Act there shall be substituted a section stating, *inter alia*—

(1) No person holding any office or place of profit under or in the gift of the council of any municipality or concerned or

participating in any manner whether directly or indirectly in any bargain or contract with any municipality or with any officer or employé of a municipality purporting to act for the municipality (whether with the knowledge of the council or not) or in any work done or to be done under the authority of any such council or any such officer or employé purporting to act for the council or in the profit of any such bargain contract or work shall be capable of being or continuing a councillor of the municipality.

The word " indirectly " has an extremely wide meaning. Although it is probably the intention of the Statute Law Revision Committee and of the Government to safeguard many persons, it is necessary to examine the proposed new section in the light of past experience. It has been thought that there would not be a recurrence of a situation similar to that which arose in the case of *Tobias and another* v. *Allen* at Mulgrave. I fear that the Bill may have been hastily prepared and that if it is passed in its present form someone may have to pay considerable sums of money in trying to prove that he has not been guilty of any evil intent.

I shall cite the case of a fibrous plaster manufacturer who is in business in a country town and who is a member of the local council. A builder may order from him £150 worth of fibrous plaster sheets and, after he has completed the order, he may be asked to deliver it to a youth or welfare organization under the auspices of the council. I take it that he would be receiving a profit from a body indirectly under the control of the council of which he was a member. The word " indirectly " is so wide in its coverage as to enable litigation to be engaged in, and it may cost a councillor a considerable sum of money to prove that he has been innocent of a charge brought against him. The Government would be well advised to re-examine this proposed new section. The phraseology of Bills is often so ambiguous that it is impossible to find two lawyers to agree as to their meaning.

The Hon. G. L. CHANDLER.—Is this one of the points covered by the Statute Law Revision Committee?

The Hon. BUCKLEY MACHIN.—I do not think that committee dealt with this aspect. Does the Minister of Agriculture not consider that the word " indirectly " is too wide in its meaning to be used in this context?

The Hon. G. L. CHANDLER.—I would not argue with the Statute Law Revision Committee.

The Hon. BUCKLEY MACHIN.—I am not arguing; I am pointing out something that the committee might have overlooked. For many years people have found various methods of attacking councillors. It is no good beating about the bush. Many Bills brought before this Chamber during the current session have been hurriedly prepared; consequently, it has been necessary to add or delete something to make them foolproof.

The Hon. G. L. CHANDLER.—They are never foolproof.

The Hon. BUCKLEY MACHIN.—The Government could try a little harder to make them so, and I should like the Minister to think about that point for a few minutes. Paragraph (*n*) of subsection (2) of proposed new section 53 of the principal Act as contained in clause 2 provides that a person shall not be disqualified from being or continuing a councillor of any municipality by reason of—

his being appointed by the council or nominated by the council for appointment to any body or institution, whether incorporated or not, notwithstanding that that body or institution receives or has received from the municipality any money or services in aid of its objects.

Let us consider the position of two councillors who may be in a bowling club, on a youth centre trust, or connected with a youth organization in the metropolis. One councillor is the nominee of the council and as such is protected against any proceedings taken against him in respect of trading between the council and one of the organizations concerned. But what is the position of the other councillor who, of his own volition and in the interests of the particular organization, becomes a member of the committee? He may

have been on the committee prior to being elected a councillor. The nominee of the council is afforded full protection because he is a nominee but he does no more work than the other councillor. However, the other councillor is suspect, and proceedings may be taken against him. That aspect may have escaped the notice of the Statute Law Revision Committee.

Sub-section (1) of proposed new section 166 of the principal Act, as contained in clause 5, provides—

> Every officer or other person employed by the council of any municipality—
>
> (*a*) who exacts or accepts from any person other than the council any fee or reward whatsoever on account of anything done by virtue of his office or employment or in relation to the matters to be done under this Act; or
>
> (*b*) who is concerned or participates in any manner whether directly or indirectly in any bargain or contract with the municipality (other than his contract of service) or with any officer or employé of a municipality purporting to act for the municipality (whether with the knowledge of the council or not) or in any work done or to be done under the authority of the council or any such officer or employé purporting to act for the council or in the profit of any such bargain contract or work—
>
> shall forfeit a sum not exceeding Two hundred pounds.

Many local authorities have under their control the committees of management of football grounds, and it is possible that the assistant town clerk, as is the case at Footscray, has the nominated duty of assistant manager of the oval. But what of the rate collector, the assistant rate collector and various other officers of the council who, on each Saturday throughout the football season, are employed by the ground management as casual labour at the football ground? Under the terms of this Bill they are committing an offence because they are enjoying some profits from the council other than those provided for in the terms of their contract. This particular section should be examined and any doubts should be cleared up. I have many good friends in this position, and probably there are hundreds of other people so involved. If a certain person desired to trap a particular individual, he could very well do so under that provision. This situation is not peculiar to Mulgrave, which has been cited, but arises in various municipalities. Any doubts concerning the position should be resolved before the people likely to be affected are involved in legal costs.

Sub-section (1) of proposed new section 181 of the principal Act, as contained in clause 6, provides, *inter alia*—

> A councillor shall not take part in the discussion of or vote upon any matter in or before the council or any committee of the council in which that councillor has directly or indirectly by himself or his partners any pecuniary or other valuable interest.

This provision requires careful examination. A councillor may be a member of a school committee, a school council, or perhaps a youth centre and permission is requested to run a flag day or conduct a stall in the street. Yet the councillor, by virtue of his being an officer of the council, is debarred under this legislation from taking any part in the decision upon such a proposal. He may talk on it, but he may not cast a vote. Surely a man who is a councillor and who represents a certain section of a committee should not be debarred from speaking for the people he represents merely because he is on a school council or the committee of an institution that has applied for permission to run a bazaar, operate a wheel, or conduct any one of the dozen appeals that municipalities permit each year.

The Hon. P. V. FELTHAM.—If he were merely a member of the relevant committee and had no pecuniary interest in the fund he would not "run foul" of that provision.

The Hon. BUCKLEY MACHIN.—If, as a member of the committee, he was purchasing for the school, would he not have a pecuniary interest?

The Hon. P. V. FELTHAM.—Not unless he was pilfering from the fund.

The Hon. BUCKLEY MACHIN.—I do not know what would be the position if his child went to the school.

The Hon. T. H. GRIGG.—Paragraphs (*l*) and (*m*) cover that aspect.

The Hon. G. W. THOM (to the Hon. Buckley Machin).—Adverting to your statement in relation to the Footscray football club, does not the club pay the men?

The Hon. BUCKLEY MACHIN.—No, the ground management committee pays them.

The Hon. G. W. THOM.—I thought those clubs rented or leased the grounds from the council.

The Hon. BUCKLEY MACHIN.—No, they do not.

The Hon. G. W. THOM.—They do in Geelong.

The Hon. BUCKLEY MACHIN.—I have stated what happens at Footscray. Under this measure they could be proceeded against, and I should not like that to happen.

The Hon. T. H. GRIGG.—Do not paragraphs (*l*) and (*m*) cover that position?

The Hon. BUCKLEY MACHIN.—No, they do not. The persons concerned are not members or officers of the club; they are merely employees of the council who are chosen, as a matter of convenience, to attend at the football ground as gatemen, change men or as supervisors.

The Hon. T. H. GRIGG.—You are speaking of council officers?

The Hon. BUCKLEY MACHIN.—Yes, and employees also. Under this measure such persons are debarred, unless the additional duties form part of their contract of service with the council.

Paragraph (*h*) of sub-section (1) of proposed new section 181 relates to any planning scheme or proposed planning scheme. I am referring now to councillors and not to officers. Every councillor has a property qualification in the city, town or the shire in which he lives. But to debar him from taking part in discussions or from voting is a little harsh, unless he has a vested interest. For example, he may have a property adjoining half-a-dozen shops and would like to have it declared a business from a residential area so as to increase its value.

There is room for doubt concerning other parts of the measure, particularly the provisions relating to a council nominee, and council officer whose extra duties are not specifically stated in his terms of employment to be part of his job.

The Hon. P. T. BYRNES.—Is he an officer or an employee?

The Hon. BUCKLEY MACHIN.—He is an officer. As an example, I cite the health inspector, the assistant health inspector, the assistant rate collector and the baths manager.

The Hon. P. T. BYRNES.—The baths manager would be an employee.

The Hon. BUCKLEY MACHIN.—He comes under the municipal officers' award. Most of the men to whom I refer come under that award. I should like those points cleared up, because we would be doing a grave disservice to our fellowmen if we did not remove all possible doubt.

The Hon. P. T. BYRNES.—You think this Bill does not go far enough?

The Hon. BUCKLEY MACHIN.—Probably Mr. Byrnes would be the first to concede that this Bill does bring the men I have mentioned within the ambit of the law.

The Hon. P. T. BYRNES.—Do you believe this Bill does not go far enough, in order to cover them?

The Hon. BUCKLEY MACHIN.—I do not think it does.

The Hon. G. L. CHANDLER.—Has there ever been any doubt whether they are covered under the present Act?

The Hon. BUCKLEY MACHIN.—No, there has never been any doubt. At Mulgrave the council was given a piece of land and told that it could be used as a tip. Mr. Tobias, who did not like the fellow, had a "go" at him, and it cost that man about £10,000. There is a loophole in the Bill if one person wants

to trap another. Some people will go to any lengths to "even up" with a person they dislike.

The Hon. P. T. BYRNES.—Have you an amendment prepared?

The Hon. BUCKLEY MACHIN.—No, I have not. I intended to seek the guidance of the Statute Law Revision Committee.

The Hon. P. T. BYRNES.—The committee has finished with the measure.

The Hon. BUCKLEY MACHIN.—I could prepare an amendment during the evening, but I should first like to have some discussion. At the moment the Bill is open to criticism, and I should appreciate it if the committee could consider some of the points to which I have referred.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—Like the Minister of Agriculture, I have had trouble in regard to some of these matters, and I might say that quite a variety of representations were made to me during my term of office concerning amendments designed to assist in remedying what appear to be hardships. At the time, Mr. Grigg was a member of the executive of the Municipal Association, and both he and Mr. Chandler may well agree that some of the requests made were for amendments that were far wider than those incorporated in the Bill. I knew of cases that had occurred during my period as Minister in charge of local government, and I quite frankly admit that I resolved them in my own way without fear or favour. Perhaps I should say no more about them at this stage. However, whether the problem became worse later I do not know.

All I can say about the Bill is that it is an attempt to remedy a difficult situation. The main difficulty, as I see it, is to determine which are the fish that are to be caught in the mesh and which are those that should be allowed to pass through. After all, some persons act with guilty intent and others possess perfectly innocent motives. I have discussed municipal responsibilities with quite a number of new municipal councillors, and I have been surprised at their ignorance of the obligations that arise under the Act. Perhaps only experienced persons can make it their business to tell new councillors what their duties are. Nevertheless, I think the Government should consider the compilation of a hand-book setting out municipal duties and responsibilities, which could be provided free to municipal councillors. In my opinion members of Parliament are well paid for the work they do, but possibly municipal councillors are called upon to do just as much in their capacity, although they receive no consideration whatever and do not have the assistance of papers, reports and other material readily provided to Parliamentarians. So far as guilty persons with deliberate motives are concerned, I think the machinery measures in the Bill are obviously sound and are needed.

I consider that the provision in paragraph (*d*) of sub-section (2) of proposed new section 53 will be perfectly meaningless in operation. Any person who wishes to evade this provision will merely need to set up a subsidiary in order to be outside the scope of the legislation. I say this in all fairness to the Government. It considers that obligations on municipal councillors ought to be no greater than those imposed on members of Parliament and I would not question that view. However, I consider that, in this matter, steps should, if necessary, be taken to cover both members of Parliament and municipal councillors. It is obviously easy for any councillor who desires to obtain a contract with a council to create a subsidiary and thus evade the relevant provisions of this Bill.

Clause 4 of the Bill seeks the insertion of a new section—157A—and it deals with the question of legal costs where there have been ouster proceedings in court. Sub-section (2) of section 156 of the principal Act provides, *inter alia*—

> But no persons shall be ousted under the powers in this Part contained as having been elected unduly or contrary to this Act unless proceedings are taken for that

purpose before the expiration of four months from the declaration of such election.

The new section 157A will be in the same part of the Act. Therefore, any proceedings are limited to within a period of four months from the election. It will be seen, therefore, that the provisions certainly will not cover all cases, but I am not suggesting that there is any particular limit. The statute of limitations of actions specifies a limit of six months in some cases and two years in others, and that is different from the provision in the Local Government Act. I consider that a limit of six months should be provided for in this legislation, as, often, legal proceedings are rather tortuous and an extra two months might well be valuable. I am aware of one case in which the limited time ran out against the Law Department when it was taking action against a councillor. It can be seen that a guilty person could well evade the consequences of his actions purely because it was not possible to find sufficient evidence in the time specified.

Clause 5 seeks the substitution of a new section for section 166, and imposes obligations on officers of councils. It is very difficult to prove many cases of breaches of this part of the Act. It is quite a regular feature for contractors to councils to offer presents, described as Christmas boxes, to officers of councils supervising works. I do not want to be uncharitable or unkind as maybe completely innocent motives are behind these gifts, but it is difficult to prove cases where that is not so.

The new section 166 makes reference to the forfeiture of a sum not exceeding £200 in cases where a breach of the law occurs. However, the right of the council to dismiss employees concerned under other provisions of the Act is not taken away. A council may suspend an officer for seven days and, if no appeal has been lodged against the suspension at the end of that time, the council may proceed to terminate the services of the officer concerned. Representations were made to the Statute Law Revision Committee regarding protection for officers suspended because of alleged offences. Under the Act these men can appeal and their cases are heard by a magistrate who determines guilt or otherwise.

Unfortunately, although an officer may be cleared of the charge against him, the council can still proceed to terminate his employment, and I think that is unfair. If it is considered reasonable to ask a man to appeal to a magistrate to clear himself of a charge, surely it should be incumbent on a council to accept the decision of the magistrate and reinstate the employee if he is found not guilty. I consider that the Government should take steps to frame an amendment covering that point. It is of no use asserting that such cases have not occurred. There was a classic example at Orbost, and I have personal knowledge of at least one other case.

The last point I wish to make concerns machinery in regard to control of councillors who breach the provisions of proposed new section 181. Sub-section (1) of that section refers to councillors voting or taking part in discussions upon matters in which they have direct or indirect pecuniary or other valuable interests. Honorable members who have had experience on councils know what can happen in these discussions. A councillor concerned may not express himself in the debate, but when a decision is to be taken it is often done merely by a show of hands. The chairman simply glances around and perhaps might say, "Five for, four against, carried." Unless a request is made to have the votes recorded, no permanent record is kept of which way councillors voted. Even five minutes afterwards, it would be difficult for anyone to be certain which councillors voted for and which voted against any specific proposal. I consider that provision should be made whereby a councillor should be called upon to announce his interest so that it can be clearly recorded, and he would then take no part in the discussion. Otherwise, I am afraid it will never be possible to obtain proof.

The Hon. A. K. BRADBURY.—That has to be done. It is always done in council procedure.

The Hon. SAMUEL MERRIFIELD.—Not under this provision. The councillor concerned could just sit tight and say, "You have to prove your accusation."

The Hon. P. T. BYRNES.—I know of one case where the councillors involved announced that on a particular matter they were not voting.

The Hon. SAMUEL MERRIFIELD.—Any councillor would want to be sure of his position and would take such steps as he could to do so. But these things generally go by default.

The Hon. P. T. BYRNES.—It is the duty of the town clerk or the shire secretary to draw the attention of the mayor or the chairman to the particular matter.

The Hon. SAMUEL MERRIFIELD.—But how would that official know? The very property next door could be in the name of a proprietary company of which one of the councillors might have been made a shareholder, and the town clerk would not know. So the position is very difficult. But where there is a doubt, the councillor concerned ought to be asked to announce his interests.

The Hon. P. T. BYRNES.—At council meetings all councillors present must indicate their intentions. So if a councillor did not declare his intention he could be said to have voted automatically.

The Hon. SAMUEL MERRIFIELD.—The worst cases, and the most difficult, are connected with the Commissioners of the Melbourne and Metropolitan Board of Works. In the metropolitan area, where all of them are ratepayers, they may even be on various council committees. It is somewhat difficult to see how they can be absolved of some association with a particular matter. They are people vitally affected, although not in any way coming under the provisions of this Bill. A councillor is supposed to know when a matter affecting him emerges. Everybody is aware that when the Board of Works requisitions a council on matters of land use, these may be placed on the notice sheet of the council and are likely to be before it on the same day. In these circumstances, hardly any notice is given to councillors. All the land use considerations would have to stand over while councillors ran around to obtain consent to providing a quorum in the event of their not being present at the council meeting.

I think a great deal of this machinery as set forth in the Bill will not be applied. People will tend to act regardless of it and nobody will be able to do much about it. Much of it will fall down because it cannot be properly operated.

The Hon. J. M. WALTON (Melbourne North Province).—I did not intend to speak on this issue, but so much has been said about municipal councillors being affected by court actions on the part of people who have axes to grind that I felt that I should contribute to the debate. There are people who take out a writ against a councillor knowing that they need not appear before the court. There was recently a case in Coburg where to this day the defendant councillor—Councillor Jepson—has not seen the person who took out the action against him. That person was not required to be in court.

The writ against the councillor was to the effect that he had had his car repaired at the Coburg city depot. The circumstances were these: He was driving home one night when his car broke down not far from the depot. He pushed the car into the depot with the assistance of the overseer who was working there. He had given no instructions for the car to be repaired, but he notified the city engineer, by whom he was informed that if the vehicle was repaired it would be an infringement of the provisions of the Local Government Act. On the morning following the councillor found that the work on his car had been done. Subsequently, an action was taken by the campaign secretary of the candidate whom this councillor had defeated, while two defeated ex-councillors, one of whom is a member of the Legislative Assembly, remained in the background.

I am pleased to be able to say that the action was not successful. The defendant was found not guilty and complete costs were given against the other person or persons unknown. A most disturbing feature of the matter was that for twelve months he was harassed by the thought of the action. The latest development is that notice has now been given of an appeal. Probably the matter will be spread over another twelve months, and the case may come up just before next election time.

In the case of Tobias and Allen it was mentioned that that action also was possibly political. I knew Mr. Allen to be a very fine gentleman, and that anything he did would not be unlawful. As was pointed out by the Minister of Agriculture, Mr. Allen was in fact doing a service to the Shire of Mulgrave. Yet he was penalized many thousands of pounds in defending himself in court.

It was interesting to find, in Coburg, that when investigations were made respecting councillors and ex-councillors, eight out of twelve were involved in one way or another in dealings with the council. These dealings varied. One person—an ex-councillor—had had £100 worth of work done at his private home with council plant and labour. Another had made use of the home-help service. Another was involved in sales of timber, and one case had to do with a special clearance of rubbish from the backyard of his shop. Some of these were actions which, in court, would probably be not substantiated. In the case of the person involved in the charge of having had work done at his home, fortunately he was defeated at the following election, and no further action was taken concerning him.

The most disturbing feature of the court case in which this councillor—Councillor Jepson—was concerned was that it was necessary for him not only to prove that he was not guilty in the matter of the repair to his car, but also to go through the provisions of section 52 of the Local Government Act. He had to state publicly that he was not an uncertified or undischarged bankrupt nor an insolvent; that he was not a guilty person following a charge of perjury; that he was not guilty of any infamous crime; that he was not a person of unsound mind; and that he was not a person who was not a natural born or naturalized subject of Her Majesty.

The Hon. R. J. HAMER.—That is all covered in the Bill.

The Hon. J. M. WALTON.—That is so, but I am speaking of the difficulties under which councillors have had to work in the past. As Mr. Merrifield has pointed out, municipal councillors are often required to do as much work as members of Parliament, and sometimes more, and they get little thanks for it. Members of Parliament are usually lauded for the work they do. That is not the position, however, with municipal councillors.

The sitting was suspended at 6.40 *p.m. until* 9.16 *p.m.*

The Hon. J. M. WALTON.—Prior to the suspension of the sitting for dinner, I referred to the case of *Tobias and another* v. *Allen* in the Shire of Mulgrave, when a municipal councillor was forced to resign because he had been concerned in a contract with the council—the particular council wanted to deposit garbage on his property. Although the councillor concerned shared ownership of the land with his two brothers, nevertheless, he was affected adversely by the disqualification provision in the Act. This man had given years of service to his municipality, and I felt that he was somewhat unfairly treated. In saying that, I do not mean to imply that the judgment was incorrect, but the man considered that he was doing his municipality a service and, as a result, he was penalized severely.

Probably, all honorable members recall a case which occurred some years ago in the Shire of Keilor, when one of the council employees purchased a pick handle from a municipal councillor's hardware store. After making inquiries through his legal representative, the councillor concerned ascertained that his position as a councillor was

jeopardized and, rather than be involved in court action similar to that applicable to Allen's case, he considered it was best for him to resign. The councillor concerned, Harold Easton, was an excellent councillor, but the municipality lost his services because of the disqualification provision in the Act. The section to which I refer is section 53, sub-section (1) of which provides that no person concerned, or participating, in any manner, whether directly or indirectly, in any contract with a municipality shall be capable of being, or continuing, a councillor of the municipality. In such a case it would not matter whether or not a councillor was doing a municipality a favour or whether he was selling an article to the council at cost price or even half-price; he would be concerned under the Act and would be liable to prosecution.

I am wondering what is the position of a town clerk who is elected as a returning officer for a municipality and who on election day engages staff from within the municipal staff, and is reimbursed his expenses which he in turn uses to reimburse the council employees he has engaged. Sub-section (1) of proposed new section 166 of the principal Act, as contained in clause 5, provides, *inter alia*—

> Every officer or other person employed by the council of any municipality—
>
> (*a*) who exacts or accepts from any person other than the council any fee or reward whatsoever on account of anything done by virtue of his office or employment or in relation to the matters to be done under this Act; or

I believe any employee who accepts money from the town clerk who, in turn, has accepted money from the council may be affected by this provision.

The Hon. P. V. FELTHAM.—He is only an agent of the council.

The Hon. J. M. WALTON.—I am referring to officers of the council who on election day accept positions as returning officers.

The Hon. R. J. HAMER.—Would not they be paid by the council?

The Hon. J. M. WALTON.—No; in fact, they are paid by the returning officer.

The Hon. C. S. GAWITH.—He is a representative of the council. That is quite in order.

The Hon. J. M. WALTON. — Sub-section (4) of section 153 of the Local Government Act says—

> All reasonable expenses of or incident to any election incurred by the returning officer and not covered by the moneys to be paid by the candidates as hereinbefore provided shall be repaid to him by the council out of the municipal fund, and may be recovered before a court of petty sessions.

What actually happens is that the town clerk collects these expenses from the council and in turn pays them to the persons whom he engages. I feel that this section of the Act could very well cover those officers who perform the tasks I have mentioned on election days.

The Hon. C. S GAWITH.—What would be the total amount of money involved? That is an important point.

The Hon. G. L. CHANDLER. — It is council money that is expended.

The Hon. J. M. WALTON.—I shall be pleased to hear an explanation by the Minister at the Committee stage.

The Hon. L. H. S. THOMPSON.—What particular section are you concerned with?

The Hon. J. M. WALTON. — I am referring to paragraph (*a*) of sub-section (1) of proposed new section 166 of the principal Act, as contained in clause 5 of the Bill, in conjunction with sub-section (4) of section 153 of the Local Government Act.

The Hon. G. W. THOM.—Do you say that it is by virtue of his office he gets the additional remuneration?

The Hon. J. M. WALTON.—That is what, in fact, happens. There is little doubt that, in the main, the town clerk recruits his presiding officers and those who work at the polling booths from the town hall staff. I ask the Minister to give consideration to the points I have raised when the Bill is in Committee.

Mr. Todd mentioned that our party was not particularly happy about the situation where a councillor is able to deal with his council for an amount up to £50 in any year. In his second-reading speech, the Minister stated that such a provision could be of some advantage to country municipalities where particular goods are stocked by only one supplier who was a councillor, in which case time could be saved and costly machinery kept in operation if the municipality were enabled to purchase from him. If a principle is involved in an amount of up to £50, it applies with equal force to amounts above £50.

The Hon. C. S. GAWITH.—Oh, no!

The Hon. P. T. BYRNES (to the Hon. J. M. Walton).—Do you agree with the principle that it should be some amount?

The Hon. J. M. WALTON.—That is the point; I do not believe there should be any amount. Notwithstanding that the Statute Law Revision Committee suggested an amount of £20, a principle is involved, and once an amount of £50 is specified, the principle has been broken. A part of a tractor or of a truck would often absorb £50 in the first purchase, and the council would be back where it was in the beginning. If it wanted any further parts it would have to send to other districts or to Melbourne for them. It should not be necessary to break the principle involved.

The Hon. C. S. GAWITH.—Would it be in order for the town clerk to have power to order small items for a municipality within the maximum sum laid down by the council?

The Hon. J. M. WALTON.—The Bill does not state that small items must be ordered. The maximum sum provided for is £50, and one item could possibly cost £49 10s.

The Hon. C. S. GAWITH.—One must arrive at some figure, and that is the sum set down.

The Hon. J. M. WALTON.—That is right, but I say this measure is wrong in setting any sum. The relevant provision should not be included.

The Hon. P. T. BYRNES.—The Statute Law Revision Committee specified a nominal amount.

The Hon. J. M. WALTON.—Yes, and in stating a nominal amount it broke a very important principle. That action was completely unnecessary.

The Hon. P. T. BYRNES.—It was not meant to do other than to tide a council over an emergency.

The Hon. G. W. THOM (to the Hon. J. M. Walton).—Do you agree with Mr. Machin that the provision should be flexible enough to allow employees of a council to get a reasonable remuneration for the work they perform on Saturday afternoons at football grounds?

The Hon. J. M. WALTON.—I do not recall that particular argument. Is Mr. Thom referring to remuneration as a form of payment for overtime?

The Hon. G. W. THOM.—No, I am referring to work at the Footscray football ground.

The Hon. J. M. WALTON.—I have not gone into that aspect at all. Where the provision says, "the aggregate in any year," I am wondering whether it should define a particular time in law, such as from 1st January to 31st December, or from 1st July in one year to 30th June the following year. I wondered whether any attention had been given to this matter.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, providing, *inter alia*—

(2) Notwithstanding anything in subsection (1) of this section a person shall not be disqualified from being or continuing a councillor of any municipality by reason of—

. . . . . .

(*b*) the sale by him to the municipality in the ordinary course of a retail business, and not pursuant to any written contract, of any goods of a value not exceeding Fifty pounds in the aggregate in any year; or

. . . . . .

(*d*) his being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered into any

bargain or contract with the municipality or done any work under the authority of the council; or

. . . . . .

(*m*) his being an officer or member of any club or association, whether incorporated or not, of more than twenty members having for its object the physical recreation or cultural activities of the members thereof, notwithstanding that that club or association—

(i) leases or rents any lands or buildings from the municipality for that object; or

The Hon. ARCHIBALD TODD (Melbourne West Province).—I move—

That in paragraph (*b*) of sub-section (2) of proposed new section 53 the word "fifty" be omitted with the view of inserting the word "twenty."

I again refer to the recommendation of the Statute Law Revision Committee which inquired into this matter and with some reluctance agreed that £20 should be the limit applied to any trading indulged in by a councillor with a municipality. I think the point is not so much the value of the particular articles purchased but the consistency with which, under the present proposal, a councillor can continue to trade with a municipality. Under the proposal in paragraph (*b*) it would be possible for a councillor to trade to the extent of £50 every year, year after year. When it was considering this matter the committee had in mind the difficulty that country municipalities might have in purchasing spare parts for machinery without delay. The committee wanted to get away from the total prohibition of councillors trading with municipalities. However, we consider that the sum of £50 provided in the paragraph is too large.

The Hon. R. J. HAMER (East Yarra Province).—Mr. Todd was a member of the Statute Law Revision Committee and it is natural that he should defend the recommendation that the committee made. However, as I understand the report of the committee it does not display any of the "reluctance" to which Mr. Todd referred, and I refer members to the report of the committee on this aspect. The committee said, *inter alia*—

The committee whilst agreeing with the principle that a councillor should not be permitted to contract with the council, is of the opinion that section 53 should be relaxed so as to allow retail sales as per recommendation of paragraph 11. In arriving at the permissible maximum of £20 per annum the committee considered, in particular, the position of country municipalities. In some of the more remote areas municipalities have often to obtain urgently required replacement machinery parts, &c. from towns some long distance away, merely because the local supplier or agent happens to be a councillor.

This situation appeared to the committee to be both expensive and productive of delay.

I contend that the sum of £20 as proposed by the committee is very low when one considers the cost of articles to-day.

The Hon. G. L. CHANDLER.—It must be remembered that it covers purchases over a twelve months' period.

The Hon. R. J. HAMER.—Yes, that is the point. Even the figure of £50 as provided in the provision under consideration is not a great sum for a year's trading, and would attract a profit of only something of the order of £2.

The Hon. P. V. FELTHAM.—I suppose the whole object of the provision is to avoid graft.

The Hon. R. J. HAMER.—I agree. The object of the paragraph is to avoid councillors being influenced by personal interests which might sway their judgment as councillors. It is hardly to be expected that trading with a council to the extent of approximately £1 a week would influence the judgment of any person acting as a councillor. On the other hand, limiting the amount of trading to £20 a year would be very restrictive in the case of municipalities in country areas where there might possibly be only one supplier of the articles required. I do not think we should enter into any prolonged debate on this matter. It seems to me that the provision of a limit of £50 is perfectly reasonable and is not likely to embarrass either councils or councillors. I understand that some municipalities in country areas suggested the provision of £100 as the limit. Some might have even suggested £200. It is significant

that the Statute Law Revision Committee considered that some modification of the very strict principle is advisable so far as country municipalities are concerned, and the only point is the proper extent of such modification. The amount of £50 does not appear to be excessive, and I think the Government is right in substituting that sum for the amount recommended by the committee. The report of the committee gives the impression that the amount of £20 was more or less guessed at, and on reflection the committee might agree that £50 would be a more appropriate figure.

The Hon. P. T. BYRNES (North-Western Province).—The Statute Law Revision Committee made its report after a long examination of the question which, I think, was moderately controversial. The problem arose from the threats made against councillors that action might be taken against them because of their commercial activities in breach of the Local Government Act. The first question to be answered was whether the principle should be altered. The committee finally decided that it should be amended, but that the amount fixed should be a comparatively nominal sum. The figure recommended was a compromise of the views expressed by a number of people. It was influenced by the position that obtains in the country where a council might run out of kerosene or some component of a machine and, because the shire is far flung, it would not be possible to obtain the article from a firm in which a councillor was not interested without going some distance.

An example occurred in the Shire of Birchip where a man operating a council-owned machine bought some parts at a Woomelang store in which which one of the shire councillors was a partner. To avoid being ousted, the councillor immediately resigned. At a later stage, he was re-elected to office. The present provision prevents many persons from offering themselves as councillors because an employee may unwittingly sell something which would cause the employer's disqualification. I think the Municipal Association of Victoria recommended that the amount should be £50. I do not think such a figure would be out of place the way money values are going.

The Hon. T. H. GRIGG (Bendigo Province).—The legislative committee of the Municipal Association approves of this clause, the object of which is to remove any inconvenience to municipalities which become short of, say, a shovel or a bag of cement which is required at short notice. The idea was to overcome emergencies, as Mr. Byrnes mentioned.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I think the arguments in favour of retaining "Fifty" have been adequately covered. I emphasize that for a technical breach a councillor could be ousted if there was not a provision of this nature to safeguard him.

The amendment was negatived.

The Hon. ARCHIBALD TODD (Melbourne West Province).—I move—

That in paragraph (*d*) of proposed new sub-section (2) the following words be inserted after the word "council":—" but this paragraph shall not operate to exempt from disqualification any person who is a director or manager or branch-manager of such a company or who holds Ten per centum or more nominal value of the issued shares in such a company".

At present the paragraph provides that a person shall not be disqualified from being a councillor by reason of—

(*d*) his being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered into any bargain or contract with the municipality or done any work under the authority of the council; or

My proposal is consistent with the recommendation of the Statute Law Revision Committee, from whose report I quote the following:—

The attention of the committee has been drawn to paragraph (*b*) of sub-section (2) of section 53 which exempts a councillor from disqualification when he is a shareholder or a member of an incorporated company of more than twenty members which contracts with the council. This exemption appears to be based on the presumption that a shareholder or member of such a company would not have much influence in the company nor would he

benefit to any great extent from any contract the company may have with the council. The presumption appears to be false to the committee as it is conceivable that a shareholder or member may have sufficient shares to virtually control the company. Accordingly the committee recommends that a restriction be placed in this paragraph so that the exemption provision will not apply when a councillor holds 10 per cent. or more of the total value of issued share capital of any such company.

As the clause stands, it is possible for the managing director of a company, who possesses 60 per cent. or 80 per cent. of the company and who virtually controls it, to be in contract with a council. Some of the contracts are important and involve many hundreds of pounds during the year. That could possibly prove an embarrassment to fellow councillors when the contracts were being decided, because in most cases they would be aware of his connexion with the company. We should act in conformity with the recommendation of the Statute Law Revision Committee.

The Hon. G. L. CHANDLER (Minister of Agriculture). — The Municipal Association of Victoria took the view that the conditions laid down for a councillor should not be harsher than those for a member of Parliament. I think that is a valid reason why we should adopt the Bill as it stands even though the Statute Law Revision Committee has taken another point of view. It is imperative, for the welfare of municipal government, that we continue to attract to councils men of business knowledge and experience. If we do anything to narrow the qualifications of councillors we shall take a step in the wrong direction. If it is good enough for members of Parliament, why should not the same standard be good enough for councillors?

The Hon. ARCHIBALD TODD (Melbourne West Province). — I cannot accept the argument of the Minister. We have to consider the principle that a councillor shall not indulge in trading with the council of which he is a member. To cite a specific situation, let us take the Queen's Bridge Motor and Engineering Company Proprietary Limited, which does considerable business with the City of Port Melbourne in the supply of tractors and other machinery incidental to the work of the council.

The Hon. G. L. CHANDLER. — By tender.

The Hon. ARCHIBALD TODD.—That would not make any difference. It is still a matter of trading with the council. A councillor might be a large shareholder in the company; in fact, he might be the controller of its interests. As for the argument of the Minister in favour of encouraging businessmen to get into municipal life, that does not impress me. A councillor might own a large share in a quarry supplying road metal and contracting with a council of which he was a member. The view of the Statute Law Revision Committee, arrived at after taking evidence and examining all arguments put before it, is sound and valid and should be adopted by Parliament.

Members of Parliament have very little chance of indulging in contracts with the Crown. A member might own 90 per cent. of the shares in a particular concern but even if he held 60 per cent. he would be on very shaky ground if he were considering entering into a contract with the Crown.

The Hon. R. J. HAMER (East Yarra Province).—I do not think the Government disagrees with the principle enunciated by the Statute Law Revision Committee but feels the embarrassment which the Minister of Agriculture mentioned in laying down more restrictive rules for members of municipal councils than apply to members of Parliament. The Constitution Act Amendment Act provides, in section 24, that a member's seat is vacated—

> If any member of the Council or the Assembly either directly or indirectly—

and here I remind Mr. Machin that those words have appeared in this Act for at least 60 years—

> becomes concerned or interested in any bargain or contract entered into by or on behalf of Her Majesty, or participates or

claims or is entitled to participate either directly or indirectly in the profit thereof or in any benefit or emolument arising from the same, or becomes bankrupt or insolvent—

and so on. That is the prohibition. In section 26 there is the exception, as follows:—

Nothing hereinbefore contained shall extend or apply to any bargain or contract entered into by any company partnership or association consisting of more than twenty persons where such bargain or contract is entered into for the general benefit of such company—

and so on. Those sections, taken together, are in accordance with the Bill as presented by the Government. It is assented to by the Municipal Association that the qualifications and disqualifications should be similar, that the disqualifications of a councillor should not be more severe than those relating to members of Parliament.

In a later clause of this Bill, there is a provision that if a councillor is concerned directly or indirectly in any contract or agreement with the council he shall not speak or vote on that question. That is an additional safeguard, perhaps overlooked by Mr. Todd, which seeks to ensure that the deliberations of a council shall not be affected by the shareholding or self-interest of any councillor.

The Hon. G. W. THOM (South-Western Province).—It is pertinent to mention that in the case of a company a special resolution must be passed by at least 75 per cent. of the number and value of the shareholding and that the decision of a board of directors is by a majority. This would indicate that the 10 per cent. proposed by Mr. Todd in his amendment is a very unfair percentage in so far as it relates to any man with ability, imagination and drive whose services can be of advantage to a municipal council. Also, there is this consideration, as provided in other parts of this measure, that if the councillor has any interest he is precluded from voting and must declare such interest.

When I was a municipal councillor quite a number of people were rather interested in a company in which I was also interested. However, I declared my interests in it, took no part in any debate relating to the company, and left the council room when a vote was taken on any particular matter affecting it. If Mr. Todd's amendment were adopted, the effect would be to preclude many able men from taking part in the affairs of municipal councils.

The Hon. ARCHIBALD TODD (Melbourne West Province).—I do not accept Mr. Thom's argument. It has no relation to the matter under discussion. The qualities of an individual offering himself as a councillor—his business ability and so on—have nothing to do with the matter. We are dealing with the possibility of an individual owning a controlling interest and directing the affairs or a company having an opportunity to contract for and obtain contracts from a council. The debarring of persons trading with a council is always done under the existing law. We say that a man who is almost a company himself and who is a councillor shall not have any trading with that council. There are a variety of contracts let every year by councils, and some involve large sums of money. It would be consistently embarrassing to his brother councillors to have to vote on a contract let to a company with which he was associated.

The Hon. G. L. CHANDLER.—That company would be the lowest tenderer, of course.

The Hon. ARCHIBALD TODD.—A council does not have to accept the lowest tender. When tenders are called for road works by the Port Melbourne City Council, the costs are taken out by the engineering department and, if a tender is ridiculously low, the council knows that there is something wrong and the tenderer does not get the job. It should not be possible for a man holding the bulk of the shares in a company—the maker of company policy—to be able to trade with a council of which he is a councillor. This has

nothing to do with his serving as a councillor because, surely, he would not take on that job merely for the benefit of obtaining a contract from the council. Having laid down laws for municipal administration, we should not suggest that they be broken in the interests of a man who controls a company. The amendment sets out a certain amount of shares that can be held by a councillor in a limited or a proprietary company whereby that company would have the right to trade with and supply material to the council. Not all purchases by councils are by tender; some articles are purchased direct from a company.

The Hon. G. W. THOM.—A man holding 10 per cent. of the shares in a company cannot control the company.

The Hon. ARCHIBALD TODD.—No, but it is possible under the present Bill for a person in control of a company to trade with a council of which he is a member. We are trying to keep local government administration clean, and that is the object of the disqualification clause. These days there are too many dirty things being done in local government administration. It is often by a simple act that we open the gate for shady deals. The amendment will not bar anyone from becoming a councillor, but it will prevent a virtual dictator from entering into contracts with a council of which he is a member.

The Hon. P. V. FELTHAM (Northern Province).—As I understand it, the point of controversy between Government speakers and Mr. Todd is that on the one hand the Government does not want to disqualify a man from office of councillor if he holds shares in a company which might deal with the council. On the other hand, Mr. Todd is concerned that a councillor might form what would in fact be a proprietary company and contract with his council. I wonder whether we could get over the trouble with respect to this rather difficult amendment moved by Mr. Todd by altering the word "twenty" to "fifty." If a company has 50 members, it has to be a public company.

The Hon. G. W. THOM.—There are many genuine proprietary companies with 40 members.

The Hon. P. V. FELTHAM.—If a person has shares in a company, surely he should not lose his office on a council if the company trades with that council. I suggest that progress be reported in order that the problem may be examined and to decide whether the difficulty could be overcome by altering the word "twenty" to "fifty." If that is done the company will definitely be a public company as distinct from a proprietary company.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I hope Mr. Feltham will not persist with his point of view. After all, we are endeavouring to make it possible for a council to do the best for its ratepayers and at the same time not to bar a person from becoming a councillor. There are already provisions in the Local Government Act—they are contained also in the amending Bill—whereby a person can be prevented from taking part in a council debate. In fact, the usual practice is for him not to be in attendance if he has some interest in the matter. I think it would be a reflection on councillors if we try to make things more difficult for them to deal with councils than it is for members of Parliament to deal with the Crown. In view of the fact that the legislative committee of the Municipal Association of Victoria has asked that the provision in the Bill be passed, I think the Committee should agree to it. I appeal to the Committee to take that point of view and not ask that progress be reported. I do not think there is much difference between Mr. Feltham's thinking and what is in the Bill, and I consider that both points of view could be reconciled.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—I cannot understand the attitude of the Government in refusing to accept the amendment, because the provisions of the Act and the provisions of the Bill are designed to keep a relatively tight control over the operations of individuals in relation to contracts with or sales to councils. It is obvious, as Mr. Todd has indicated, that possibly one person can literally control a company so that,

in effect, he does become one individual who is indulging in actual trading with the council. That is the relative position that could exist. He could have nineteen or twenty relatives each holding one share in a company of which he is the major shareholder. Under the provisions of the Bill, he would be a shareholder in a company of twenty or more members.

The Hon. R. J. HAMER.—He could not debate the matter or vote on the contract at a council meeting.

The Hon. SAMUEL MERRIFIELD.—He will still be the virtual controller of a company. The Government has indicated in the previous clause that it wants to limit individual trading to £50 a year. Under this clause it is possible for an individual masquerading as a proprietary company to enter into a contract for possibly thousands of pounds.

The Hon. G. L. CHANDLER.—Such a contract would be advertised and tenders called.

The Hon. SAMUEL MERRIFIELD.—That may be true, but the fact is that one person can be in the position of entering into a contract. It is the contract that is the essential point, not the manner in which the quotation is accepted. Once an individual enters into a contract involving thousands of pounds, he is, in effect, breaching the moral code applied in an earlier provision. Mr. Todd's amendment is designed to limit one individual's interest in that direction and to ensure that if a contract of substance is to be made, all the profits involved will not go to the councillor in his private capacity. I was hesitant about moving in this matter because, like Mr. Walton, I consider that once the principle is broken it is difficult to determine where to draw the line.

Concerning paragraph (*b*) of subsection (2) of the proposed new section, the amount could be £50 or £50 1s., and the profit could be £5 as against £5 0s. 1d.; there is little margin when limits are fixed. The provision under discussion contains loopholes. A similar argument arose in a discussion of a previous provision about councillors who might engage in this type of activity, and it was suggested that councils in some far-flung parts of the State might experience difficulty in obtaining a spare part for machinery. In such areas, most councillors make their living on the land and not from commerce. Councillors who are in business are, in the main, members of urban, and not shire councils. In a suburban area, usually more than one person engages in the same sort of trade. The paragraphs in the proposed new subsection would have effect mainly in the bigger centres, not in the outer areas. Parliament should ensure that no councillor, whether deliberately or innocently, acts in a manner that conflicts with the law.

The Minister in charge of the Bill justified the retention of the principle relating to companies having more than twenty members which enter into contracts with councils by stating that provision in this regard was made in The Constitution Act Amendment Act. In debates in this Chamber in the last two years the principles of that Act have been discussed. On former occasions, it has been stated on behalf of the Government that it desired to adhere to the provisions of The Constitution Act Amendment Act as a deliberate act of policy. Now a representative of the Government states that an amendment would be made to the Bill except for the fact that the Government does not wish to depart from the principles of The Constitution Act Amendment Act. The Government cannot have it both ways. An amendment to the Local Government Act and an amendment to The Constitution Act Amendment Act usually are not dealt with in one Bill. The House can amend one enactment to fit the principles of the other, but it must do so under two separate Bills. If the Government agrees to accept a new principle in this measure, it can bring The Constitution Act Amendment Act into line by introducing a subsequent measure and then

there can be no argument about the two pieces of legislation not being parallel. I cannot appreciate that the argument submitted by the Government on this aspect has any weight.

Mr. Thom raised the point that it is undesirable to debar persons of ability from membership of municipal councils. His statement assumes that a person who sells goods is the only person with ability who may offer for election. Even in the Parliamentary sphere, persons of inferior ability compared with defeated candidates are often elected. This factor must be taken into consideration in other directions. Practices of the Tammany Hall type that unfortunately existed earlier in local municipal life should be avoided as far as possible. I do not think such practices occur now, but we have had experience of them and we know what has happened in other countries. Mr. Todd's amendment is appropriate. Its acceptance will ensure that a councillor's interest is not a substantial one if a company of which he is a member enters into a contract with the council; his benefit, profit or interest will not be unduly large. The amendment should be accepted by the Government as a reasonable proposition to ensure that proper regard is paid to morality and that undesirable influences do not creep into our municipal life.

The Hon. P. T. BYRNES (North-Western Province).—The Statute Law Revision Committee is comprised of representatives of all political parties in this Parliament, and its deliberations are never conducted on party lines. Ever since I have been a member of the committee, subjects referred to it for investigation and report have been thrashed out impartially, and no effort has been made by members to give effect through that committee to their ideological views.

The Government is not bound to accept in full a report made by the Statute Law Revision Committee or any other committee, but, if it does not accept the recommendations, they become open for debate in the House. Usually, reports of the Statute Law Revision Committee are accepted practically in full, and in this instance I suppose 99 per cent. of the report has been accepted and only 1 per cent. rejected. Members are engaging now in what is really a non-party discussion. Members of the Country party have not, as a party, discussed this subject, and any member of it is at liberty to express any opinion he likes in the matter.

I should like to know why the Government has rejected part of the committee's recommendations. One reason that has been stated is that the restrictions on a councillor should not be more onerous than those on a member of Parliament, and that is a sound view. Municipal councillors consider that they should not be treated in a worse manner constitutionally than members of Parliament. I suppose that is a reasonable point of view for the Municipal Association to adopt.

The Hon. P. V. FELTHAM.—Do you know why the relevant provision was included in The Constitution Act Amendment Act?

The Hon. P. T. BYRNES.—No. There is a long history associated with this matter. Because of certain happenings in 1937, a member of the Legislative Council resigned, and subsequently the provision relating to a company having more than twenty members was introduced. The person concerned was also a member of the Melbourne City Council. I understand that, because certain factors were introduced, he resigned from both this House and the council. The Act was altered during the régime of the Dunstan Government to provide that the number of members of a company must be more than twenty, which means that there must be at least 21 members of a company in which the councillor concerned is a shareholder. That provision has stood for quite a long time. The Government has accepted the majority of the Country party recommendations, and the Local Government Act has been greatly improved thereby. I am not greatly concerned whether this amendment is accepted or not. I believe that

the existing safeguard in relation to the number of persons in the company is reasonable. This Bill was considered by the Statute Law Revision Committee on a non-party basis, and I consider it to be a non-party issue. I am happy to accept the Bill as it stands.

The amendment was negatived.

The Hon. G. L. CHANDLER (Minister of Agriculture).—Representations have been made that the provisions of paragraph (*m*) of sub-section (2) of proposed new section 53 are unduly restrictive. The effect of the provision in question is that a councillor is not disqualified from office by his being an officer or member of a club or association of more than twenty members having for its object the physical recreation or cultural activities of the members, notwithstanding that that club or association—

(i) leases or rents any lands or buildings from the municipality for that object; or

(ii) has made any contract or agreement with or received any money or services from the municipality for that object.

It has been suggested that the words "for that object" are too limited. Such a club or association could rent land or buildings or receive a contribution from the council not for the club's objects, but, say, for some charitable effort being organized by it, and in those circumstances the exemption could be lost. It has been decided, therefore, to omit from sub-paragraphs (i) and (ii) the words "for that object." In order to rectify that position, I move—

That in sub-paragraph (i) of paragraph (*m*) of proposed new sub-section (2) the words "for that object" be omitted.

If this amendment is accepted, the provision will be widened a little, although the principle will be retained.

The Hon. I. A. SWINBURNE.—Is it proposed that a building may be leased for any purpose?

The Hon. G. L. CHANDLER.—That is so.

The amendment was agreed to, as was a consequential amendment.

The Hon. G. L. CHANDLER (Minister of Agriculture).—Mr. Machin has suggested, and I agree, that after the word "not" in paragraph (*n*) of sub-section (2) of proposed new section 53 there should be inserted the words "or continuing to act on any such body or institution with the consent of the council." This amendment would cover the position of an officer of a council who, for instance, accepted a position of gatekeeper at the Footscray football ground and who also held a contract with the council. In present circumstances, even though the council is the committee of management of that particular ground, if he had a contract with the council he could not officiate on the gate.

The CHAIRMAN (the Hon. R. W. Mack).—Would the Minister indicate to the Committee where the words proposed to be inserted are to be inserted?

The Hon. G. L. CHANDLER.—I was attempting to help Mr. Machin. As I understand the position, he wished that the words I have mentioned be inserted after the word "not" in paragraph (*n*) of sub-section (2).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I am grateful to the Minister, but perhaps I might clarify the position. A person who is a nominee of the council is exempt from any penalties that may be incurred by virtue of his being an officer of an institution that receives any benefit from the council. I cite the case of a person who may be a committee member of an institution prior to his appointment to the council and who, after his appointment, may retain that position. If the council made a grant to that institution, he, by virtue of his not being a nominee of the council, could become liable to disqualification under this provision. With the addition of the words mentioned by the Minister, paragraph (*n*) would then read—

His being appointed by the council or nominated by the council for appointment to any body or institution, whether incorporated or not, or continuing to act on

such body or institution with the consent of the council, notwithstanding that that body or institution receives or has received from the municipality any money or services in aid of its objects.

That would mean that the person would have the permission of the council to act on the committee without being the council's nominee.

The Hon. L. H. S. THOMPSON.—Why do you say "continuing to act?"

The Hon. BUCKLEY MACHIN.—If the person concerned was appointed to the council subsequently, he would continue to act in his previous capacity.

The Hon. P. V. FELTHAM.—Have you given this matter great consideration?

The Hon. BUCKLEY MACHIN.—I have given the matter considerable thought, otherwise I would not have brought it forward.

The Hon. P. V. FELTHAM.—I am a little puzzled.

The Hon. P. T. BYRNES.—Frankly, I do not understand it.

The Hon. BUCKLEY MACHIN.—I shall attempt to explain the position. Sub-section (1) of proposed new section 53 provides, *inter alia*—

> No person holding any office or place of profit under or in the gift of the council of any municipality or concerned or participating in any manner whether directly or indirectly in any bargain or profit with any municipality . . . shall be capable of being or continuing a councillor of the municipality.

If he is a nominee of the council, he may continue to act without disqualification. The council may give to the club £20,000 and if he is a nominee of the council he is in the clear. However, I should like to know what is the position under this measure. From my interpretation of it, he would not be exempt.

The Hon. R. J. HAMER.—Mr. Machin should examine paragraph (*m*) of sub-section (2) of proposed new section 53 of the principal Act, as contained in this clause.

The Hon. BUCKLEY MACHIN.—I have consulted the Parliamentary Draftsman on this question, and he considers that the wording of the provision would be improved if my amendment were adopted.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I should like this clause to be postponed until the matter raised by Mr. Machin can be further considered.

The clause was postponed.

Clause 3 —

(1) In sub-section (1) of section fifty-six of the principal Act after the words "such declaration" there shall be inserted the words "and taken such oath."

(2) For sub-section (2) of section fifty-six of the principal Act there shall be substituted the following sub-sections:—

(2) In every such action where the plaintiff proves that the person sued acted as a councillor in the execution of this Act—

(*a*) the burden shall lie upon the person sued to prove that at the time of so acting—

(i) he was qualified to hold the office of councillor under section fifty-one of this Act;

(ii) he had been duly elected as a councillor and had made and subscribed the declaration and taken the oath aforesaid; and

(iii) he had not incurred any disqualification specifically referred to in section fifty-two of this Act; but

(*b*) the burden shall lie upon the plaintiff to prove that at that time the person sued had incurred any disqualification referred to in section fifty-three of this Act—

and if the person sued fails to prove any of the matters referred to in paragraph (*a*) of this sub-section or if any disqualification referred to in paragraph (*b*) of this sub-section is proved against him he shall be adjudged to pay the said penalty and such costs as the court thinks proper.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That in sub-clause (1), after the word "oath" the words "and the words 'with full costs of suit' shall be repealed" be added.

During the debate on this Bill in another place, attention was directed to some inconsistency in section 56 of the Local

Government Act as proposed to be amended by clause 3. Sub-section (1) of that section provides that a penalty against a person acting as a councillor while incapacitated "may be recovered by any person with full costs of suit." In the new sub-section (2) proposed to be inserted by clause 3, discretion is given to the court to award "such costs as the court thinks proper." This matter has been examined by the Parliamentary Draftsman, who has prepared an amendment to delete the words "with full costs of suit" in sub-section (1) of section 56, thereby leaving discretion to the court to award such costs as it thinks proper.

The amendment was agreed to.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That the following sub-clause be added to clause 3:—

(3) In sub-section (3) of section fifty-six of the principal Act—

(*a*) after the words "the declaration" there shall be inserted the words "or taken the oath;" and

(*b*) after the words "such declaration" there shall be inserted the words "and taken such oath."

A further matter raised in another place which the Minister promised to examine, related to sub-section (3) of section 56. It was pointed out that the provision in this sub-section failed to validate those acts of a councillor, who had not taken the oath of allegiance, performed prior to the recovery of a penalty. Obviously, this amendment should have been made when the provision for an oath of allegiance was inserted in the Local Government Act, but apparently it was overlooked. The matter has been examined and both the Parliamentary Draftsman and the Minister agree that the proposed amendment is desirable.

The amendment was agreed to, and the clause as amended, was adopted, as was clause 4.

Clause 5 (Offences by officers and employees of municipalities accepting fees or being concerned in contracts, &c.).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I am a little apprehensive concerning this clause, and I seek clarification as to its real implications. If I could be sure that the people I have mentioned previously would not come within the ambit of this Bill I would be quite satisfied, but I am a little disturbed to think that its provision could apply should any person desire to trap them, as has been done in the past. I would prefer this Bill to state quite clearly what is the present position of these people rather than that somebody may have to pay to find out whether the legislation is right or wrong.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I cannot give Mr. Machin an assurance that any person under certain circumstances would not come under the penalties proposed. That question needs some clarification.

The Hon. R. J. HAMER (East Yarra Province).—It is impossible to give Mr. Machin the assurance he seeks. I believe, without doubt, the people he is concerned about come within the section and would infringe it if they took employment with the council in the circumstances he has stated.

In laying down disqualifications, one must draw some boundary. Consequently there must always be some people who fall just outside that boundary and who, in justice and equity, would appear to be within it. There must always be some people who will be disappointed. It may be that the employees of the Footscray City Council who officiate at the local football ground on Saturday afternoons are not really committing any great offence. Nevertheless, under the terms of this section, they are disqualified. Although I am speaking only from memory, I remind Mr. Machin that under the old section they were disqualified not only from holding their present position but from ever holding any position with the council again. The Statute Law Revision Committee recognized that that

was a severe penalty, and recommended instead the monetary penalty that appears in the Act. So those people do not now lose their employment with the council but they may suffer a monetary penalty if they infringe this section.

Although I agree with Mr. Machin that the section does seem unjust in a minor case such as this, it must be realized that this is an instance where those concerned are just "on the other side of the fence." If an attempt is made to enlarge the section by submitting an amendment to include the people he mentioned, it will merely be inviting further enlargements which will, in the end, destroy the whole effect of the section.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—As I understand the proposal of Mr. Machin, there are some people who act as gatekeepers at recreational reserves. The first point is that the Act provides for the appointment of officers by the council. If a person is to be an officer he must be appointed by the council. But there are others who are appointed to the staff by the officers themselves and their names are not necessarily before the council for ratification. They are taken on as day labourers, and they come within the category of "employees or other persons." There are two distinct categories, one appointed under the Act and the other not so appointed. As to the matter of the appointment of a person as gatekeeper of a recreational ground, this seems to me to come down to a question of fact. If the recreation ground is owned by the municipality, it would seem that the only body capable of managing the ground is the municipal council, or some body that has a lease in some form or other. If it is a municipal ground operated by the municipality, there is no doubt that the persons concerned are getting a fee for the gatekeeping in addition to their remuneration as employees of the council. If, on the other hand, it is a reserve under the Land Act for which the council is the committee of management, the question arises of what happens to the moneys. Are they paid into the municipal fund; in which case they might be deemed to be payment by the council? Or, are they moneys recovered as gate money and paid somewhere else? In the last-mentioned case, the payment of the persons' wages may be made before the proceeds are paid into the municipal fund. There are many circumstances associated with this problem, and one would have to unravel the "tangled skein" before being able to determine the actual position in individual cases.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—Mr. Merrifield, with his usual facility for grasping the facts of the matter, has hit upon the point which perturbed me. As he said, some persons are appointed to act as gatekeepers and so forth, in addition to their normal employment by the council. In the main, those concerned are chosen because they are trustworthy. The jobs at the Footscray football ground call for the exercise of a sense of responsibility. These positions could not be given to people employed from the street, otherwise every "Joe Blow" could be walking through the gates "on the nod." I would be disturbed to think that council employees working at the football ground could suffer a penalty of a fine not exceeding £200. Many of these people undertake the work not for the money involved but through a sense of loyalty to the ground manager and because of their friendship and general association with members of the council. The amount of money they receive is not enough to worry about, and they really sacrifice their Saturday afternoons. If the Minister would allow me a short respite, I could collect much of the information I require and supply it to him tomorrow. I believe legislation passed in this House should be watertight. It is not just a question of a person being unlucky if he is just outside a boundary as was suggested by Mr. Hamer. We should try to frame legislation so that it protects as many people as possible at all times. If the Minister will

accede to my request, I shall give him to-morrow all the information required to clear up this point.

The Hon. G. L. CHANDLER (Minister of Agriculture).—Probably this matter could be dealt with by an amendment which the Parliamentary Draftsman has prepared to meet the position which could exist. It relates to sub-clause (2) of clause 2.

The CHAIRMAN (the Hon. R. W. Mack).—Order! Clause 2 has been postponed. The Committee is now dealing with clause 5.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I am sorry, Mr. Chairman. In those circumstances, I propose that progress be reported, as there appears to be something in Mr. Machin's contention, and it may be advisable to have the position clarified. I am sure he would give me an assurance that when this matter is being dealt with to-morrow he will not take very long on it.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I am grateful to the Minister of Agriculture for his courtesy. I give him an assurance that I will provide the information required before the House meets to-morrow so that the debate on this Bill can be completed as quickly as possible.

Progress was reported.

LOCAL GOVERNMENT (SCAFFOLDING INSPECTION) BILL.

This Bill was received from the Assembly and, on the motion of Sir ARTHUR WARNER (Minister of Transport), was read a first time.

HOUSING (POWERS) BILL.

This Bill was received from the Assembly and, on the motion of Sir ARTHUR WARNER (Minister of Transport), was read a first time.

ESTATE AGENTS (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

LAND TAX (RELIEF) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

LAND TAX (RATES) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

HEALTH (TUBERCULOSIS ARRANGEMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

MONASH UNIVERSITY (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

VERMIN AND NOXIOUS WEEDS (FINANCIAL) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. G. L. CHANDLER (Minister of Agriculture), was read a first time.

STATUTE LAW REVISION BILL.

The debate (adjourned from October 18) on the motion of the Hon. L. H. S. Thompson (Minister without Portfolio) for the second reading of this Bill was resumed.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—A few weeks ago this measure was referred to the Statute Law Revision Committee as is the customary practice with Bills of this type. During the early part of my second-reading speech, I outlined the changes that the Bill proposed to make, none of which are of a substantive nature. I do not think I need go into the details of the committee's report other than to read the concluding paragraph, which states—

> The committee is of opinion that all the proposed amendments contained in the Bill do not make any substantive changes in the law and do not go beyond the ambit of a Statute Law Revision Bill.

It accordingly commends the Bill to honorable members and recommends that it be passed into law.

The Hon. ARCHIBALD TODD (Melbourne West Province).—My party agrees with the Minister that this Bill should receive a speedy passage through the House. This is another indication that none of us is infallible. From time to time small errors are made even in the spelling of minor words and the crossing of t's and the dotting of i's. The Statute Law Revision Committee has thoroughly examined the Bill, and reports that no real changes of the law are involved. My party supports the Bill.

The Hon. P. T. BYRNES (North-Western Province).—The Statute Law Revision Committee has examined the Bill and recommended it to honorable members *in toto,* and the Country party concurs.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

CATTLE COMPENSATION (AMENDMENT) BILL.

The debate (adjourned from November 22) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. ARTHUR SMITH (Bendigo Province).—This is a short, straightforward Bill which the House should not take very long to dispose of. It provides for the increase from £35 to £50 of the amount of compensation payable to persons who are unfortunate enough to have some disease in their stock as a result of which they have to be destroyed. I should like to instance to the House a case with which I had personal contact a few years ago. A dairy farmer in Gippsland had some of the finest cattle in the district one year, but the following year it was discovered that his stock had tuberculosis and the whole herd was destroyed. It cost him £78 a head to replace them. That gives an idea of how much it costs to replace a herd of Jersey cows.

This Bill is worthy of favourable consideration by the House. I think £50 is a reasonable amount of compensation when one takes into consideration the present price of stock. I am of the opinion that prices will not remain as high as they are, and that possibly in the long run that will not harm the industry. A similar situation occurred in regard to wool, the price of which became so high that I predicted it would have to fall. The same thing will happen with the cattle industry unless the price is brought back to a reasonable level. Under present circumstances I think the proposal contained in the Bill is reasonable, and I have pleasure in supporting the measure.

The Hon. R. W. MAY (Gippsland Province).—On behalf of the Country party, I support this Bill, which sets out to increase the compensation payable for the destruction of diseased cattle from the Cattle Compensation Fund from £35 to £50. The sum of £35 has remained the maximum amount of compensation payable since 1950. It is an unrealistic figure in relation to present-day values of cattle. The Bill retains the previous provisions of payments into the fund inasmuch as 1d. in the £1 with a maximum of 2s. 1d. is collected from the sale of each beast. Cattle have been bringing relatively high prices in recent years and have been changing hands two or three times before being sold to butchers as fat cattle, with the result that the amount in the fund has materially increased. By the same token, the incidence of disease has made demands on the fund.

In 1950 there was a credit in the fund of over £110,000, whereas to-day it is in credit to the extent of £295,000. So, the Government has decided to increase the maximum compensation payable to £50 per beast. Primary producer organizations have been asking for this increase for some considerable time because they considered that the compensation of £35 was unrealistic in comparison with present-day values. These organizations have a desire to ensure that the fund is not exploited by the big meat houses which buy up large

quantities of stock; they want the fund to be used for the benefit of the growers of beasts that are condemned.

The fund is really a form of insurance, and if a beast contracts a notifiable disease and is destroyed the owner is compensated. The Treasury pays 40 per cent. of the compensation payable if a beast is destroyed because it is suffering from tuberculosis or lumpy jaw and 20 per cent. if the beast is suffering from actinomycosis. Generally speaking, the fund is a very good form of insurance which has benefited the industry. There is no desire on the part of the growers not to disclose the fact that their cattle are diseased because they realize that if they are condemned they will receive adequate compensation. In the light of present-day values, members of the Country party consider the amendment contained in the Bill is a worth-while contribution to the legislation of this State.

The Hon. A. K. BRADBURY (North-Eastern Province).—I support the Bill, which amends the Cattle Compensation Act, because I believe it is most important from the point of view of encouraging the dairy farmers of this State to acquire tuberculin-tested herds for the supplying of pure milk to the metropolis in order to prevent the further spreading of tuberculosis amongst humans. In recent years the Department of Health has been carrying out a campaign of testing the citizens of this State for tuberculosis, and that has considerably reduced the incidence of the disease. I believe it is important to encourage dairy farmers to have their herds tested for tuberculosis and tested herds be accredited by the Department of Agriculture.

I have had some personal experience in this matter. In 1949 I was the first dairy farmer in the Goulburn Valley to have his herd tested for tuberculosis, and unfortunately I lost 30 per cent. of my stud cattle. At that time the maximum amount of compensation payable was £25 per head, with a proviso that the farmer could receive only three-quarters of that amount, which was £18 15s. One can imagine how difficult it was to replace a stud herd from that amount of compensation. The dairy farmers of this State were greatly encouraged when a Country party Government increased the maximum compensation payable to £35 and abolished the proviso that only three-quarters of that amount could be paid. The full amount was paid after valuation by a stock inspector of the Department of Agriculture.

In answer to a series of questions I asked on Tuesday, the Minister of Agriculture informed me that, in the ten years from 1950 to 1960, 22,191 dairy herds have been tested for tuberculosis.

A total of 1,220,781 head of stock have been tested for tuberculosis and the number of "reactors" in the ten-year period has been 21,079. Apart from the cattle condemned on account of tuberculosis, 35,153 have been killed because of other notifiable diseases, making a grand total of condemned stock in the State for the ten years 56,232. Between 1950 and 1960, a sum of £1,152,251 has been paid from the Cattle Compensation Fund, and the Government contributions during this period have amounted to £415,201. The figures indicate that an average of £28 per head has been paid in respect of condemned stock during the period stated. This is a very low figure when one considers the value of stock marketed.

The Bill provides that the maximum amount of compensation payable under the legislation shall be raised from £35 to £50, and I support the proposal. However, the amount of compensation fixed in a particular instance depends entirely on the valuation of the stock inspector. Condemned stock are branded and must be slaughtered under the supervision of a stock inspector or a veterinary surgeon of the Department of Agriculture. In the paddock, an inspector may place the maximum valuation permissible on cattle, but in many instances the farmer concerned does not receive from the compensation fund the amount of the valuation fixed by the inspector.

The Hon. W. O. FULTON.—Why does that happen?

The Hon. A. K. BRADBURY.—A beast may show a reaction to the tuberculosis test, but when it is slaughtered it may be found that the disease resides in only one gland and is actually dormant. If the disease is traceable merely to a minor gland, that part is excised and the remainder of the carcass can be sold for human consumption. In this event there is payable from the compensation fund an amount representing the difference between the value of the remainder of the carcass and the valuation placed on the beast by the inspector. Factors of this nature may account for the fact that an average of only £28 a head has been paid in respect of condemned stock.

The Hon. W. O. FULTON.—Are young stock included?

The Hon. A. K. BRADBURY.—Yes. I speak from experience when I say that tuberculosis is transmitted in two different ways. A young calf can be kept free of tuberculosis if it is taken from its mother immediately on birth, but, if the mother is infected, the germ can be transmitted to the calf when it has its first drink of milk. The disease can be transmitted also in the paddock or from the feed box. The tuberculosis germ will remain active in the paddock in the summer time for approximately 21 days. Paddocks which have contained infected stock are usually isolated for at least 21 days in the summer and for a slightly longer period in the winter. The sun will kill the germ in approximately three weeks, but it can live longer in the colder season.

I seek certain information from the Minister of Agriculture. According to the answers I received from him yesterday, there are 29,607 dairy herds in the State. During the past ten years 22,191 herds have been tested, leaving 7,416 yet to be tested. I should like the Minister to confirm whether the figure I have stated is correct or whether I am working on an incorrect assumption when I say that 22,191 herds have been tested during that period. I understand that when a herd has been tested and some beasts have reacted, the Department of Agriculture makes a further check within six weeks. I am not certain whether the 22,191 herds mentioned in the answers are individual herds or whether the figure could include herds that have been check-tested after "reactors" have been found. We have much to be thankful for if out of 29,607 dairy herds only 7,416 remain to be tested. If approximately 2,000 herds a year are tested, all the dairy herds in Victoria could be tested within the next four years.

It would be a great comfort to the community to know that all herds are tuberculin tested, because tuberculosis in cattle can be transmitted to human beings. On discovering a number of reactors in my dairy herd, the doctor advised me to have my five children tested for tuberculosis, although they were comparatively young at the time. They were given a skin test, and to the amazement of my wife and myself, three days later each child showed a reaction. They then had to have X-rays and further tests. Honorable members can imagine the anxiety of my wife and myself in the next ten days until we received the results which, thank God, indicated that our children were completely free from the disease. The doctor informed us that they had come into contact with tuberculosis through drinking milk and that we were fortunate that they were sufficiently healthy to be immune to it. There is great need for increasing the programme of testing dairy herds for tuberculosis.

The Hon. W. O. FULTON.—That is one of the reasons why tuberculosis has been reduced so greatly in the past ten years.

The Hon. A. K. BRADBURY.—That is so. I am sure the Minister of Health will agree that, since the mobile units started travelling throughout the State testing human beings for tuberculosis, the disease has decreased to a very appreciable extent. Although cattle are the prime spreaders of tuberculosis through milk, poultry also carry the germ.

The Hon. BUCKLEY MACHIN.—A child in poor or indifferent health would be susceptible to tuberculosis.

The Hon. A. K. BRADBURY.—That is so. If a child who is not in a healthy condition continues to drink milk affected by this disease the germ spreads through the body and takes control. Therefore, it is most important that tuberculin-testing of herds should be continued. The increasing of the amount of compensation to £50 will give dairy farmers in areas where the Department of Agriculture veterinary surgeons are not available some incentive to employ private veterinary surgeons. If they have the interest of children at heart, they should have their herds tested, because the cost involved in employing the services of a private veterinary surgeon is not great and it is a great consolation to know that a herd is free from tuberculosis and accredited as such by the Department of Agriculture. I have pleasure in supporting this measure because I believe it will be of benefit to the dairying industry and to the health of the community.

The motion was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

CO-OPERATIVE HOUSING SOCIETIES (GUARANTEES) BILL.

The debate (adjourned from November 23) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. G. J. O'CONNELL (Melbourne Province).—This is a Bill to amend section 75 of the Co-operative Housing Societies Act 1958, and its purpose is to extend the limit of the Government guarantee for co-operative housing societies from £70,000,000 to £80,000,000. The proposal could be termed a hardy annual. The fact that the guarantee is being raised by £10,000,000 does not necessarily indicate that additional money to that extent will be available for the purposes of financing co-operative housing societies. Nevertheless, it is necessary to assure lending institutions which desire to make funds available to co-operative housing societies that the Government will guarantee the repayments of the funds. After all, what better guarantee could one have than that of the State? It is interesting to note that the guarantee fixed in 1944 was £5,000,000, and that the proposal is to increase the limit to £80,000,000. This is an indication of the growth of co-operative housing societies.

It is also interesting that the money raised to date by co-operative housing societies from lending institutions and guaranteed by the Government has been obtained from the following sources:—

	£
Commonwealth Bank ..	24,690,600
State Savings Bank ..	18,183,500
Private savings banks ..	5,010,000
Private trading banks ..	10,553,800
Insurance companies ..	4,100,000
Life assurance societies	640,000
Friendly societies ..	725,000
Superannuation funds ..	1,425,000
Miscellaneous	447,100
Economic Development Fund of United States of America	525,000
Dutch Insurance Company	500,000
	66,800,000

As the Minister stated in his second-reading speech, the money made available by the Economic Development Fund of the United States of America, and by the Dutch Insurance Company, was matched in each instance by a similar amount provided by a joint effort of Australian banks for housing Dutch migrants. For the first time, finance has been made available for co-operative housing without a Government guarantee. The money in question which amounted to £875,000, came from the National Institute of Credit for Italian workers overseas for co-operative housing societies, the membership of which is confined to Italian migrants. It was matched, as in the case of Dutch migrants, by money provided by Australian banks under Government guarantees. Perhaps the Government might find some way of inducing oversea interests to assist British migrants.

For the information of honorable members, I point out that since the inception of the co-operative system, 35,000 families have been provided with homes, and there are 4,700 more houses in the course of erection. At present, there are 529 registered co-operative housing societies with a membership of over 37,000, and I have been informed that there are many hundreds seeking admission to societies. There is no doubt that the co-operative housing societies deserve great credit for the work they are doing. It is unfortunate that private sources of finance have not made a larger contribution for this purpose, but it is inevitable that private enterprise should invest in avenues which give the greatest return. At present, private enterprise is able to invest in undertakings which provide a far higher return than do co-operative housing societies. It is regrettable that Governments cannot persuade more people to make money available to the co-operative housing movement.

Unfortunately, under the Commonwealth–State Housing Agreement, Victoria is obliged to finance co-operative housing societies at the expense of the Housing Commission, which is not receiving half enough finance at present with which to carry out its functions. We believe that persons who are seeking homes for rental purposes, and who are not in a position to purchase homes of their own, should receive sympathetic consideration at all times. We realize that the Housing Commission performs a very necessary function in providing homes for rental. We know, too, that the Commission sells houses. Statistics show that 70 per cent. of the people living in Australia own their own homes. The Labour party supports the principle of home ownership but, by the same rule, we agree that those persons who may not be in a position to purchase homes should, under the State legislation, be afforded the opportunity to rent them. The Labour party offers no objection to the Bill.

The Hon. A. K. BRADBURY (North-Eastern Province).—This is a Bill to amend section 75 of the Co-operative Housing Societies Act 1958, and to guarantee an increase in the borrowing powers of co-operative housing societies from £70,000,000 to £80,000,000. As Mr. O'Connell stated, Bills of this type, which are dealt with periodically by the House, are designed to increase the maximum amount of borrowing powers to be guaranteed by the State Government, so that the fine work of our co-operative housing societies can be maintained. Under the co-operative housing movement, young persons are enabled to obtain homes of their own design, in surroundings of their own choice, and in the environment that meets their wishes. There is no better scheme than the co-operative housing system for inducing young people to become home owners. Already, many young persons in Victoria have obtained homes by this means. We commend the Government for being realistic in increasing by £10,000,000 the amount of guarantee to enable this worth-while work to proceed. At the present time the Government guarantees are up to £66,800,000, the guarantees in course, £200,000, and the guarantee requirements of other societies either recently registered or in the course of formation, £590,000, making a total of £67,590,000.

It is interesting to note that since the inception of co-operative housing societies in Victoria no fewer than 35,000 families have been provided with homes, and there are now 4,700 homes in course of erection. Moreover, there are in the State 529 registered co-operative housing societies, with a membership of 37,200. Young people, are now able to buy a home at a low deposit and on a nominal interest rate. The interest rate charged at the present time is 5½ per cent., made up of 5 per cent. for interest on the money advanced and ½ per cent. for managerial fees entailed in the operation of the various co-operative societies.

Many co-operative housing societies to-day are finding it difficult to obtain finance on the open market to carry on their very worth-while objects. When one realizes that the co-operative housing societies are not permitted to pay more than 5 per cent. interest to investors, one can understand why there

is very little money available for them, more particularly when one reads in the daily newspapers advertisements from companies offering investors up to 8 per cent. I noticed in a daily newspaper that Custom Credit Corporation Limited is offering 8 per cent., Wilke and Company 8 per cent., and another company 10 per cent. Many companies are offering even higher rates. Consequently it is difficult for the co-operative housing societies to compete in this field when such high rates of interest are available to investors as against the 5 per cent. paid by the co-operative housing societies. The Government should offer some encouragement to investors to put their money into co-operative housing societies, as it is important that we should afford young people the opportunity of owning their own homes. The Country party has pleasure in supporting the Bill.

The Hon. G. W. THOM (South-Western Province).—I should like to say a few words in support of the Bill. I point out that the demand for housing will reach its peak in about four or five years' time. It is interesting to note that to-day there are 45,000 fifteen-year-old persons in the community, and it is estimated that by 1965 this figure will rise to 59,000. Therefore it will be seen that, apart from normal immigration, the increase in the general population and in the number of young people will reach a peak in another five or six years, thus accentuating the housing problems of the community. These figures highlight the necessity for all Governments and all parties to give some thought to further methods of making money available for home finance. In this connexion I recently read a publication in which a suggestion was made, I think by a Mr. Langford, that some thought be given to a plan operating in the United States of America under which certain business corporations are being directed to put a proportion of their funds into a Federal housing trust, or similar organization. The money thus made available is used for housing purposes.

In these days of directives, one wonders whether there could not be an attempt to channel money into this very necessary field of activity. That is an avenue which could be explored. Co-operative housing has made a considerable contribution to this State and, speaking of Geelong, it is rather interesting to note that local co-operative housing societies have spent £4,500,000 on housing and have provided 2,200 homes. It is also interesting to note that the population of Greater Geelong is 100,000, which is 2.7 per cent. of the Victorian population. Co-operative housing societies have provided approximately 17 per cent. of the homes, in Geelong. This is a particularly good effort, when one considers the number of homes being erected in Victoria through co-operative housing. I commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

The House adjourned at 12.1 *a.m.* (*Thursday*).

LEGISLATIVE ASSEMBLY.

Wednesday, November 30, 1960.

The SPEAKER **(Sir William McDonald)** took the chair at 11.7 a.m., and read the prayer.

DEPARTMENT OF HEALTH.

SALK ANTI-POLIOMYELITIS VACCINE.

Mr. DOUBE (Oakleigh) asked the Minister of Education, for the Minister of Health—

1. Who is responsible for the production of Salk anti-poliomyelitis vaccine in Victoria?

2. Whether the quantities made available for Victoria are ordered through the Department of Health?

3. Whether private medical practitioners are finding it difficult to obtain sufficient supplies of single-unit doses of this vaccine?

4. What proportion of multi-dose units to single-dose units is available?

5. Whether he (the Minister of Health) will have this matter investigated with a view to having more single-dose units produced?

Mr. BLOOMFIELD (Minister of Education).—The answers supplied by the Minister of Health are—

1. The Commonwealth Serum Laboratories.

2. Yes.

3. Ample supplies of vaccine are available, but from time to time there have been temporary shortages of vaccine in single-dose units, and medical practitioners have been advised on these occasions to use a multi-dose unit although this involves some degree of wastage.

When Salk vaccine was in short supply in both multi-dose and single-dose units, it was recommended that private practitioners assemble several patients for treatment at the one time, and it is understood that this practice is still being continued.

4. The normal requirement for Victoria is 3,000 single doses and 15,000 multi doses per week. The proportion of multi-dose to single-dose units depends on availability from the Commonwealth Serum Laboratories.

5. The matter will be referred to the Consultative Council on Poliomyelitis for investigation.

LANDS DEPARTMENT.

LITTLE DESERT AREA: DEPARTMENTAL FILE.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of Lands—

If he will lay on the table of the Library the file relating to the agreement between the Australian Mutual Provident Society and the Government on the Little Desert area scheme?

Mr. K. H. TURNBULL (Minister of Lands).—The appropriate file has been laid on the table of the Library.

VANDALISM.

PROTECTION OF GOVERNMENT PROPERTY.

Mr. MUTTON (Coburg) asked the Minister of Forests, for the Minister of Transport—

In view of the disclosures in the article published in the *Herald* newspaper of the 28th November instant regarding damage attributed to young vandals on the Victorian railways, what action he (the Minister of Transport) proposes taking for the protection of Government property against such vandalism?

Mr. FRASER (Minister of Forests).—The answer supplied by the Minister of Transport is—

The Commissioners employ a staff of specially trained investigators who continually patrol trains for the purpose of detecting offences against the by-laws.

A special vandal squad is also on duty watching for vandal activity, particular attention being given to lines on which the trouble is most pronounced.

In all these activities the Department receives the utmost co-operation and assistance from the Police Department.

FORESTS COMMISSION.

FUNDS: ROYALTIES: IMPORTATION OF TIMBER.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of Forests—

1. What total amount of money was made available to the Forests Commission in each of the last ten years?

2. What amount was received by the Forests Commission in royalties in each of the last ten years?

3. What value of timber was imported into Victoria in each of the last ten years?

Mr. FRASER (Minister of Forests).—The answers are—

1.—

Financial Year.	Total Amount Made Available.
	£
1950-51 ..	2,950,789
1951-52 ..	2,851,620
1952-53 ..	3,066,717
1953-54 ..	2,998,624
1954-55 ..	3,018,308
1955-56 ..	2,915,124
1956-57 ..	2,973,383
1957-58 ..	2,980,232
1958-59 ..	2,827,932
1959-60 ..	3,017,858

2.—

Financial Year.	Amount of Royalties Received.
	£
1905-51 ..	645,794
1951-52 ..	1,068,445
1952-53 ..	1,578,033
1953-54 ..	1,683,484
1954-55 ..	1,745,133
1955-56 ..	1,630,918
1956-57 ..	1,731,263
1957-58 ..	1,764,342
1958-59 ..	1,724,032
1959-60 ..	2,031,192

3. This information will be obtained from the Commonwealth Forestry and Timber Bureau and the honorable member will be advised by letter.

DEPARTMENT OF AGRICULTURE.

VETERINARY OFFICERS: STUDENTS ON SCHOLARSHIPS.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of Lands, for the Minister of Agriculture—

1. How many veterinary officers are in the employ of the Department of Agriculture?
2. Where these officers are stationed and what is their average salary?
3. How many of these officers who were on a bond to serve in the employ of the Department have served for longer than their bond term of four years?
4. How many Victorian veterinary students in receipt of Government scholarships are in training and how many of these students are being trained at Sydney and Brisbane, respectively?
5. What will be the salary range of these students—(*a*) on appointment to the Department; and (*b*) after they have served their four-year bond term?

Mr. K. H. TURNBULL (Minister of Lands).—The answers supplied by the Minister of Agriculture are—

1. Fifteen—excluding the Superintendent of Live Stock, the Senior Veterinary Officer, the Senior Veterinary Research Officer and the Senior Veterinary Milk Supply Officer.
2. Veterinary officers are stationed at—

Melbourne: District Veterinary Officer (Eastern Metropolitan to Berwick, Cranbourne, &c.), District Veterinary Officer (Western Metropolitan to Werribee, Whittlesea, &c.), T.B. Eradication Officer, Animal Quarantine Officer—Four.

Werribee: Animal Husbandry Research Station—Two; and one each at Bairnsdale, Warragul, Benalla, Shepparton, Bendigo, Kerang, Ballarat, Horsham and Warrnambool.

The salaries range from £1,716 to £2,791.

3. Nine.
4. At present 24 Victorian students, in receipt of Government scholarships, are in training. Four of these students are in the first year of the course at the University of Melbourne. The remainder are at interstate universities, as follows:—

Sydney	14
Queensland	6

5. The salary range for such students on appointment is fixed by the Public Service Board, as follows:—

	£
1st year of service	1,716
2nd year of service	1,771
3rd year of service	1,881
4th year of service	1,936
5th year of service	1,991

All veterinary officers thereafter become eligible for progression to higher classification on the recommendation of the Permanent Head of the Department.

DISTRIBUTION OF POPULATION COMMITTEE.

THIRD PROGRESS REPORT.

Mr. GALVIN (Bendigo) presented the third progress report of the Distribution of Population Committee, together with minutes of evidence.

It was ordered that they be laid on the table, and that the report be printed.

LOCAL GOVERNMENT (SCAFFOLDING INSPECTION) BILL.

The debate (adjourned from November 22) on the motion of Mr. Porter (Minister for Local Government) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Fitzroy).—This is the third industrial safety measure proposed by this Government, and, although the Opposition has certain reservations about it, I should like to compliment the Government on its introduction and also on the introduction of the other safety measures. I also express appreciation not only to the Minister for Local Government for the co-operation he has extended to the Opposition in regard to this measure but also to the Minister of Labour and Industry, who introduced the other two measures, for the co-operation he extended to the Opposition in the consideration of those Bills. Although the Opposition has some criticism to offer of this Bill, I want to make it clear that such criticism is not being levelled in a political party spirit. I believe Bills relating to industrial safety should, as far as is possible, be considered on a non-party basis.

The Opposition does not support the principle of the control of scaffolding being vested in the Local Government Department. Its attitude in the matter is entirely divorced from any questions of the ability of that Department or the Minister, and it has no doubt that, as the Government has decided that that Department should administer this control, it will be given the best attention. The Opposition and the trade union movement believe that the control of scaffolding should not be under the Local Government Act.

Mr. HOLDEN.—It will be controlled only by officers of the Local Government Department.

Mr. LOVEGROVE.—I realize that, and that is an arguable proposition. However, I do not propose to discuss the matter further. With that reservation and the reservation of certain amendments which the Opposition desires to submit, I inform honorable members that the Opposition welcomes this measure as one of vital importance and of interest to the building industry. I believe this has been the worst year for accidents and fatalities in demolition work associated with the building industry. The Opposition hopes that when this measure becomes effective an attempt will be made to bring about some radical control of that activity.

The Bill raises a number of most important considerations, including not only the technical measures proposed by the Government with reference to both control and building safety generally, but also the Government's financial relationships with municipalities in this matter and, by implication, in other matters. The criticisms that the Opposition have to offer are based on two main considerations. At the outset, in order that honorable members will know what is in the mind of the Opposition, I inform the House that it is proposed to move amendments to proposed new section 824, as contained in clause 3, for the purpose of ensuring that an inspector appointed to police scaffolding will be a qualified person. It desires also to amend the definition of scaffolding to include structures not more than 14 feet high, and to add to the definitions a definition of "rigger" to mean a person directly responsible for the placing in position of the members of a building structure other than scaffolding, in the course of erection, for the manner of ensuring the stability of such members and for dismantling or demolishing buildings or structures other than scaffolding.

I have mentioned the proposed amendment at this juncture so that you, Mr. Speaker, may have the opportunity of considering it and be in a position to make a decision if a ruling is sought on the words "other than scaffolding." The definition is taken from the New South Wales legislation and truncated to subtract from it references to cranes and hoists. The Minister of Labour and Industry will recall that the Opposition moved an almost identical amendment when the Bill relating to lifts and cranes was under consideration. The Opposition desires to submit the amendment mentioned because of the wide powers of regulation implicit in proposed new section 833c.

The Opposition proposes also to submit an amendment to paragraph (*f*) of sub-section (1) of proposed new section 827, which relates to appointments to the Scaffolding Regulations Committee and which in clause 3 of the Bill provides that of the seven members other than the Supervisor of Scaffolding Inspection to be appointed to the Scaffolding Regulations Committee—

> (*f*) one shall be appointed from a panel of three names submitted by the Melbourne Trades Hall Council.

As the honorable member for Moonee Ponds interjects, I understand that that is the normal procedure, but it is a practice to which objection has been taken by the Melbourne Trades Hall Council, which desires that the words "from a panel of three names submitted by" be omitted with the view of inserting the words "on the recommendation of." The effect of the amendment would be that a person nominated by the Melbourne Trades Hall Council for membership of the Scaffolding Regulations Committee would be accepted by the Government.

The SPEAKER (Sir William McDonald).—Order! I thank the Deputy Leader of the Opposition for the résumé of the method by which he proposes to conduct the debate. At this stage there is little to be said on the general principles of the Bill, because it is essentially a Committee Bill. It seems to me that there is a grave likelihood that on this measure one discussion will take place in the House and another in Committee. I cannot suggest too strongly to the honorable member that he should defer his

discussion of the details until the Bill is in Committee and that at this stage he should give only a résumé of the position, as he has done.

Mr. LOVEGROVE.—Although I am fully conscious of the wisdom of your suggestion, Mr. Speaker, and do not question it, I have adopted this method at the outset so that the Minister and members on the Government side of the House may have advance knowledge of some matters of a technical character which they may desire to consider before the Bill reaches the Committee stage. When the Bill relating to lifts and cranes was being debated I think you gave an identical ruling, Mr. Speaker, and, without subtracting from the abilities of members on the Government side of the House, at least one of them was at a disadvantage because no advance information of the Opposition's amendment was given. On this occasion my purpose was to give honorable members a résumé of the proposed amendments. Following your suggestion, I will not now give any reasons for the amendments but will proceed with a general consideration of the measure.

The SPEAKER.—Having regard to the time factor, particularly, I advise the honorable member to follow that course. I ask him not to develop the individual details further than is necessary at this stage because such a discussion is more appropriate in Committee.

Mr. LOVEGROVE.—I realize that these are the dying hours of the session, but honorable members will appreciate that I must place on the record certain relevant facts because this is the last opportunity the Opposition will have of putting its views before the Scaffolding Regulations Committee is appointed. I crave your indulgence in that regard, Mr. Speaker, and hope to save time in the Committee stage by referring briefly to the proposed amendments now.

Paragraph (*h*) of sub-section (1) of proposed new section 833c relates to the regulations which the Governor in Council may make in regard to the fixing of fees which may be charged for permits or for inspections or other services. The Opposition desires to substitute the following paragraph:—

> The fixing of scaffolding fees for permits or for inspections or other services which may be charged and received by the council of any municipality.

It also desires to add two additional paragraphs at the end of sub-section (1) of this section—one relating to the qualifications of inspectors, and the other to the qualifications of riggers. The effect of the amendment would be to give the Governor in Council power to make regulations in respect of the qualifications of inspectors and riggers.

Having indicated the amendments which the Opposition proposes to move, I point out to the Government that at present a number of provisions in various Acts and regulations impinge on this subject. Even without this measure, municipalities have the power to implement far-reaching reforms in regard to scaffolding control, if they had the financial ability to do so. In making that statement, I do not detract in any way from the great advantages which would accrue from the implementation of this measure and its importance to the building industry. Clause 504 of the Uniform Building Regulations provides that anyone who desires to pull down or remove a building must meet certain requirements of the council, and clause 1606 makes certain stipulations in relation to the pulling down of buildings.

Under chapter 34, clauses 3401 and 3402, which appear at page 123 of the 1945 Uniform Building Regulations, municipal councils are empowered to gain entry to ruinous and dangerous buildings. A certain procedure must be followed, and it is stated thus—

> If after inspection it appears to the surveyor that any building or portion thereof or any fixture attached thereto or any fence on or within 10 feet of the street alignment is in a ruinous state or is dangerous to the public or to the occupiers of the building, he—

may do certain things. Notice may be served on the owner, and the council is empowered to take action in the event of the owner failing to act. I direct

attention to the powers which at present reside in the councils, and I emphasize the fact that the year 1960 has been the worst year for fatalities and serious accidents in the history of the demolition side of the building industry in Victoria and particularly in Melbourne.

Mr. SNIDER.—Does that statement relate to scaffolding or is it general?

Mr. LOVEGROVE.—It relates to scaffolding, and in this connexion I refer to the financial abilities of municipal councils to police the building regulations and to the calibre of persons employed on this type of work, concerning which the Opposition desires to say something later. In addition to the powers contained in the Uniform Building Regulations with regard to buildings themselves and to the requirements that applications must be made for building permits, there are provisions relating to the payment of building fees. From this source, in a large number of instances, municipal councils are expected to finance the discharge of their duties under the Uniform Building Regulations and the scaffolding regulations, and, if this Bill is passed, they will be required to provide from their present resources the necessary funds which its implementation entails. The Opposition emphasizes that unless action is taken to provide councils with additional finance, it will be impossible for them to discharge either their existing responsibilities or the fresh responsibilities envisaged in the Bill.

Mr. PORTER.—Fees must be fixed on the recommendation of the proposed new committee at such a level as will enable the councils properly to carry out this work, and that is the reason for the inclusion of paragraph (*h*) of sub-section (1) of proposed new section 833c.

Mr. LOVEGROVE.—I agree. I raise the matter at this juncture because not long ago, under the Uniform Building Regulations, councils were given additional financial resources and although they are inadequate, it may be argued that when the Bill becomes an Act there should not be any radical increase of funds given to councils.

Mr. HOLDEN.—There needs to be.

Mr. LOVEGROVE.—I am glad to hear that statement by the honorable member for Moonee Ponds, because the Opposition contends that more funds must be provided to enable councils to police the proposed legislation. The responsibilities of councils vary greatly. Without traversing the field at great length, I emphasize the disparities of responsibilities in only one field covered by the measure. I intend to refer to statistics relating to the main local government areas covered by the *Building Bulletin* issued by the Commonwealth Bureau of Census and Statistics for the June quarter of 1960, at page 10, to show the sharp differences in the rates of domestic building construction in the various municipalities. I shall deal first with houses under construction. At the end of June, the number of houses under construction in Brighton was 43, in Malvern 47, and in Northcote 47. In those built up areas there was very little occupation with domestic construction. By comparison, in Broadmeadows there were 950 houses under construction, in Doncaster and Templestowe 483, in Keilor 992, in Mulgrave 632, and in Sunshine 625. A consideration of the different responsibilities involved concerning domestic and other types of construction indicates that some councils may be able to discharge with some satisfaction the obligations imposed by the Bill. Others are not able to fulfil the requirements of the existing legislation.

Page 8 of the same bulletin discloses the value, when completed, of new buildings under construction at the end of the June, 1960, quarter. Out of a total value for the quarter of approximately £92,000,000, a sum of about £33,000,000, was spent on housing, £11,000,000 on factories, and more than £12,000,000 on business offices. Smaller figures are then set out. There are differences between municipalities as regards domestic construction and also big differences regarding factory and other construction. In areas close to the City of Melbourne, relatively little housing construction is in progress, but permits have been issued for the building of a large number of factories. It will be

practically impossible for the municipal councils concerned conscientiously to discharge their obligations under the Bill unless they receive additional funds. The manner of policing the existing regulations varies among councils. Some have an engineer who also acts as a municipal building surveyor. Others have an engineer and a building surveyor. Certain councils employ an engineer, a building surveyor and a building inspector. Yet others are even more fortunately staffed. But, in most cases, the division of labour employed to police scaffolding regulations, building permits and building regulations depends on the amount of finance available.

In regard to the policing of industrial safety, under which heading I include demolition work on buildings in a ruinous condition—that is one of the greatest hazards to the public of Melbourne today—apart from the qualifications of the engineer, the only statutory provision concerning the policing of this Bill and the existing legislation resides in the qualifications prescribed by the Municipal Building Surveyors Board, which was established under the Local Government Act some years ago. It is true that a municipal building surveyor must be examined on the first three parts of building construction and on Grades 2A and 3A of applied mechanics to enable him to estimate strain and to compute loads, and so on, and he is also instructed by Mr. Chester, an officer of the Broadmeadows shire, concerning the powers and duties of municipal surveyors and building inspectors. Whilst those technical qualifications are required of a building surveyor, the law prescribes no technical qualifications for building surveyors who were so employed prior to the establishment of the Municipal Building Surveyors Board in 1944, or for the inspectors to whom this Bill refers. The only technical qualifications prescribed at present are those applicable to the Municipal Building Surveyors Board as recorded at page 1730 of the *Government Gazette,* No. 1028. This publication sets out the system of examinations to which applicants must be submitted and the qualification they must possess before they can be engaged by a council.

It is noteworthy that paragraph (*g*) of sub-section (1) of proposed new section 827 of the principal Act, as contained in clause 3 of the Bill, provides that one member of the Scaffolding Regulations Committee shall be appointed from a panel of three names submitted by the governing body of the Institute of Municipal Building Surveyors of Victoria. It is also interesting to note that the definition of "Inspector" in proposed new section 824 of the principal Act, as contained in the same clause, prescribes no requirements or qualifications for the officer who will be charged with policing the regulations under this legislation.

By virtue of the legislation enacted in 1944, by the effluxion of time and the eventual retirement or death of the various employees who occupy these positions in councils, and by the efforts of various municipalities to improve the efficiency of their administration, it may well be that a majority of the building inspectors endeavouring to carry out this function today are, in fact, municipal building surveyors who hold the qualifications to which I have referred. However, although the Institute of Building Surveyors of Victoria will be represented on the Scaffolding Regulations Committee, and the Opposition supports this proposal, the definition clause prescribes no qualifications for inspectors who will be appointed under this Bill. All honorable members who have had experience with local government or with the building industry know that the councils do the best they can having regard to their financial situation and, if the work is too much for one man, they engage a building inspector.

In the main, the building inspectors occupy a place of good standing in the community, and they hold adequate qualifications to discharge the obligations that now rest upon them under the Lifts and Cranes Act, which was passed previously, and the obligations which will rest upon them when this Bill becomes law. However, in some cases, the building inspectors do not possess adequate qualifications for their work.

Consequently, the Opposition makes two suggestions to the Government: First, that it should have regard to the financial requirements of the Bill and ensure that the councils have adequate finance with which to carry out the work and, secondly, that it should give some consideration to the qualifications of inspectors who will police the scaffolding regulations.

I propose to make one observation concerning finance. An examination of the building fees fixed in Table 401 of the Uniform Building Regulations in 1945 and the increased building fees fixed on 7th September, 1959, reveals that the increases are not comparable with the big increase in costs that has taken place in the intervening period of approximately fifteen years. I simply adduce that as an additional argument. I welcome the Minister's assurance that, when this Bill becomes law, the Government will not neglect to see that municipal councils will be given adequate finance with which to implement it.

Mr. SNIDER.—We do not quarrel on that aspect.

Mr. LOVEGROVE.—I hope that is so because I propose to refer to the existing fees that must be paid when a building is being pulled down. The existing scale provides for the payment of a fee of 5s. a story when buildings of not more than two stories are being demolished, and a fee of £1 a story for buildings of more than two stories. In September, 1959, these fees may have been perfectly logical, but to-day, in view of the tremendous expansion of thought so far as clearing old buildings and replacing them with new ones is concerned, they are obviously inadequate to meet the present circumstances and to meet the requirements of this Bill. When the matter is again considered by the Government, I hope due consideration will be given to that question.

As honorable members appreciate, the Melbourne City Council has been put to additional expense because of the tremendous volume of building in the city to-day—a volume which when this Bill becomes law, will impose an impossible strain on the present staff. Even in the Melbourne City Council's area, it has not been possible to prevent the abuses of the existing building regulations and the existing scaffolding legislation, with the result that a number of fatalities and serious accidents, including accidents involving injuries to the public, have occurred during the course of demolitions undertaken by subcontractors who, generally, are unskilled persons. On that subject, I propose to refer briefly to some analogous authorities. I now refer to the New South Wales Scaffolding and Lifts Act 1912–1958, at page 34, where, by sub-paragraph (vi) of paragraph (*g*) of subsection (2) of section 22 the Governor in Council in New South Wales is empowered to make regulations relating to—

> the qualifications, powers and duties of the Chief Inspector and inspectors.

I recommend to this Government that it should adopt the procedure followed in New South Wales.

The New South Wales Act also provides for certificates of competency for dogmen—persons who are employed to travel "on the hook" in the building industry—and for riggers—the men who not only take steel work up onto buildings but also bring materials down again, as they did on the Colonial Mutual building in the last few months. That was one of the most interesting and efficiently conducted jobs seen in Melbourne for many years. Honorable members should appreciate the skill and administration required to dismantle and safely lower the huge blocks of stone from that Colonial Mutual building on the corner of Elizabeth and Collins streets, Melbourne. Such skill is a tribute to the ability of the people in the Victorian building industry. But, of course, there is a darker side to the picture, to which I shall refer later. For the moment I mention that dogmen, riggers and inspectors, the people to whom I am referring in relation to this Bill, are, in New South Wales, required to hold certificates of competency. In addition, inspectors are required to have qualifications of a technical nature in regard to their powers and duties.

I refer honorable members to a British publication, which is available in the Parliamentary Library, titled *Safety on the Site.* It is described as a manual of accident prevention for all who are concerned with safe practice in the building and constructional engineering industries, by B. A. C. Whyte, a Corporate Member of the Institution of Industrial Safety Officers. At page 51, there is a survey of the Dangerous Trades Regulations in Great Britain, and the author deals with the application in that country of the principle of competency to which I have just made reference. At page 59 of the book a "competent person" is defined as follows:—

Where the regulations require competent persons to carry out the various examinations, inspections, &c., it is necessary to ensure that the person so appointed has, in fact, a degree of competence which will enable him to carry out the appointed duty efficiently. A familiar description of a competent person is the following:—

"The person chosen should have such practical and theoretical knowledge and actual experience of the type of machinery or plant which he has to examine as will enable him to detect defects or weaknesses which it is the purpose of the examination to discover and to assess their importance in relation to the strength and functions of the machinery or plant."

If that definition of a competent person were implemented in the building industry in Victoria, we would not have the deplorable fatalities, and the collapses of structures under demolition that one sees nowadays because of people undertaking work for which they are unfitted. Such persons should be prevented from carrying out these unsafe practices.

I should mention that the Minister for Local Government has already taken action in this matter. When I first mentioned the subject, the Minister of Labour and Industry referred it to the Minister for Local Government, who in turn passed it on to technical officers, who sought further advice. I am not imputing any neglect on the part of the Government, but am merely indicating that, whilst the matter is awaiting settlement, fatalities are continuing in the heart of the City of Melbourne. Therefore, there is a basic need for regulations to define a competent person.

At page 70 of the book *Safety on the Site,* in a chapter dealing with Dangerous Trade Regulations, one finds the establishment of a principle which may be the answer to the problem we are experiencing in Victoria to-day. It is embodied in Regulation 79, concerning which the author states—

DEMOLITION OF BUILDINGS.

This regulation specifically calls for supervision of work by a person competent and experienced in demolition operations. It is not enough that he should have theoretical knowledge of the work; there must also be first-hand knowledge. Where there are two or more contractors on a site, they may appoint a supervisor jointly; otherwise the contractors' own supervisors must hold consultations as to the time and method of carrying out the operations. Certain precautions, as detailed in paragraph (3) must be observed before operations are commenced.

Some demolition operations require a special degree of skill. Paragraph (5) gives a list of operations which can only be carried out under the immediate supervision of a competent foreman or charge hand, or by an experienced workman operating under the direction—but not necessarily the immediate supervision—of a foreman or charge hand.

Once again a concrete example is provided of how the problem confronting the building industry to-day is dealt with under British regulations. I refer these matters to the Government not with an air of finality; perhaps the Government may know of a better method. The methods I have quoted are those applicable to Great Britain to-day.

The last reference I wish to make from the British regulations is of the greatest importance. At page 103 of the book *Safety on the Site,* again referring to demolition work, the author states—

Before commencing any demolition work which is subject to the Building Regulations, Part V. of the regulations should be carefully studied. A notice giving the name of the person appointed to supervise the operations must be posted up in a prominent position.

I suggest to the Government that on the subjects of competency, qualifications and the improvement of safety procedures in Victoria, there does exist not only in the Uniform Building Regulations and in the scaffolding regulations

as they now are, but in legislation in Australia and abroad a number of precedents which may guide the Government when it decides to tackle this subject.

I wish to refer now to some actual case work on which this kind of argument rests. At page 2502 of *Hansard* there is a report of what I said on 13th April, 1960, when speaking on the motion for the adjournment of the House, in respect of a man who on 23rd March had been killed in a crane accident in Toorak; and of another fatality which occurred in Port Melbourne on 29th March when the wall of a theatre under demolition collapsed. I understand that matter is receiving the attention of both the Department of Labour and Industry and the Local Government Department. Inquiries made by technical officers of both Departments revealed that the persons responsible for the demolition that caused the fatality were completely unqualified to do the job. They knew practically nothing about the building industry and had neither theoretical qualifications nor practical experience. They were subcontractors of the type to which I made earlier reference. I repeat that this type of person should be prohibited from taking part in this most dangerous side of the building industry.

On 12th April another serious accident occurred, a fall from the framework of an iron roof at Moonee Ponds. On the same day, a wall collapsed in Queensberry-street, North Melbourne, where a cartage contractor, without any adequate experience of the building industry, was engaged in the demolition of a building. A wall collapsed, not on the public walking along the footpath, but on to a parked car, which was extensively damaged. On the 13th April, on which day on the adjournment of the House at the close of the sitting, I spoke on the question of accidents on building and demolition jobs—I refer to myself not in a personal manner but as a member of the Opposition charged with the responsibility of raising these matters. At that time I referred to another demolition and conversion job on the corner of Swanston and Queensberry streets, Carlton, where two girl students from the university were struck by falling bricks. I suggested on that occasion that the responsible Ministers, the Minister of Labour and Industry and the Minister for Local Government, should endeavour to arrange a conference with the unions concerned and the principal persons engaged in demolition work in the city. As a result of that suggestion, the Minister of Labour and Industry informed me by letter of 7th June that he had referred my submissions to the Minister for Local Government. I forwarded a copy of that letter to the acting secretary of the Builders Labourers' Federation suggesting that he carry out the Minister's proposal to endeavour to arrange some kind of conference. I was subsequently advised that the Builders Labourers' Federation was attempting to arrange talks with those employers engaged in demolition work. The matter was referred to the Minister for Local Government who, I believe, has examined it fairly thoroughly.

The Uniform Building Regulations Committee and the Minister are at the present time attempting to reach some kind of agreement with employers in regard to the competency and qualifications of persons supervising demolition work on the site. I direct attention to the urgency of the matter for a number of reasons. First, I desire to refer to some of them individually. On 3rd May last, four demolition workers, all unskilled, fell from an open verandah at Essendon and were injured. Members of the public narrowly escaped serious injury at the time of the accident. On 1st July four accidents occurred in the City of Melbourne. A dogman on the Royal Automobile Club of Victoria building job in Queen-street fell 40 feet and was killed. A plank fell from the new Bank of Adelaide building from a height of nine stories into Collins-street and struck a pedestrian on the head. Two new Australians employed on a job at Hicks Atkinson's store in Bourke-street fell from the side of a lift well. On the Colonial Mutual demolition job a man fell 60 feet from a ledge. All of those accidents occurred within two days. Admittedly, some of them were

on jobs where the master builders concerned had taken every possible precaution to prevent accidents and in fact where safety committees had been established. However others occurred under circumstances where obviously the question of training and competency —in short the human element—was the determinant factor. On 30th July last a two-storied house collapsed whilst being demolished.

Under existing provisions of the Uniform Building Regulations, a person seeking to demolish a building applies to the local council, pays a 5s. fee and is allowed to carry out the work. There is no obligation to the council under the existing law to satisfy itself that the person to whom a permit has been issued is competent to do the job. I cite certain cases to illustrate what has become common practice to-day in connexion with work carried out for the Housing Commission in its slum reclamation projects. A house was being demolished by a number of young Italian workmen who simply drove a front-end loader into the wall and brought the whole building down. In other cases men attached a wire rope from a truck to the wall of the building and pulled the wall down. If necessary, other Labour party members who represent industrial areas where a good deal of demolition work is in progress could give an abundance of evidence concerning the danger involved not only to people employed on the jobs but to the public every day in the week. I understand that the obligations of the Housing Commission in this matter begin and end when a tender has been let, and it is the Commission's duty to let tenders to persons who submit the lowest price. What is going on in industrial building is also occurring when the Public Works Department calls for tenders for the construction of educational establishments. The work is let to the lowest tenderer in all good faith, and often incompetent persons come into the picture and endanger not only the safety of employees but also the safety of the public in the area. I raise this aspect in order that some attention may be given to it by the Housing Commission.

On 13th November, a brick wall collapsed at another demolition job and one person was killed and two were injured. A picture in the *Sun News-Pictorial* of Monday 14th November shows a 12-ft. high brick wall in Albert Park that had collapsed on a demolition team consisting of seven men. The man killed was Valentino Montaleone of Best-street, North Fitzroy, a constituent of the honorable member for Brunswick East. Francis James Dickie of Drummond-street, Carlton, a constituent of the honorable member for Melbourne, was injured, as was Dominico Licastro of Lincoln-street, Richmond a constituent of the honorable member for Richmond.

These men at the best are trying to carve out a good living in this country, but they have no competent technical knowledge of the building industry, and are permitted not only to kill and injure themselves and their colleagues but also to endanger the lives of the public. This provides an unanswerable case, in my opinion, why something should be done urgently to give effect to the intentions of this Bill, with particular reference to the control of demolition work. I do not desire to detain the House longer, as I feel that I have covered the matter sufficiently for the purposes of the record. In conclusion, I thank the Minister for his consideration, and I hope that he may find some of the Opposition's amendments palatable and worthy of favourable consideration.

Mr. SNIDER (St. Kilda).—I agree with the Deputy Leader of the Opposition that if ever there was a measure that the various political parties could discuss on its merits on non-political lines, this is one. My colleagues and I have appreciated the constructive attitude that he has adopted towards the Bill. I think the honorable member will find a remarkable amount of agreement from members on the Government side of the House on the suggestions he has made. At the outset, I feel impelled to acknowledge the contributions of some of my colleagues, who are back-benchers, in the formulation of and the work they have put into

this measure and other safety measures. There seems to be a habit growing up in this House that Ministers properly enjoy the measure of tribute that is paid to them on the occasion of certain Bills, while sometimes the amount of work put into these measures by various members of their own party is overlooked. In this instance, since no tribute has yet been paid, I wish to pay particular tributes to the honorable member for Moonee Ponds and the honorable member for Burwood. I was privileged to serve with those honorable members, and I can recall that during a period of over five years, accompanied by myself, they spent a good deal of time walking up and down buildings which often were in an incomplete state, and they were subjected to certain hazards.

We are a team and are happy to have produced a measure which meets with the accord of members of the Opposition. Generally, I think the field of industrial accident prevention, with which this Bill deals, is one in which it could never be said that too much was being done. There is a tremendous scope for co-operation between management and labour, between employer and employee, and between members of all political parties, in working together to secure that state of affairs to which I believe every person working is entitled —a state in which he can enjoy his work with a sense of security and with freedom from fear. I believe there is still a tremendous amount of work to be done, even though this measure goes a long way towards the correction of a particular hazard that is very serious, as has been highlighted by the Deputy Leader of the Opposition.

The purposes of the Bill and the way in which it has been set out have been very largely influenced by the report of the Board of Inquiry of 1958, which came to certain conclusions. I think they considerably influenced the Government in the manner in which this Bill has been brought forward. I do not think one could question the suggestion made by the last speaker that one way to ensure the adequate carrying out, supervision and policing of regulations is to make sure that people who are doing that particular job know sufficient about it to know whether or not they are doing it in accordance with the regulations. Now I should like to quote very briefly from page 25 of the report of the Board of Inquiry, in which the following thought was expressed—

> The policing of both the Uniform Building Regulations (or council by-laws) and the Scaffolding Regulations by a council building inspector offers a simple and effective method of inspection and obviates the necessity for two different inspectors to inspect the one building job.

The Board went on to say further, in brackets—

> To facilitate the policing of both Regulations, consideration should be given to having them printed under the one cover.

I think that thought has influenced the Government in submitting this Bill in the way that it has. The report continues—

> The Board considers that such authority could best be located within the proposed new Department of Local Government.

Then the Board adds certain thoughts which are a little too detailed for me to traverse briefly. I think, generally speaking, this House is fully aware of the tremendous cost of accidents in industry. Of course, we are inclined to think only of the immediate results of accidents, and all of us recognize that the greatest costs are those of human life, of human suffering and of the handicaps placed on a family by the maiming or death of its breadwinner. All of us accept those as being the fundamental principles which must lie behind industrial accident prevention. So far as indirect costs are concerned—those which are neither medical nor compensation—perhaps far too few of us realize, and certainly far too few of the public realize, that those costs are even greater when measured in terms of money.

In any industry, there is the inevitable interruption that an accident causes, the damage to materials or machinery, the breaking of a production run, the necessity to recreate the particular item of

damage, the time involved in supervision of the necessary investigations and the preparation of reports, the time of the staff concerned with first aid, the unsettling of the morale of the workers, which disturbs their attitude towards their job and, therefore, the normal flow of production, and so on. All these aspects are related to accidents although they are not first apparent. In fact, one particular authority, a gentleman by the name of Heinrich, who is regarded overseas as one of the leading research men in the field of industrial safety, has expressed the opinion that the indirect costs would be at least four times as great as the direct cost, that being taken to be medical plus compensation costs.

In this particular regard, I direct attention to the fact that there was a little confusion in the minds of the members of the Board of Inquiry. I notice that on page 12 of their report they speak of the difficulty of ascertaining the total cost of accidents to this State, but they go on to express an opinion that the cost would be five times the cost of compensation, and say—

> If this basis were used a current figure approaching £50,000,000 per annum would be obtained, having regard to the total premiums paid for workers' compensation of £10,053,000 in 1956-57.

They seem to have gone off the track and used the figure of premiums paid and not the compensation paid, which was the original basis on what the indirect costs of industrial accidents were assessed.

Mr. LOVEGROVE.—There is an equation between the two.

Mr. SNIDER.—I accept that. I think it would be fairly easy to establish a total compensation bill if the proper statistics were available. I do not make an issue of this but merely comment on it because of the great difficulty there is of getting a full and real appreciation of the total cost of industrial accidents.

On page 18 of the report to which I have referred, in the section on industrial safety generally, reference is made to section 82 of the 1951 Workers Compensation Act, which became section 84 of the consolidated Act of 1958, and it is stated—

> The powers and duties of that Board shall be to make an annual report to Parliament containing such recommendations as it thinks fit for the prevention of injuries and industrial disease to workers in their employment.

I would appreciate the guidance of the Minister to assist me in finding that report to Parliament. I have not been able to find such a report in the time that I have been a member of this House, but I do not raise that as a criticism of the Board. The constitution of the Board is such that it would be difficult for it to formulate a report. However, the duty is clearly set out in the Act, and it should be complied with. If it is considered that it is an unfair burden to place on the Board, the Act should be changed.

I believe there is tremendous scope for the prevention of industrial accidents. In my opinion, all insurance companies should establish a policy of reduced premiums based on the industrial accident rates of the particular companies whose risks they cover. The State Accident Insurance Office has already implemented such a proposal, but I do not know whether the insurance companies generally have done so. I consider that more effective results would be achieved if insurance companies would give some concessions to industries which establish industrial safety organizations within their framework, regardless of their performance. Surely it will follow that, if there is a safety organization of a certain standard—even to the extent of appointing a qualified safety officer—some degree of attention will be given to the prevention of industrial injuries. In California, insurance companies have a certain rating scale, and if a safety engineer is appointed, the rates are reduced by a certain percentage. When the insurance companies are informed that a foremen's safety committee and a workers' safety committee have been appointed and are operating, the rates are reduced still further. Then further reductions are made according to the no-accident rate of a particular industry. I believe insurance companies should do

that not only in the interests of their clients but also in their own interests. They should establish within their own organizations some industrial safety advisory service. It sticks out a mile that insurance companies which have the contingent risk of having to pay out compensation for preventable industrial accidents have a vested interest, if not a moral and social interest, in attempting to help their clients to prevent these accidents from happening.

Mr. HOLDEN.—They have such a service in some instances.

Mr. SNIDER.—I have not yet been able to find evidence of any practical assistance which is given to industries to assist them in industrial accident prevention. I am not speaking only about mechanical inspections. I think the Deputy Leader of the Opposition would be the first to agree with me that if we think, by passing this measure, we will stop all accidents connected with scaffolding, we are deluding ourselves. The observance of the regulations will be what makes this a workable or unworkable piece of legislation. There is plenty of evidence to suggest—I think the top industrial safety men have so stated—that only 20 per cent. of preventable accidents come from mechanical safeguarding and that the other 80 per cent. can be blamed on human failure or insufficient precaution.

Mr. PORTER.—That is something it is not possible to regulate against.

Mr. SNIDER.—I agree that it is not possible to regulate against it, but we can do a tremendous amount towards ensuring that employees in industry are properly instructed on the hazards of the job and that their supervisors understand and know the hazards. Unless that instruction is given, the employers and supervisors will not be able to instruct properly their employees. I believe there is a tremendous scope for insurance companies to employ qualified persons to act in an advisory capacity to assist not merely in the making of inspections but also in establishing safety organizations in industry. I believe management itself —I say this in a broad sense because there are many companies which have already set up very good safety programmes—could go much further in giving attention to the question of industrial safety.

At the beginning of my speech I mentioned the tremendous cost of industrial accidents to this State. It is curious that many top executives claim to be safety-minded. If they are asked what the production or sales figures are they can give them immediately. However, if the safety rate is sought, they have to call in other officers to give that information. I recall an incident which happened many years ago, at which time I asked the managing director of a large industrial concern what sort of safety programme he had. Very proudly he replied, "We have one of the best safety programmes you could find anywhere. We have first aid stations in every corner of our building." In his opinion, that constitutes a safety programme, and he could not understand why I laughed.

I have spoken about insurance companies, management and the need for the setting up of safety organizations. Within the management group there is a need to have the co-operation of the employer and the employee. Here again, I suggest to honorable members that we cannot close our eyes and pretend that by passing this measure all accidents related to scaffolding will disappear. It is true that within the sphere of accident prevention within an organization, no management can simply appoint a safety engineer or officer and then wipe its hands of all responsibilities and say to that officer, "It is your job and we have nothing more to do with it." The function of the safety engineer is to advise management, but the fundamental responsibility to ensure that safety measures are carried out still rests with management and with the workers themselves.

To cover the field completely, I contend that the unions, in the same way as management, can carry their enforcement of safety measures even further. I am not sufficiently aware of the intricacies of union organizations to know

how far they go. I would be interested to hear from members of the Opposition what sort of penalties unions apply when their members seriously violate some stated or published safety regulation. Members of the Opposition will realize that I am not trying to place responsibility in any one direction. Obviously, the responsibility cannot be placed on one side without the co-operation of the other. Just as management has a responsibility, so too have the unions an equal responsibility to ensure that their members in turn give complete co-operation to and observance of those regulations and measures which are introduced by the management for their safety.

The Deputy Leader of the Opposition referred to various types of accidents which have occurred, including accidents caused by falling objects. One of the important things which will arise as a result of this measure is that the regulations will be brought completely up to date and made to fit in with all the changes that have taken place in building techniques over recent years. I realize that the regulations have been given a good deal of attention in the past, but some of them would not measure up to new situations that have arisen owing to changed methods of construction. So rapidly have the techniques and methods altered that it would have been a difficult task to keep the regulations up to date. I trust that the first thing the committee to be established under this Bill will do in its important task will be to have a good look at the regulations. One important regulation in regard to scaffolding which is often overlooked is the provision of toe-boards which stand vertically on the edge of scaffolding so that tools, such as chisels and hammers, will not be dislodged by persons walking on the scaffolding with perhaps fatal results to people below. Provisions such as this will require the attention of the committee.

Subject to perhaps minor variations in details, this Bill will meet with general approval. It is a measure in which we can all find great satisfaction because it has important moral and social objectives—to protect people in their daily work, to afford them that sense of security to which they are entitled, to relieve the State of the unnecessary burden and cost of preventable injuries, to relieve the relatives of people working in dangerous occupations of the concern which they must have for them, and to prevent, if possible, the suffering and misery that must follow the failure to institute adequate safeguards in time.

The sitting was suspended at 12.35 *p.m. until* 1.49 *p.m.*

Mr. WILKES (Northcote).—I listened with interest to the remarks of the honorable member for St. Kilda whom I congratulate for his sincerity in endeavouring to bring about what he considers to be an important reform concerning industrial safety. I assume the honorable member was referring specifically to scaffolding under this Bill. I also pay a tribute to the Government for introducing the measure. With other honorable members who attended the Industrial Safety Convention at the university in August of this year, I was satisfied to see how far the Government had gone in its intention to promote industrial safety in Victoria. The convention was supported by the employers, the trade union movement, representing a wide variety of interests, the manufacturers and, in particular, Government Departments. It is clear that the Government has been interested in this question and that it has gone a long way towards promoting industrial safety in Victoria.

The Bill deals specifically with the Local Government Act, particularly the section which relates to scaffolding. The Government seeks to implement certain reforms and improvements in the scaffolding regulations. It does so by placing the responsibility upon municipal councils to enforce the regulations, by setting up a committee to bring down regulations and present them to the Governor in Council, and so on. At the outset, I should like to deal with a matter raised by the honorable member for St. Kilda, who stated that the Government was doing its best to promote industrial safety, that he

believed the employers were doing their share in this direction, and that the trade union movement was directly interested in the question. The honorable member said that he would be pleased to hear of any action that the unions were prepared to take in imposing restrictions on union members who failed to observe the normal methods of safety laid down by code, regulation, or any other manner.

For the information of the honorable member, I point out that the unions place a restriction on their members who do not observe the normal safety precautions and safety measures. I recall one instance concerning men who were employed on the King-street bridge project. When these men reported for work one morning, they were wearing rubber shoes, and the union official concerned told them that if they were not prepared to return home and change their shoes they would have to relinquish their positions. On other occasions, employees in the furnishing trade, who have removed the guards from the shaping machines in order to make the work a little easier, have been informed that, if they persisted in this practice, they would not be able to retain their positions. The unions have always co-operated in this way, and I hope they will continue to do so, because they are keenly interested in industrial safety—they should be very interested in the subject because it is usually union members who are affected by industrial accidents.

Last Friday, with the honorable member for Fitzroy, I attended a meeting at the Trades Hall, at which were represented a number of the unions which are concerned with this measure. The object of the meeting was to discuss the proposals contained in the Bill and to hear any suggestions, constructive or otherwise, that the unions might make concerning it. The meeting was attended by the representatives of the bricklayers', building workers', building labourers', boilermakers', painters', plumbers', plasterers', fibrous plasterers', and electrical trades' unions, and a representative of the Trades Hall Council. It was clear that the unions appreciated that this Bill represented a step in the right direction. Although they were not completely satisfied with all of the proposals in the Bill, by and large, they approved of them, because they realized that in their endeavours to ensure safety in respect of scaffolding they will be more successful than have previous efforts.

In the past, many unnecessary risks have been taken when scaffolding was being used, with the result that numerous accidents occurred on building projects throughout the State. Many of these accidents were due to the lack of enforcement of the existing scaffolding regulations. Of course, it is the responsibility of the various municipalities to police the regulations, but they have not been able to provide the qualified men for this work. When this Bill becomes law, the responsibility of supervising the regulations will remain with the municipalities. In fact, that was one of the recommendations of the Board of Inquiry which was set up by the Government to inquire into all aspects of industrial safety. I do not object to the proposal that the municipalities should retain the responsibility for policing scaffolding but, if that is to be the law, they will need assistance, principally from the financial aspect. Usually, the two principal officers who are concerned with work of this type are the building surveyor and the building inspector.

In many municipalities, a building inspector need not hold any degrees or qualifications such as those prescribed for a building surveyor by the Building Surveyors Board. Generally speaking, no qualifications are stipulated for building inspectors and, if the Government intends to provide that these officers shall police the regulations, it would be reasonable to assume that they should be qualified to a certain standard. It should not be thought that because of the predominance of residential buildings in a municipality there is no need for scaffolding inspections to take place. A scaffolding may be erected to facilitate the construction of a brick veneer home, and this structure could be used, not only by bricklayers,

but also by plumbers. Frequently, such scaffoldings remain in position for only one or two days and, therefore, it is not possible for the officers concerned to inspect the structures, to ascertain whether they are capable of sustaining the weight of the men and materials they will be called upon to carry.

Obviously, if the regulations are to be policed as they should be, additional men will have to be appointed for this type of work, or a man will require to be appointed for scaffolding inspections alone. Of course, this would be governed to some extent by the amount of constructional work that was going on in the municipality. In the Northcote municipality, two building inspectors and a surveyor are fully occupied throughout the year and, if one man was diverted from his present employment and required to supervise scaffolding structures, he would have to be replaced by a building inspector. The duties of a building inspector, even though he need not be a qualified person, are onerous and diversified. However, building inspectors are not empowered to enter buildings. If these officers are to carry out the duties which will be demanded of them when this Bill becomes law, they will have to be empowered to enter buildings. According to the Uniform Building Regulations, a surveyor is the only officer who has this power of entry. Section 209 of the Uniform Building Regulations 1959 provides—

> A surveyor shall have power to enter at all reasonable times on or in any land or buildings for the purpose of inspecting the same and of carrying out any duty or exercising power imposed or conferred on him by these regulations.

It does not refer in any way to the building inspector, although I realize that the Local Government Act does.

Mr. PORTER.—The new scaffolding regulations will do so.

Mr. WILKES.—I hope that the new scaffolding regulations will cover the qualifications for an inspector and his right of entry. The financing of the municipalities to carry out this work is a problem. I have no doubt that municipalities will co-operate with the Government as they have done in the past. They appreciate that these regulations are necessary and must be policed in the interests of safety. However, it is the old, old story of money. If it is necessary for a municipality to employ a building inspector for this purpose alone, he must be paid a salary of £1,600 or more a year. The municipalities will have to find the money for that purpose. They will not be reimbursed from fees which they are entitled to charge because the increase authorized in 1959 was not proportionate to the rise in costs, salaries, and other incidental expenses which took place since the fees were previously fixed in 1945. In 1945 a fee of 10s. was charged for additions to existing buildings, for the cutting and opening of any internal or external party walls, and the same fee obtains to-day, although there has been an increase in general inspection fees for new buildings from 3s. 6d. a square to 10s. a square. That is about the only pronounced increase in the scale of fees.

If consideration is given to the fact that in 1945 the basic wage in Melbourne was £4 18s., whereas to-day it is over £15—three times as much—it will be realized that the municipalities will need to be given more assistance and authorized to charge fees commensurate with the type of work that will require to be done. In Northcote the fee for a scaffolding inspection is 10s. 6d. When a person applies for a permit to build a house, he automatically pays 10s. 6d. for the inspection. Such a fee is quite inadequate. If the Government is sincere in its endeavours to tighten up these regulations, it will need to examine the financial aspect so as to give the municipalities as much assistance as is possible.

The Bill provides for the setting up of a committee which shall include a qualified architect or engineer, a member appointed on the recommendation of the Minister of Labour and Industry, one from the Building Regulations Committee, and one from a panel of three names submitted by the Municipal Association of Victoria. I do not know what particular significance the Municipal Association has in relation to the inspection of scaffolding, but I presume that other people would know more about the

situation than I do. I have some very firm views on the Municipal Association, but I do not intend to air them at this stage. Nevertheless, apparently a member from the Municipal Association will be appointed to this committee. Another member will be appointed from a panel of three names submitted by the Master Builders' Association of Victoria, and one from a panel of three names submitted by the Melbourne Trades Hall Council. I presume it is considered that someone better than the Trades Hall Council would be able to select the most appropriate person from the three names submitted. I should think that the Trades Hall Council itself would be the most qualified body to say who should represent it on the committee. I should think that comment would also apply to the Master Builders' Association. A further member is to be appointed from a panel of three names submitted by the Institute of Municipal and Building Surveyors of Victoria. It is to be the duty of this committee to prepare draft regulations and to bring existing regulations up to date, because at the present time such regulations do not in any way cover the risk taken by men on scaffolding.

I see from the report of the Board of Inquiry that was set up by this Government, that the following changes in legislation are suggested—

(i) Scaffolding to be compulsory where work is performed above a certain height.

(ii) Scaffolding to be erected only by certificated riggers.

(iii) Swing scaffolding to be of a standard type and closely supervised.

(iv) The banning of the practice by dog-men of "riding the hook."

(v) The supply and use of protective equipment where necessary. e.g., protective foot wear, "hard hats," safety belts, goggles, &c.

(vi) The provision of adequate lighting particularly in places such as stairways.

(vii) The provision of adequate protective railings in places such as stairways and around liftwells.

(viii) The banning of lead as a base for paints.

(ix) Regulation of the equipment and procedures employed by wreckers and window cleaners.

However, the Board made no suggestion concerning the use of ladder brackets. I raised this question of ladder brackets in the House twelve months ago, and I should have thought some consideration would be given to it in the preparation of regulations. The use of ladder brackets is well known to the Government members on this committee, which conducted a good deal of investigation into matters of industrial safety. For the information of members who are not aware of what these brackets are, I wish to state that they are simply a pair of iron brackets which are clipped to any rung of an extension ladder or any other ladder, with sufficient room to permit the use of a single plank but not a double plank. This particular type of scaffolding is very quick to erect but is most unsafe. It eliminates the cost of the erection of a more solid type of structure, which, in the opinion of this Government and as expressed in the regulations should be used. Unfortunately, many people in the painting and the glazing industries use this type of scaffolding—sometimes at heights above 10 feet. One could imagine putting up two ladders against the wall of this Chamber and extending them to their fullest extent of 24 feet, and using ladder brackets to support a single plank slung between them. I have known of numerous cases where such scaffolding has been used on flat dwellings three stories above ground and where the extension ladders have been extended to the fullest extent. With the use of ladder brackets, the strength of the scaffolding is governed by the strength of the rungs of the ladders to which the brackets are affixed. If there is any weakness at those points or if there is any undue strain, it is not hard to visualize the serious injury that could be sustained by a man falling from the height such as I have mentioned.

The Workers Compensation Board has had many claims arising from accidents to employees as a result of the use of ladder brackets. In fact, the Furniture Trades Union has banned the use of these brackets for any height over 10 feet. In my opinion, 10 feet is too high. In your own electorate, Mr. Deputy Speaker, members of my union who were glazing a particular flat construction were using this type of scaffolding,

which was so bad that representatives of the Furniture Trades Union immediately ordered the men off the job, and representations were made to the Heidelberg City Council to have the surveyor ban the scaffolding. It was the opinion of all concerned that on this particular job the regulations should ban the use of ladder brackets over certain heights. It is reasonable to assume that they are safe up to a certain height, and the Furniture Trades Union has indicated a height of 10 feet. Of course, painters are compelled to move about on scaffolding far more than glaziers, and the painters' union considers this type of scaffolding should be banned altogether because it is regarded as being completely unsafe.

There is nothing in the regulations to say that an employer cannot paint ladders to preserve them. Under the regulations that apply in New South Wales it is not permissible for ladders to be painted; they must be oiled, so that if there is any flaw in a ladder it can be readily detected. In Victoria, where ladders can be painted, flaws cannot easily be seen. Therefore, I consider that some specific reference should be made in the regulations to cover the various points I have mentioned.

Mr. DUNSTAN.—Why did not you include them in your amendments?

Mr. WILKES.—We believe our amendments cover all points. We do not want any alteration made to legislation in respect of those aspects. We desire that the regulations shall cover the use of ladder brackets. The Bill does suggest that that can be done, because it states that one of the functions of the committee will be to bring down regulations in respect of the improvement to scaffolding.

If a representative of this committee visits a municipality to check the methods of supervising scaffolding, the municipality is asked to pay. I cannot see the reason for that. It does not apply to the Uniform Building Regulations Committee. We want this measure to come into operation, as we believe it is an essential part of industrial safety, and will go a long way towards tightening up what have been rather loose scaffolding regulations. I do not doubt the sincerity of the Government, but if it is going to achieve its purpose three things will be necessary. First, the municipalities will have to be assisted. They will have to be provided with the means of carrying out the regulations and of ensuring that the inspectors possess qualifications for the job. As the honorable member for St. Kilda said, it is ludicrous to think that someone not possessing the necessary qualifications would be asked to police a regulation. While there may not be provision for power of entry by building inspectors under the Uniform Building Regulations, the Minister has agreed to examine that point in relation to the scaffolding regulations.

In assisting the municipalities to carry out the regulations, the Government should give consideration to the practice that has crept into the building trade, particularly with reference to glazing and painting, of using ladder brackets. Their use is unsafe and unjustified at any height. I congratulate the Government on its efforts to carry industrial safety a little further.

Mr. HOLLAND (Flemington).—Like my colleague the honorable member for Northcote, I wish to compliment the Deputy Leader of the Opposition on the technical excellence of the case he presented on the Bill, and to commend the honorable member for St. Kilda for his general approach and the sentiments he expressed. I agree that no one party in this House has a monopoly of goodwill in regard to industrial safety. All honorable members have a sincere desire that legislation along these lines should be enacted.

I was particularly interested in the general references of the honorable member for St. Kilda to industrial safety and the provision of safety officers. I am not an expert on industrial safety, but one of the committees of the Melbourne City Council with which I am associated gave consideration to the bad record of industrial safety in the city, and subsequently

a safety officer was appointed. Since then remarkable results have been achieved in a very short time, with inestimable benefit to the persons concerned and to the community at large. The council, too, has received an indirect benefit in that its premium rates have been lowered.

This Bill repeals the existing provisions in the Local Government Act relating to scaffolding and replaces them with a set of much more stringent provisions. Their administration is placed in the hands of a special committee to be set up, which will have far reaching powers in the making of regulations. We cannot disagree with the principle behind that proposal, but, as the Bill sets out to rectify existing anomalies, it seems peculiar that the important people who will be concerned with the implementation of the measure are not required to be qualified. Even the Supervisor of Scaffolding Inspection, who will be chairman of the new committee, is not required to be qualified or competent in his job. Of course, we do not suggest that the Government would appoint an incompetent man to that position. The Government's answer may be "We have not asked for qualifications for building inspectors. Therefore, how could we do so in this Bill?" The difficulty could be overcome, as it was in the case of municipal valuers, by allowing persons at present performing the duties to be considered qualified by virtue of their experience, and requiring persons appointed to the relevant positions in future to have certain qualifications.

The proposals in the Bill go a lot further than what has applied previously. It seems to me that in addition to the new committee a supervisory service, which will have far reaching powers, is being set up over municipalities. The supervisory powers will be much wider than similar provisions in other legislation, such as the Health Act. Another point is that the whole cost of administration will fall on the municipal councils. It has been said that under the regulations a set of fees will be drawn up, but that will be a rather difficult task for the Scaffolding Regulations Committee. I have checked the figures in the Melbourne City Council. Last year, the cost of implementing the building and scaffolding regulations was £45,000, while a total amount of just over £20,000 was received in fees. The present scaffolding fees are ridiculous. It will be seen that the Melbourne City Council showed a deficiency of £25,000 in a year. I do not say that that council could not stand such a loss, but with more buildings being erected the amount could rise and, generally speaking, municipalities cannot stand any greater expenses in this regard. Under the Bill the cost of supervision will rise; I agree that more supervision is necessary.

It is not fair for the Government to pass the responsibility of meeting costs associated with implementing these regulations on to the councils concerned saying, "We hope the new committee will be able to bring in a scale of fees to recompense you." It could be asserted that, as municipalities are suffering financial loss at the moment in implementing the building regulations, there is a case for lifting those fees. Of course, while the Government imposes extra responsibilities on councils, in 99 per cent. of the cases the Government exempts itself from the payment of municipal rates. At present half of the councils are levying up to the permissible limits in rates. The success or failure of the Bill will depend on the implementation of the regulations made under it. It may be asserted that the councils will be required to implement the regulations. As the Bill stands, the Supervisor of Scaffolding Inspection will have a blanket power, under the direction of the Minister, to do certain things in a council's area and to charge the cost against the municipality concerned. No provision is made for the municipality to be notified. It could be said that notification is inherent in the legislation, but there is nothing in it to say so. The supervisor could say to a municipality, "Your inspector is not doing the right thing. Certain works will be carried out, and the council will pay for them." That would be wrong, but, of

course, it may not be contemplated. The council concerned should be warned to correct a situation that it is told exists. Then if it takes no notice the Government would be entitled to act in the interests of safety.

Another question is the right of the supervisor to carry out of his own volition all the duties of an inspector in an area. There may be differences of opinion between the supervisory inspector and the municipal inspector. Obviously there must be a governing body to decide what will be done. Surely there should be some provision that, before the supervising inspector acts in that way, he must consult the inspector of the municipality concerned. That would be a commonsense provision. It used to apply when I was a member of the staff of the Department of Health in relation to similar powers in regard to inspection work. We were directed that, before we went to an area, we must advise the inspector concerned. if any difficulties were encountered on the inspection, we consulted the inspector, and if we could not arrive at a reasonable solution together we made a decision on our own behalf. An effort was made to obtain the cooperation of the individual concerned, and in that way most problems were settled. I stress that there is no such provision in this legislation and there should be.

The supervisor is the final arbiter and he has the powers of a referee under the Sixteenth Schedule to the Act. In other words, if there is a difference of opinion between the inspector and the person erecting the scaffolding and that person wants to appeal, under the present legislation there is power to appeal to the supervisor who then has to arrive at a decision. However, before he can do that he has to consult at present the inspector of the municipality concerned. That provision is being removed from the legislation by this Bill, and in order to obtain the cooperation of the various individuals who will be responsible for policing this Act and ensuring that it works effectively provision should be made so that the supervisor, when he is acting as a referee, will be able to consult the man who made the order, and then finally make his decision.

Those are the points that I think, dealing with principles only, affect municipalities and will affect the successful carrying out of this legislation. The Minister may have an adequate answer to the problems that I have submitted. If he has, I hope he will give it at a later stage. Generally speaking, we recognize this Bill as a sincere attempt to implement safety regulations which every member desires. If the suggestions that have been made are heeded by the Government, we think this will be better legislation so far as the municipalities and the community are concerned.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Commencement).

Mr. LOVEGROVE (Fitzroy).—I take this opportunity of again thanking the Minister for Local Government for the consideration he has extended to the Opposition during the consideration of this Bill. In view of both the Minister's consideration and the arguments advanced by the honorable members for Northcote and Flemington, I do not propose to repeat what has already been said.

The clause was agreed to.

Clause 3, providing, *inter alia*—

For sections eight hundred and twenty-four to eight hundred and thirty-three of the Principal Act there shall be substituted the following sections:—

824. In this part unless inconsistent with the context or subject-matter—

. . . . . .

"Inspector" means officer of a municipality appointed by the council of the municipality to discharge the duties of an inspector under this Part.

. . . . . .

"Scaffolding" means any structure or framework used or intended to be used to support workmen in erecting demolishing altering repairing cleaning painting or carrying on any other kind of work in connexion with any building (other than a wooden building not more than fourteen

feet high) structure ship or boat and includes any swinging stage used or intended to be used for any of the purposes aforesaid.

"Regulations" means the Scaffolding Regulations made under this Part.

. . . . . .

827. (1) There shall be a committee to be known as the Scaffolding Regulations Committee consisting of the Supervisor of Scaffolding Inspection under this Part, who shall be chairman of the committee, and seven other members appointed by the Governor in Council of whom—

. . . . . .

(*f*) one shall be appointed from a panel of three names submitted by the Melbourne Trades Hall Council;

. . . . . .

833c. (1) The Governor in Council may make regulations for or with respect to—

. . . . . .

(*h*) the fixing of fees which may be charged for permits or for inspections or other services;

. . . . . .

(*k*) any matters or things necessary or convenient to be prescribed for carrying into effect the purposes of this Part.

Mr. LOVEGROVE (Fitzroy).—I move—

That in proposed new section 824, in the definition of "Inspector", after the word "municipality," where first occurring, the words "qualified as may be prescribed by the regulations and" be inserted.

This clause proposes to amend the definition of inspector, and I ask the Minister for his opinion of the amendment.

Mr. PORTER (Minister for Local Government).—I take this opportunity of thanking the Deputy Leader of the Opposition for the courtesy he extended to me in providing me with copies of his proposed amendments. It is by co-operation of this kind that this Parliament can work most efficiently, because Ministers in charge of Bills are given an opportunity to give proper consideration to amendments that are suggested. The amendment now being considered is tied up with a further proposed amendment which makes provision for a new regulating power and provides for the qualifications of scaffolding inspectors. I believe there is a great deal of merit in the suggestion, but I realize there could be some danger, if it was brought into being immediately, that certain qualifications were required of scaffolding inspectors. It could lead to a delay in the implementation of the proper inspection of scaffolding, and I do not think honorable members want that to happen. I believe that if the regulating committee is empowered to suggest that a regulation along those lines be made at some future time there will be no danger. Therefore, I propose to accept the amendment.

The amendment was agreed to.

Mr. LOVEGROVE (Fitzroy).—I move—

That in the definition of "Scaffolding" the words "other than a wooden building not more than 14 feet high" be omitted.

Mr. PORTER (Minister for Local Government).—I agree with this amendment. The definition of scaffolding in the Bill has been taken from section 825 of the Local Government Act. The effect of the amendment will be to widen the definition of "scaffolding," and I realize that there is some advantage in that.

The amendment was agreed to.

Mr. LOVEGROVE (Fitzroy).—I move—

That after the definition of "Regulations" the following definition be added—

"Rigger" means a person directly responsible for the placing in position of the members of a building structure other than scaffolding, in the course of erection, for the manner of ensuring the stability of such members and for dismantling or demolishing buildings or structures other than scaffolding.

This amendment has been suggested on the assumption that it may be possible, under the wide terms of reference implicit in proposed section 833c—the regulation-making section—for the words "other scaffolding" to vitiate the validity of the amendment.

Mr. PORTER (Minister for Local Government).—This amendment proposes two things; first, to add a definition of "rigger" and make it possible, in association with a subsequent amendment, to include regulation-making powers in relation to riggers. A rigger is defined in the proposed amendment as somebody who is responsible for the placing in position of members of a building structure other than scaffolding. I take the view, as does the Government, that that is something outside the scope of the Local Government Act at the present time and outside the scope of

this Bill. We consider that this is not an appropriate place in which to deal with this matter. I believe the Deputy Leader of the Opposition realizes that if the amendment is not accepted a sphere of activity within the building trade will not be properly covered in any safety regulation. Therefore, after this legislation becomes law I will discuss this problem with the Minister of Labour and Industry to determine whether we can work out some appropriate way in which this particular section of the building trade can be covered.

The second part of the amendment deals with the manner of ensuring the stability of such members and for dismantling or demolishing structures other than scaffolding. I am very much aware of the difficulties associated with the demolition of buildings, but I should have thought the appropriate place to give consideration to the admitted dangers attached to such work would be in the Uniform Building Regulations. Section 925 of the Local Government Act sets out the powers and duties of the Uniform Building Regulation Committee and lists 47 items which must be considered by the committee in making regulations. The demolition of buildings is covered by paragraph (38) of section 925 and specifically refers to the pulling down of buildings, while paragraph (41) deals with the securing, pulling down or removal of ruinous or dangerous buildings.

On a number of occasions, the Deputy Leader of the Opposition has directed attention to accidents which have happened during the demolition of buildings. I have asked the Uniform Building Regulations Committee, because of the existence of the powers in the Local Government Act which I have just read, to give consideration to this problem and to suggest to me appropriate regulations. In my view, that will be a much quicker way of securing what the honorable member for Fitzroy, myself, and I think every other honorable member desires—a suitable regulation to cover demolitions.

Mr. LOVEGROVE (Fitzroy).—I thank the Minister for his statement.

The amendment was negatived.

Mr. LOVEGROVE (Fitzroy).—I move—

That in paragraph (*f*) of sub-section (1) of proposed new section 827 the words "from a panel of three names submitted by" be omitted with the view of inserting the words "on the recommendation of."

Reference to this matter was made earlier, and it was contended that the Melbourne Trades Hall Council should be obliged to make only one nomination in the appointment of members of the proposed Scaffolding Regulations Committee.

Mr. PORTER (Minister for Local Government).—If the amendment is agreed to, it will be equally logical to expect that all the other organizations which will be asked to submit panels of names should be permitted to make only one recommendation. Members should consider that, in the appointment of a committee of this nature, the Government has an obligation to select a balanced group in an effort to achieve the objectives. This can best be done in the manner provided for in the Bill. It is in accordance with normal practice, and I see no reason why it should be departed from on this occasion.

Mr. LOVEGROVE (Fitzroy).—Members of the Opposition appreciate the observation made by the Minister. We did not feel able to expand the scope of the amendment because we did not know the views of the other organizations proposed to be represented on the committee, and we did not feel prepared to take any action on their behalf. That is the reason why the proposed amendment is confined to the Melbourne Trades Hall Council.

Mr. RAFFERTY (Ormond).—The Deputy Leader of the Opposition is not urging the amendment very strongly. The Minister has pointed out that paragraphs (*d*), (*e*), (*f*) and (*g*) are couched in similar terms. In the making of appointments to wages Boards, panels of names are submitted to the relevant Minister. It seems to me that the submission made by the Minister for Local Government is reasonable.

The amendment was negatived.

Mr. LOVEGROVE (Fitzroy). — I move—

That paragraph (*h*) of sub-section (1) of proposed new section 833 be omitted with the view of inserting the following paragraph:—

"( ) the fixing of scaffolding fees for permits or for inspections or other services which may be charged and received by the council of any municipality;"

The existing paragraph reads—

the fixing of fees which may be charged for permits or for inspections or other services;

The suggestion of the Opposition introduces two qualifications, and although it may be argued that they are implicit in the paragraph in the Bill they are not in fact stated. The first qualification is that there shall be a scaffolding fee. The second is that the fee shall be charged and received by the council of any municipality. The arguments in favour of the proposed amendment were stated by the honorable members for Northcote and Flemington. Real obligations and responsibilities are cast upon the municipal councils by the requirement of certain parts of the Bill. For instance, paragraph (*b*) of sub-section (2) of proposed new section 831 states that the functions of the Supervisor of Scaffolding Inspection—he will be the titular head of the scaffolding organization and will be an officer of the Local Government Department—shall be, *inter alia*—

to report to the Minister as to the manner in which municipal councils administer the regulations and to make such inspections as he considers necessary for that purpose;

Properly, the Bill envisages a fairly regular supervision by councils. Paragraph (*c*) of sub-section (2) of proposed new section 831 adds to the obligations imposed on councils when it states that another function of the Supervisor of Scaffolding Inspection shall be—

when so directed by the Minister, to cause to be exercised or performed any power or duty conferred or imposed on the council of a municipality by this Part or the regulations;

I hope that the Local Government Department, through its Supervisor of Scaffolding Inspection, will not only act in a fairly meticulous manner, but will also act in a directorial capacity, and presumably the provision to which I have directed attention gives the supervisor executive authority. Sub-section (3) of proposed new section 833 reads—

The Supervisor of Scaffolding Inspection or any Assistant Supervisor of Scaffolding Inspection in any case where he considers the circumstances so warrant may exercise all or any of the powers of an inspector under this section.

If I interpret that provision correctly, it gives the Supervisor of Scaffolding Inspection, on behalf of the Minister, the power of intervention to carry out in a municipality a job which may put the council to some not insubstantial expense. Proposed new section 833B is in these terms—

Where pursuant to a direction of the Minister the Supervisor of Scaffolding Inspection causes any power or duty conferred or imposed on a council by this Part or the regulations to be exercised or performed any expense thereby incurred shall be a debt due to the Crown by the municipality concerned.

Paragraph (*b*) of sub-section (2) of proposed new section 833C states that any regulation made by the Governor in Council may—

leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by any council or inspector or other person;

Although it is not unusual in regulation-making clauses of this description to cast the net fairly wide and to provide for every contingency, the Opposition assumes that the inclusion of the words "other person" gives the Local Government Department extraordinarily wide power to demand the satisfaction of its requirements from anybody in a council, whether a municipal councillor or an employee, from builders or employees of builders, and from members of the public. Paragraph (*c*) of sub-section (2) of proposed new section 833C states that any such regulation may—

confer powers or impose duties in connexion with the regulations on councils of municipalities or inspectors or on the owners or occupiers of lands, buildings, or premises or on builders or on any person whomsoever;

I ignore for the moment the last three lines of the paragraph as contained in the Bill and confine myself to persons connected with municipalities and to inspectors. It appears that outside the provisions of the Uniform Building Regulations this imposes wider obligations upon councils in the interests of industrial safety than any other Bill that has been introduced into this House during my period of membership. I say, in a congratulatory way, to the Government and to the Minister in charge of the Bill, that the Opposition supports the obligations intended to be imposed. I have the assistance of the honorable member for Ormond, who has interjected and who I had hoped had forgiven me for a statement I made a week or two ago. I have laboured the point a little, and I shall not continue in this vein. The Opposition emphasizes that radically expanded financial resources must be made available to councils.

Mr. PORTER (Minister for Local Government). — The proposed amendment is really a re-wording of the regulation-making power contained in paragraph (*h*) of proposed new section 833c. It expresses in a different way exactly the same thing.

Mr. CAMPBELL TURNBULL. — It expresses the intention better.

Mr. PORTER.—With the honorable member for Brunswick West, I think it makes the proposal a little clearer. It limits the substance of the paragraph to scaffolding fees and, therefore, overcomes any possibility that the Local Government Department might see some method of obtaining some fees for itself as a result of the efforts of its officers.

Mr. LOVEGROVE. — What made you think of that?

Mr. PORTER.—The honorable member for Brunswick West. Moreover, it makes clear that the fees may be charged and received by any municipal council. I see no reason to disagree with the Deputy Leader of the Opposition concerning the proposed amendment. The honorable member made some mention of the power of intervention of the Supervisor of Scaffolding Inspection. In his second-reading speech, the honorable member for Flemington suggested that the Government had gone a little too far in allowing an officer to intervene in municipal affairs without prior consultation, but, on reflection, I think all will agree that circumstances could arise in dealing with scaffolding that would make it necessary for an immediate decision to be made in the interests of the safety of employees in general. For those, I am not apologizing for the power of intervention. I am prepared to accept the amendment of the Leader of the Opposition.

Mr. HOLLAND (Flemington).—I should like the Minister to intimate whether the amendment provides for reinspection. It is obvious that, particularly in bad cases, there may be a necessity to reinspect on several occasions. Also in regard to the power of intervention without notifying the council, I realize, as does the Minister, that there may be times when it is necessary to do arbitrarily what one has to do. When I was in the Department of Health I assumed similar powers. What I am seeking, as a matter of routine, is that these inspectors shall do what is normally done by governmental inspectors, namely, consult with the municipalities in the interests of goodwill.

Mr. PORTER.—I quite agree; that is common sense.

Mr. HOLLAND.—What of the matter of reinspection?

Mr. PORTER (Minister for Local Government).—The amendment moved by the Deputy Leader of the Opposition is in my view, sufficiently wide to cover any reinspections.

The amendment was agreed to.

Mr. LOVEGROVE (Fitzroy).—Subsection (1) of the proposed new section 833c provides, *inter alia*—

> (1) The Governor in Council may make regulations for or with respect to—
>
> (*k*) any matters or things necessary or convenient to be prescribed for carrying into effect the purposes of this Part.

I move—

That the following paragraph be inserted, to follow paragraph (*k*)—

For the qualification of inspectors;

Mr. PORTER (Minister for Local Government).—The Government accepts the amendment.

The amendment was agreed to.

Mr. CAMPBELL TURNBULL (Brunswick West).—I am a member of a municipal council, and I have looked at the provision that the council of every municipality shall appoint such officers to discharge the duties of inspectors under this part as are necessary for the purpose. We all know, of course, what are the objects of this Bill. Having regard to the meaning of the word "scaffolding," it is obvious that many occasions will arise where lives may be at stake and it will be essential for any inspector appointed to pay great attention to his duties. In my opinion such inspectors will have to be well qualified, and will need either to undertake some special course of training or to possess some academic qualifications held by such people as structural engineers. Of course, persons of that calibre cannot be engaged at a salary of £1,000 a year; no doubt it would be necessary to pay a salary of about £2,000 per annum. Further, bicycles are now out of date, and an officer in this category would require a motor vehicle, an office of his own, and in some municipalities it may be necessary to employ a typist for him. Some undertaking should be given by the Government to reimburse the municipalities at least to the extent of out-of-pocket expenditure which will be incurred in administering this Bill. If the Government fails to do so it will mean it will be passing its duty on to the ratepayers of the various municipalities. I agree that the municipalities are the bodies best fitted to carry out the objects of the Bill, because they are situated locally. A central administration would be of no use as one could be confronted with the prospect of an inspector at Broadmeadows being required at Frankston. Should the Government delegate these duties to the municipalities, it would be unfair—indeed, almost unmoral—if some undertaking were not given that the Government would at least indemnify—I know the Minister will agree that that is the legal word to use—every municipality for their out-of-pocket expense in administering this very desirable legislation.

The clause, as amended, was adopted.

The Bill was reported to the House with amendments, and the amendments were adopted.

Mr. PORTER (Minister for Local Government).—I move—

That this Bill be now read a third time.

Mr. LOVEGROVE (Fitzroy).—The Opposition desires to express its appreciation of the courtesy extended to it by the Minister during the debate, and also for the generous manner in which he accepted the amendments submitted by us. I wish to repeat the views expressed by my colleagues that the Opposition claims no monopoly of concern for public safety, and it shares with the Government appreciation of the efforts of back-bench members of the Government party and of the Ministry in the preparation of this Bill. We sincerely hope the Bill will operate effectively. On behalf of the trade unions which are concerned in this matter and to which reference was made by the honorable member for Northcote, we offer the Minister every co-operation we are able to give him.

The motion was agreed to, and the Bill was read a third time.

HEALTH (AMENDMENT) BILL.

This Bill was received from the Council and, on the motion of Mr. BLOOMFIELD (Minister of Education), was read a first time.

HOUSING (POWERS) BILL.

The debate (adjourned from the previous day) on the motion of Mr. Petty (Minister of Housing) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Fitzroy).—The Opposition does not oppose this short Bill which was explained only yesterday by the Minister of Housing. Without reflecting in any way on the Government or the Minister, I wish to say that our decision not to oppose the Bill rests on two assumptions. First, owing to the very short space of time, we understand that the Bill is precisely what it is represented to be. By that I do not impute any intention on the part of the Government to misrepresent the position, but I postulate the possibility of legal errors which sometimes occur, although very seldom. Again, I do not postulate errors on the part of the Crown Law authorities. The second assumption on which we raise no objection to the Bill must be that if legislation of this nature so recently introduced and rapidly dealt with proves to be faulty in any way, the Opposition takes no responsibility, and the Government must accept full responsibility. Moreover, if the Bill, in fact, does fulfil the objectives stated by the Government, the Opposition supports it. If I understand the position correctly—I speak subject to correction by the Minister of Labour and Industry who is at the table—the Bill seeks to achieve three things. First, to remove an anomaly caused in law by the difference in meaning between the word "invest" and the word "apply." If the Housing Commission, as an agency of the Government, desires to make moneys available to the Melbourne and Metropolitan Board of Works in order to facilitate the sewerage of Housing Commission properties, it may not so do without making a charge under the existing provisions of the Act. On the advice of the Law Department, the Government is confronted with the situation wherein there may be legal doubts as to the capacity of the Housing Commission to continue a practice to which up to date no objection has been taken. Therefore, to overcome the significance of the word "invest," which is held to have within it the requirement of a profit, the Bill seeks to introduce the word "apply" in the context of the relevant section, and thus make it possible for the Housing Commission to advance money to the Board of Works. The Opposition supports that proposal. The Opposition also supports the second purpose of the Bill, which is to validate the existing practice of the Commission with the Board of Works.

The third and possibly the most important function of the Bill is to regularize the relationships of the Housing Commission with municipal councils. I understand that there has been quite a good deal of discussion on this aspect—some of my colleagues who are interested in local government affairs would be far better informed on it than I am—and on what has occurred in at least two municipalities. This Bill seeks to give the Commission authority to remove an anomaly. At present, if the Commission desires to make some agreement for correction, if I may use the term, with a council, it has to do so through the ponderous procedure laid down in the Local Government Act. The Bill seeks to give the Commission and the councils two advantages. First, they will both know where they are going in regard to the provision of private street construction before the Commission enters the municipality concerned in pursuance either of slum abolition or ordinary housing functions. Secondly, it will remove from the relationship between municipalities and the Housing Commission the possibility of ill will occurring either through misunderstanding or other cause. I am not suggesting that relationships between the Housing Commission and local government organizations are in any way bad; on the contrary, generally speaking, they are good. However, there have been occasions where misunderstandings have arisen. If this Bill successfully meets the third objective, future relationships will be more harmonious.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

ESTATE AGENTS (AMENDMENT) BILL.

The debate (adjourned from November 29) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Fitzroy).—The Opposition raises no objection to this measure. However its support rests on two assumptions. The first is that the Bill fulfils the functions it professes to cover. In view of the fact that it was introduced only yesterday and is being debated to-day, I make that reservation without casting any reflection on the Chief Secretary or the Law Department. I simply emphasize that if some failure subsequently occurs the Opposition will take no responsibility for the legislation in view of the inadequacy of time granted to study its effects. I think that is a fair reservation.

In regard to the functions of the Bill, the Chief Secretary was good enough to place at the disposal of the Opposition Mr. Lynch of the Law Department and Mr. Synnot the Registrar of Real Estate Agents. The Opposition also obtained what might be termed an interim opinion from Mr. Cook, who, in the absence of Mr. Foy abroad, is acting for the Real Estate and Stock Institute of Victoria. He stated that he has no objection to the Bill although as his Institute obtained copies of it only last night naturally he is examining it as is the Opposition, to see whether or not it will be adequate to fulfil the stated objectives. With those reservations, the Opposition supports the Bill, which to me appears to provide that persons seeking estate agents' licences not only must make application under the existing Act in the usual way but must also publish the application in a newspaper. The Opposition considers that to be a good idea. I speak subject to correction by the Chief Secretary who did not make any relevant reference in his second-reading speech, but I understand that the Bill has nothing to do with certain inquiries at present being conducted by his Department. If I am right in that assumption, they can be dismissed from any consideration of the Bill.

Mr. RYLAH.—The inquiries to which the honorable member refers have nothing to do with this measure.

Mr. LOVEGROVE.—So having dismissed them from the consideration of the Bill, it appears that this first function is a good one having regard to the fact that, according to Mr. Synott, the secretary to the Real Estate Agents Committee, there are now 2,600 estate agents and 6,200 sub-agents. These latter are in the main employees of the 2,600 estate agents and include in their ranks large numbers of persons not employed full time at the work of sub-agents. They would comprise people such as we see along the near country roads as well as suburban roads, selling land at week-ends while occupying far different positions during the week—possibly gracing the counters of banks.

Mr. HOLDEN.—They might even be union secretaries.

Mr. LOVEGROVE.—That is, if a union secretary could sell anything after the beating that the unions have had from the Government over the past five years. If he can do so, he ought to be good. I used to be a union secretary myself, and I speak with feeling.

Mr. HOLDEN.—And you were a very good one.

Mr. LOVEGROVE.—It was a good union. I have drawn attention to the number of estate agents and sub-agents, not to argue against the Bill but to point out that, having regard to the situation generally throughout Australia to-day, the effect here must be felt very shortly. If the Commonwealth Government decides to call a halt to the practice adopted by certain companies in the last few years, of inviting debentures and short term notes and so on, I imagine that estate agents will perhaps return to those responsibilities they previously enjoyed. I make that statement in pure speculation. I do not know whether any reduction in the activities of the big land development companies would favour estate agents, but it would be interesting to discover whether the 6,200 sub-agents, who presumably have been working under the licence system, might have any connexion with the big land development companies.

The second function of the Bill is to enable a bidder to make a purchase for another person and to do it legally without invalidating the contract. The Opposition supports that proposal. The

third feature, which has given me more cause for thought than the others and to which the Chief Secretary made reference in the course of his second-reading speech, is apparently designed to enlarge the grounds of avoidance whilst at the same time removing the possibilities of petty complaints that would wrongly invalidate contracts. At present it is possible, by strict interpretation of the existing law, for an estate agent to enter into a contract in good faith, taking steps against inaccuracies with his clients, the purchasers or the vendors; yet because of some petty failure of a legal character the purchaser or vendor is able to avoid his obligations and the agent is left "holding the bag."

This provision is of a technical nature and resides in the second part of clause 3 of the Bill. It first removes that situation where, on account of some trivial failure, the agent loses a contract. It strengthens the obligations upon the estate agent which require him to fulfil those financial principles which the Act obliges him to convey properly to the purchaser. Because of that, and because there is some strengthening of the position in this portion of the Bill, the Opposition has an added reason to support this function of the measure.

In the electorate in which I reside and which typifies the industrial suburbs, there is a tremendous turnover in old houses. There is a turnover of a similar kind also in the outer suburbs, as the population grows. It is not uncommon in my constituency to see people, not only foreign born but native born, attracted to auctions by the auctioneers' boards, indicating that a property is advertised for £3,000 or £3,500, and requiring a deposit of £500, with 6 per cent. interest on the balance, payable after three years. Such properties, which are sold on relatively small deposits to people earning not very big incomes, under the conditions stated on the auctioneers' boards, confront purchasers with the obligation not only of financing the first three years of their purchase but in many cases of finding up to £3,000 at the end of three years. The result is that after the first mortgage, another mortgage goes in; or the purchaser, even if he is wrong, feels that he has been wronged by the estate agent or the vendor.

I raise the point, not to stipulate any uncertainty in the written obligations imposed upon the agent faithfully to inform the purchaser of his financial obligations, but because there is still a continual flow of people involved in purchasing these properties who fail to understand what they are signing. This Bill again raises the question of advertising. Perhaps, at some time when the matter is discussed by the Statute Law Revision Committee, the Chief Secretary may give consideration to the same kind of advertisement referred to in the Sale of Allotments of Land (Amendment) Bill.

Mr. RYLAH.—Any estate agent who committed a breach of that measure would be just as liable as in this instance.

Mr. LOVEGROVE.—I take it that the Chief Secretary says that the contingency I have raised is now covered by the Sale of Allotments of Land (Amendment) Bill. The fourth function of this measure is to improve the custody of trust funds. The Opposition supports that.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL.

Mr. PORTER (Minister for Local Government).—I move—

That this Bill be now read a second time.

Over the last year or two, repeated representations have been received from municipal employees that the Local Government Superannuation Board should be empowered to effect insurances direct instead of operating through insurance companies. It will be recollected that, in answer to a flood of letters received by all members of this House, I replied that the Government

had a duty to ensure that the proposed scheme would provide the benefits that were claimed for it, and that, in the interests of the contributors, it should be the duty of the Government to ascertain that there was no better scheme available. The inquiries I made were somewhat lengthy and arduous, but I have convinced myself, and the Government has agreed, that there is a case for the Board being given power to effect its own insurances direct. This measure has been prepared to enable that to be done. At the same time, I have taken the opportunity provided by the Bill to strengthen the representation on the Board.

The Local Authorities Superannuation Board provides superannuation by insurance and a provident fund. In the case of insurance, the Board acts as an agent, the business being underwritten by the Australian Mutual Provident Society and, by agreement, 60 per cent. of the business is shared equally between three other companies approved for the purpose. The premium is 7 per cent. of the employee's salary and half the premium is paid by the council or other local authority and the other half deducted from the employee's salary. Where insurance is not applicable by reason of age or health of an employee, the Board has a provident fund to which the council and employee each contribute an amount equal to 3½ per cent. of employee's salary. This amount is invested by the Board and the account is credited with interest. Some time ago the Board, with the assistance of the Government Statist and Actuary, Mr. V. H. Arnold, began to explore the possibility of itself administering an insurance scheme and so providing additional superannuation benefits to permanent employees. The investigation indicated that such a scheme would be advantageous to both employees and employing authorities.

The Government has thoroughly examined these proposals, as it felt it had a responsibility, especially to municipal employees, to ensure that they would in fact secure the increased benefits which had been claimed for the suggested scheme. I am satisfied that the Board as a direct insurer will be able to arrange insurance for contributors on more advantageous terms and, therefore, submit this Bill to provide the Board with the necessary legislative authority. The advantages claimed for the scheme are—First, increased initial insurance cover; secondly, expected increase in benefits payable on retirement at 65 due to lower administrative costs, sharing of profits resulting from contributors withdrawing from the scheme, and exemption from Federal Income Tax; thirdly, withdrawal benefits at least equal to those operating at present; and, finally, the Board would be able to invest its funds in municipal loans making an additional £500,000 or more available each year to finance works. In regard to the claim that the Board will be enabled to invest a substantial proportion of its funds in municipal loans, it should be borne in mind that any superannuation scheme operating on a proper footing must have a substantial proportion of its funds invested in liquid assets from which it may meet claims made upon the fund.

The Bill provides that, after it comes into operation, no further policies shall be taken out with the insurance companies, but the Board will be empowered to enter into contracts to provide superannuation benefits for permanent employees. As far as existing policies of insurance are concerned, the Board will have to determine in each case whether it should be continued, surrendered or converted into a paid-up policy. Generally, it is anticipated that—

(*a*) Those policies with a relatively short period to run would be allowed to continue in force with the insuring company;

(*b*) Policies of recent origin having little or no paid up value would be surrendered or continued in force until a paid up value is available; and

(*c*) In other cases it may be desirable to convert to paid up policies on a participating basis so that they would receive future bonuses at a reduced rate.

The insurance with the Board will be broadly on the same basis as that at present applying, that is, the employer and the employee will each contribute 3½ per cent. of the employee's salary as a premium. The Board as at present constituted consists of three members, all of whom are appointed by the Governor in Council for a term not exceeding five years, comprising—

(1) a nominee of the Municipal Association, who is the chairman;

(2) a nominee of the Victorian State Branch of the Municipal Officers' Association of Australia; and

(3) a nominee of the Victorian State Branch of the Federated Municipal and Shire Council Employees' Union of Australia.

The Government believes that, in view of the new responsibilities that will be carried by the Board, employers and employees should have equal representation, and in view of its new functions for investing substantial funds it should be strengthened by the addition of a representative of the Treasurer. Accordingly, provision is made in the Bill for an additional member to be nominated by the Municipal Association of Victoria and for a member to be nominated by the Treasurer of Victoria. The existing members will continue in office as members of the Board as so enlarged for the remainder of the respective periods for which they were appointed.

Section 19 of the current Act authorizes the Board to pay from the Provident Fund up to £200 to the legal representative of a deceased employee without production of probate or letters of administration. In 1955 the State Savings Bank was authorized to make payments up to £600 from a savings account without the production of probate or letters of administration. The opportunity has been taken in this Bill to increase the amount specified in section 19 of the principal Act to £600 in conformity with that stated in the State Savings Bank Act. For the information of the honorable member for Footscray, who is handling this Bill on behalf of the Opposition, and of members of the Country party, I have included in the second-reading notes a brief explanation of the various clauses. I commend the Bill to the House.

On the motion of Mr. DIVERS (Footscray), the debate was adjourned until the next day of meeting.

LAND TAX (RELIEF) BILL.

The debate (adjourned from November 16) on the motion of Mr. Bolte (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. DOUBE (Oakleigh).—This Bill proposes to afford relief to certain people in the community from the payment of land tax. In his explanatory speech, the Treasurer indicated the type of person to whom relief would be given. Generally speaking, it will mean that a social service pensioner, an age pensioner or an invalid pensioner whose additional income does not exceed £26 a year will be exempt from paying land tax. In addition, persons in receipt of pensions under the Repatriation Act, those who are totally and permanently incapacitated and persons who are not in receipt of pensions but whose income is similar to the amount of a pension may not have to pay State land tax. Further, the Commissioner will be given a certain amount of discretionary power, which I assume is for the purpose of affording relief to persons who for long periods are in receipt of Commonwealth payments, such as sickness and unemployment benefits. No mention has been made of persons who are in receipt of payments by virtue of the fact that they are suffering from tuberculosis, but I assume that they would be covered by the provision which empowers the Commissioner to remit the tax of persons in necessitous circumstances. This is an entirely new departure, and it could be said that a means test is to some extent to be applied in the field of State taxation. The practice has been for owners of property to pay land tax calculated on the value of their properties.

One really cannot discuss this Bill without discussing the Land Tax (Rates) Bill, which is to be dealt with

shortly. However, the only matter I direct to the attention of the Treasurer is that no alteration is being made to the ceiling on which land tax is to be paid. The only benefit being afforded is to those persons in necessitous circumstances, who really cannot afford to pay anything. The Treasurer is being less than generous in dealing with some persons. Take the case of two pensioners drawing the new pension of £5 a week. They will be allowed an additional £1 a week between them, or a total income of £11 a week. Anyone in receipt of a greater income will be assessed in the ordinary way. Persons on fixed incomes pay approximately £1 a week in rates, water rates, land tax and insurance.

Mr. BOLTE.—Public utilities and municipalities have precisely the same power to act as the Government proposes.

Mr. DOUBE.—That is so, but that power is not so definitely specified as it is in this Bill.

Mr. BOLTE.—It must be left to the municipalities.

Mr. DOUBE.—I am prepared to admit that it is a generous provision for persons who are very poor—for instance, a married couple whose total income is £11 a week. Persons on such an income are existing at the lowest possible level. The Commonwealth Government is a little more generous in its attitude to age pensioners because a married couple may obtain a full pension although their combined income is approximately £16 a week. In this case, we are dealing with people who are no better off although the market value of their homes may have increased. We are all aware that properties which were valued at £650 in 1950 are now valued at £1,900. The owners of those properties are no richer, except in terms of assets if they wish to dispose of them. They still have the problem of living and paying for the day-to-day necessities. One applauds the sentiment behind the provision in this Bill, but it will not be of much practical assistance.

Instead of the Government raising the ceiling rate, which has been the traditional procedure adopted since 1953—this practice absolved certain people from the payment of tax—it is now imposing what might be termed a means test. The implementation of this policy will mean that persons who seek relief from the payment of tax will have to plead with the officers of the Land Tax Department to establish that they are in necessitous circumstances. I do not think that is the proper way to treat elderly persons who have for many years given service to the community. Under this Bill, no relief from the payment of land tax will be granted to an elderly couple who are receiving £12 10s. a week. Surely such persons, who must pay rates, and who have other commitments, are entitled to consideration in this respect. The Government should recognize that, because of increased land values, many people who did not formerly pay land tax are now required to do so, and the ceiling rate should be lifted to assist them.

Mr. BOLTE.—If the ceiling rate were lifted some of the persons to whom you refer would still be required to pay land tax.

Mr. DOUBE.—That would be a remote possibility. Although land values have jumped considerably in the last two years, the 1958 ceiling rate is still applicable. In my own electorate, persons who purchased blocks of land only two years ago have sold them recently for £2,000. From 1951 until now, successive Governments have absolved certain persons from the payment of land tax because of the inflated values of properties, and a similar policy should be adopted on this occasion.

I have considerable respect for the Public Service, particularly those in the Treasurer's Department, but I have encountered tremendous delays in obtaining answers to correspondence concerning land tax. I remind the Treasurer that on 7th November, I wrote to him concerning the payment of land tax by a man who has been blind for fifteen years, and his wife who has had a number of serious operations, but I have not yet received a reply. On 4th October, I wrote to the Treasurer asking a question concerning the retrospective application

of land tax concessions but, again, I have received no reply. Similar letters dated 14th October and 7th November remain unanswered. I do not blame the Treasurer personally for this situation, but there must be something wrong with his Department if letters from members of Parliament remain unanswered for such long periods. Possibly, the Department is "snowed under" with inquiries and, therefore, it is unable to reply to them, but I ask the Treasurer to examine the situation with a view to minimizing such delays in future.

Mr. BOLTE.—I am sure that I replied to the letter concerning retrospectivity.

Mr. DOUBE.—I do not think I received a reply. As a rule, the Land Tax Department is not viewed favourably by the general public because some people must pay land tax while others do not do so. Probably, all honorable members have been approached by constituents who have said, "I am the poorest person in the street, and yet I am the only one who pays land tax."

By this Bill, the Treasurer is attempting to do something worth while, but he will not succeed because the means test has been "pinned down" at a low figure. Members of the public cannot be very happy about taxes of this nature, which means that the coffers of the Treasury are being handsomely increased, while money is being taken from people who cannot afford to lose it. In my opinion, the tax imposed on a house is the lowest form of tax, because a home is not a commercial proposition. In other spheres, people are making huge profits from capital investments and, if additional revenue is desired, it should be obtained from this source, rather than from persons who, by thrift, have been able to purchase their own properties. I appreciate that the Labour party first imposed land tax.

Mr. BOLTE.—It has been the baby of the Labour party since it existed. My Government simply adopted the policy that had been instigated by the Labour party.

Mr. DOUBE.—In 1952-53, the Labour party increased the exemption ceiling rate from £250 to £650; in 1955, it was increased to £1,000 and, in 1958, it was again raised to £1,250. I consider that the Treasurer should further increase the ceiling to £2,000. Another matter that perplexes people is that the municipal valuations of properties and those of the Land Tax Department differ considerably. This is caused by the action of the Land Tax authorities who, under the Act, must base their valuations on the market values of properties.

Mr. BOLTE.—The land tax is based on the earning capacity of the property.

Mr. DOUBE.—The land tax valuation is considerably higher than that of the municipalities, some of which adopt a reasonable attitude when imposing valuations. It is regrettable that the Government should be forced into the situation of having to raise money from people who cannot afford to pay it. Even persons in receipt of £17 or £18 a week cannot afford to pay land tax, especially if they are married men, with wives and several young children to maintain. When imposing the means test applicable to public hospitals, consideration was given not only to pensioners, but to all people who were financially embarrassed. In other words, a family man with five or six young children would receive sympathetic treatment. I consider that land tax should be imposed on a somewhat similar basis.

Mr. CAMPBELL TURNBULL (Brunswick West).—This Bill may have been born out of a mild conspiracy between the Premier and myself. In my electorate, there are many old homes which are now occupied by the persons who either built them or subsequently purchased them, with the result that, through the years, the sites upon which these homes stand have become very valuable. Successive Governments have raised the minimum value of properties for which land tax could be imposed, and I agree with the honorable member for Oakleigh, that it is time there was a further revision of the minimum amount under which people are excused from the payment of land tax. One lady in my electorate occupies a home which has been in the family for many years.

Some time ago, a factory was constructed opposite her home with the result that the value of the property, due to no action of hers, increased considerably, which brought it into the taxation field. I have inspected some of the properties in respect of which land tax has recently been imposed for the first time. This is what happened. New Australians were paying prices far beyond the true market value for properties in inner suburbs. As a notice of every property sale goes to the land tax office, persons having homes within the vicinity of these transactions had their assessments increased. There are instances in which two or three people in a street pay land tax while others do not. When I was asked why that position obtained I said, "Surely you do not expect people to 'dob in' their neighbours?"

Officers of the Land Tax Department explained the law to me and advised me to tell the people concerned to offer to pay 1s. or 2s. a week off the assessment. However, these elderly people do not like the idea of the tax remaining unpaid, and in desperation I brought this matter to the notice of the Treasurer. Their payments for municipal rates, water rates and insurance usually amount to about £1 a week. To my surprise, the Treasurer agreed to my proposal that the tax should be dealt with in the same way as occurs with municipal rates. When I received the Treasurer's letter, I urged these people to wait until the Bill was passed. They are grateful, but I think the relief would be even greater if the definition of necessitous circumstances was omitted from the Bill. In most cases the amount of land tax is about £6 or £8. The officers of the Land Tax Department are more familiar with the position than anyone else, and the Bill would be more humane if it gave broad authority to those officers to exempt from payment of the tax those people whom they consider to be in necessitous circumstances.

Mr. BOLTE.—Let us give this proposal a trial.

Mr. CAMPBELL TURNBULL.—People have complained of the excessive value placed on land brought about by purchases of property by new Australians. The value of some properties in back streets is astounding.

Mr. BOLTE.—Many of the valuations are based on industrial values.

Mr. CAMPBELL TURNBULL.—There is one house at Moreland, near the creek, for which the land probably cost 5s. a foot. On the Coburg side someone erected a huge factory which influenced the value of the surrounding land. That does not help the taxpayer who has to live there in his old age. I do not know how some of these people exist having regard to their outgoings in rates, taxes and insurance. I look forward to the time when not only the amount at which land tax first becomes payable is raised, having regard to present values, but also the amount of income in respect of which exemption is granted will be greater than £5 10s. I also suggest that if the people concerned are in necessitous circumstances the debit should be "wiped off" once and for all. I should like to see the provision relating to postponement of payment and the tax becoming a charge on the property disappear. Otherwise a legacy of debt will be left to those who follow.

Mr. HOLLAND (Flemington).—I am inclined to agree with the honorable member for Brunswick West. This is an attempt by the Treasurer to afford relief in the payment of land tax in a similar way to the existing arrangement in regard to municipal and Melbourne and Metropolitan Board of Works rates. In this instance the definition of "necessitous circumstances" is much narrower. It includes people who receive not more than £26 a year above the maximum rate of pension.

Mr. BOLTE.—The other authorities have to make their own definition.

Mr. HOLLAND.—However, the Premier has asked that the matter be given a trial and I appreciate what the Government is doing. It is a pity that this type of legislation is necessary. It is an indication that inflation is rampant and that the Commonwealth pensions are not sufficient for their purpose.

This causes the State to assume another part of the responsibility that is primarily that of the Commonwealth. The difference in the case of municipalities is that they have to cut their coat to suit the cloth. In the main the councils judge who are in necessitous circumstances and the payment of rates is postponed, but it is still a charge on the property concerned. I agree with that approach, which enables people who are really in necessitous circumstances to be assisted.

There will be a number of machinery difficulties in implementing the Bill. A good deal of discontent will be felt by those people who are just outside the arbitrary amount set out in the definition. In my own district and in West Melbourne there are people who have resided for many years in cottages the land value of which is very high. It will be very difficult for them to pay the municipal rates or land tax, which will be a charge on the properties.

Mr. BOLTE.—In those cases the ceiling would not help much.

Mr. HOLLAND.—In order to be assisted the people concerned would have to come within the narrow range of receiving not more than £26 a year in excess of the pension. Of course, all these difficulties will be looked into, but I have no doubt that a lot of discontent will be felt by people who are on the borderline. I think a better approach would be along the lines of that observed by the municipalities and the Melbourne and Metropolitan Board of Works—instead of allowing our humanity to be governed by how much it will cost. If a greater number of people were brought within the scope of the proposed legislation, the tax would still be a charge on the property in due course, but the relief given would be of great assistance.

Mr. FLOYD (Williamstown).—When a difference of opinion arises about some aspects of a Bill, honorable members should be permitted to state their views on a particular subject so that they can get them on the record, as I have heard said many times. Without affecting the generality of the arguments submitted by the honorable member for Oakleigh, I submit, first, that this is a very good and humane Bill for which we should give the Government credit without being too critical. I wish to say plainly and without equivocation of any kind that families who do not look after their mother and father in their lifetime, when they have been looked after by their mother and father in their childhood, should not benefit by the death of the parents at the expense of a municipality or the Government. I have never hesitated to take that stand. The idea is not novel, and the Labour party has been advocating it for years. However, there is a difference of opinion about it. It is not political but sometimes it is a matter of stupid sentimentality which does not get us anywhere. No matter how meticulous a person may be during his lifetime, he must leave some debts. For instance, the undertaker has to be paid. I firmly believe that municipalities have just as much right as has the butcher, the grocer or the undertaker to recover debts from an estate. I think it was Shakespeare who said that people who die pay all debts. If a person is not prepared to assist his elderly relatives during their lifetime, he should not expect to benefit from their estates when they die. We have the situation in various municipalities where a landlord is prepared to allow people to stay in a house until they die. However, should the landlord die the beneficiaries want to take over the house so that it can be shared up in the estate. Whatever may be the defects of the Bill, it is an attempt to help people in necessitous circumstances.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

LAND TAX (RATES) BILL.

The debate (adjourned from November 16) on the motion of Mr. Bolte (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. DOUBE (Oakleigh).—Some of the provisions in this Bill were dealt with in the previous debate and there

is not a great deal more to be said. The purpose of the measure is to fix rates of land tax for the year ending 31st December, 1961. I deplore the fact that land tax is to operate on the same basis as in the past. In my opinion, the ceiling should be lifted. In 1953 it was lifted from £250 to £650, with the result that many people were absolved from the payment of the tax. At a later date the present Government lifted the ceiling again, and then in 1958 it was lifted to a maximum of £1,200, with all benefits accruing fading out at £1,500. Although inflation has continued, the Government refuses to lift the ceiling. Of all the taxes we pay, the meanest possible tax is one on the land on which a person builds his home and from which he earns nothing. Most other taxes are applied on the basis of a service being provided or the person taxed having an earning capacity. Land tax is one of the few taxes that people are obliged to pay because they live in their own homes.

Mr. WILTSHIRE.—That argument would not apply to council rates.

Mr. DOUBE.—Surely the honorable member for Mulgrave realizes that municipalities give services.

Mr. WILTSHIRE.—Does not the Government give services?

Mr. DOUBE.—It does not from the money it collects by way of land tax.

Mr. WILCOX.—It all goes into general revenue.

Mr. DOUBE.—Of course it does, and if that is a valid argument the Government might just as well take the pennies out of the "piggy" banks of children. Taxation should be allied to service.

Mr. WILCOX.—What about income tax?

Mr. DOUBE.—Many benefits accrue from income tax because it is a tax on what a person has to spend. No person can go out and spend part of his house. It is strange that the Government has not levied a capital gains tax on the money earned by persons who are amassing great wealth.

Mr. WILCOX.—Is there not a capital gain in owning a house?

Mr. DOUBE.—Not in the sense that it can be utilized by the average person. A person who owns stocks and shares and land other than that on which his home is built can sell them and use the money for other purposes. I have no hesitation in describing land tax as the meanest tax ever imposed. The Treasurer gave no reason why, in a time of galloping inflation, he did not continue the old practice started in 1952–53 and continued until 1958 of raising the ceiling limit. The amount of land tax collected to-day forms a larger part of the State revenue than ever before. In 1953–54, a total sum of £2,016,000 was collected from land tax.

Mr. WILTSHIRE.—This Government has become more efficient.

Mr. DOUBE.—That is not so; it has cashed in on a period of inflation. The land owned by poverty stricken people is now being valued at £1,000 or £1,500, but the honorable member for Mulgrave apparently thinks the Government is being clever in taxing that land. It is estimated that this financial year the sum of £6,000,000 will be collected from land tax, and that forms a higher percentage of State revenue than did the collection of £2,016,000 in 1953–54. The total revenue of the State in 1953–54 was £108,000,000 and for the figure to be proportionate to-day it would have to be in excess of £300,000,000. It is tragic that we have not protected people from inflation. The Governments of this State and of the Commonwealth got into power on the basis that they would protect people from inflation, but instead of offering protection they are reaping a full harvest. The Treasurer did not say one word why he is not prepared to lift the ceiling limit. It is a retrograde step for the Government not to take that action because it indicates that the Government is unmindful of the rights of people who live in their own homes. The residents of this State are now supposed to contribute towards the cost of fourth sections of schools and pay rates and taxes, electricity and gas charges and so on.

Mr. G. O. REID.—Will not land tax assist in building schools?

Mr. DOUBE. — It will not provide capital to enable the fourth sections to be constructed. That money will have to come out of the pockets of the taxpayers.

Mr. WILCOX. — Would the honorable member be prepared to abolish the land tax?

Mr. DOUBE. — No, but the ceiling should be raised.

Mr. BROSE (Rodney).—It appears that nobody likes to pay taxes. It has been interesting to listen to the remarks made during the debates on this and the previous Bill. One cannot cavil about paying taxes, because they are imposed for specific purposes, but I want to mention a few unusual anomalies that have crept into the imposition of land tax. This one is based on unimproved values, a system which makes an interesting study, and which I consider falls down in many respects.

A few months ago I was in Queensland and heard of a tremendous squeal emanating from the Gold Coast because the revaluation of properties had caused owners to become liable to the payment of greatly increased land taxes. Tremendous development has taken place in that region and the level of values has risen so high that the State Government has had to take action.

In Victoria, inflated prices are being paid for farm lands with a view of the sea in the Wonthaggi and other districts. This is a real problem, and some consideration should be given to it. I read in a newspaper published yesterday that people living on Phillip Island are concerned about increased prices of land from which can be obtained what is claimed to be a picturesque view of the ocean. I am not attracted to Phillip Island, as I think other places have more to offer.

Serious complaints have been made by residents of Werribee South. I am interested in this rich area, because the State has developed there an irrigation scheme and vegetables for consumption in the metropolis are grown. Unimproved land values have reached such a level in the district that certain land holders are rated for land tax purposes to the extent of £5 per acre. If this trend continues, it will result in the nullification of endeavours that have been made to develop land that is indispensable to the progress of the metropolis. I trust that consideration will be given to the subjects to which I have referred.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

HEALTH (TUBERCULOSIS ARRANGEMENT) BILL.

The debate (adjourned from November 23) on the motion of Mr. Bloomfield (Minister of Education) for the second reading of this Bill was resumed.

Mr. DOUBE (Oakleigh).—This Bill provides for the ratification of an arrangement entered into between the State of Victoria and the Commonwealth Government in connexion with the combating of the disease of tuberculosis. The campaign against tuberculosis has been continuing for a considerable time, with great success. The Commonwealth Government provides a considerable amount of the money required and the State Government does the necessary organizing work.

The terms of the Bill are largely similar to the terms of legislation which has applied in the past—in fact, there are only minor differences. It is encouraging to learn that the efforts of the State and the Commonwealth against this disease have been, in the main, successful. Over a period of years, the numbers of persons dying and the numbers requiring hospitalization as a result of tuberculosis have been gradually decreasing. I see a danger in the possibility that people will imagine that tuberculosis is something that they need not worry about because of the low death rate in comparison with the death rate of former times; they may ignore the dangers of infection that exist and will not take advantage of the facilities provided by the State and by the Commonwealth.

The mass X-ray campaign conducted by the State is entirely free. In the event of a person being found to suffer from the disease and requiring hospitalization, the treatment is free, and a tuberculosis pension is payable. People may get the idea that if they contract this disease they need not worry about it and that the Government will cure them free of charge. It would be a pity if people did take this view and did not subject themselves to X-ray examinations, which are available in every suburb at least some time of the year.

It might sound extraordinary to say that people could get into such a frame of mind, but this situation has arisen in the case of poliomyelitis. Injections of anti-poliomyelitis vaccine are available from municipal councils and from medical practitioners—at a fee, of course—but many adults fail to have inoculations. One wonders why this is so. Since 1937 poliomyelitis has been a serious illness in the community and most people have seen its effects. A number of persons have been severely handicapped physically as a result of it, but most of us take the view that it cannot happen to us and consequently take no precautions. To an extent, the work done by Doctor Salk, the Commonwealth Serum Laboratories and municipalities is not appreciated by the community.

I do not suggest that any sort of test should be conducted in this House to ascertain whether responsible persons such as members of Parliament have availed themselves of the opportunity of protecting themselves against poliomyelitis, but I should imagine that if such a test were undertaken the result would not be one for congratulation. Probably the same comment applies to tuberculosis, in respect of which a most elaborate set-up exists in Victoria. Protection is available, but there is a tendency for people to feel that the disease is no longer a killer. It is generally considered that heart disease, lung cancer and motor cars are the principal killers in the community and people do their best to avoid them, but take the view that tuberculosis is no longer dangerous.

I trust that all the efforts of the Department of Health and of the Commonwealth will be fully taken advantage of by the community. A few years ago there was a scare concerning the possible development of leukaemia and cancer as a result of X-ray examinations, but the Commission of Public Health has taken all the precautions necessary, and there is no possibility of any person being injured as a result of having an annual X-ray. On the other hand, if a person has a regular check, and contracts the disease, it will be discovered early and probably successful treatment can be administered. Moreover, others will be protected—I understand that tuberculosis is easily transmitted from one person to another. The Opposition supports the Bill, and hopes that the people of Victoria will avail themselves to the full of its provisions.

Mr. CAMPBELL TURNBULL (Brunswick West).—I should like to place on record my appreciation of the continued arrangement between the Government of this State and the Government of the Commonwealth. Grand work has been carried out by the Department of Health in the treatment of tuberculosis sufferers. The Department has always adopted a humane approach to persons who have contracted the disease. The schedule to the Bill, which contains details of the arrangement between the two Governments, states—

> The State shall ensure that no means test is imposed on and no charges made for accommodation, diagnosis and treatment for tuberculosis in respect of persons occupying beds in public wards in an institution upon the maintenance of which any part of the net maintenance expenditure has been incurred.

Allowances are payable to sufferers from tuberculosis, and when they leave sanatoriums after having received treatment they have an income which assists in their rehabilitation. Of my personal knowledge, I realize that before that arrangement was made many unfortunate persons left these institutions in what might be regarded as a satisfactory state of health, but, when faced with the realities of the economic system, some suffered lapses. I can speak personally of the value of the

agreement made between the Commonwealth and the State. I sincerely hope we shall reach the stage where it can be said that this disease has been wiped out. If that position is attained, it will be due in part to the arrangement provided for in this measure. Medical science has made available various methods of treatment by drugs which have replaced the old procedures and have shortened the stay of afflicted persons in institutions. I hope that this arrangement will continue for whatever time is necessary, and that I shall see the time when every such institution in this State will disappear. We all know that at least half of those institutions have closed down, due to the grand arrangement which has existed for a number of years between the Commonwealth and the Government of this State.

Mr. HOLLAND (Flemington).—Like the honorable member for Brunswick West, I regard this Bill as being of such importance that I should say a few words concerning it. It is a very good example of what can be done by co-operation between this State and the Federal Government in regard to preventive medicine. This Bill extends something that has been in operation for the past ten years and annual reports published by the Department of Health indicate the success of the current legislation. With the honorable member for Oakleigh, who handled the Bill for the Opposition, I believe an arrangement of this kind could be used to deal with other infectious diseases.

The honorable member for Oakleigh mentioned poliomyelitis, which is very prevalent in the community, and I submit that a similar arrangement could be adopted, on a co-operative basis, to relieve the sufferings of many people afflicted with that disease. Of course, there are many other infectious diseases that could be dealt with similarly.

On my own personal experience, I know of the work that has been done under previous legislation, because I was a member of the Department of Health for some time. I was associated in a small way with the organization of the various immunization and testing campaigns, and particularly in the mass X-ray campaign. I saw what was done and the benefits that accrued from the earlier efforts in which I was concerned. Those results were achieved only because of what I might term the dedicated approach adopted by the personnel of the Department of Health. In those days a great deal of organization and effort was required to make people interested in the immunization, the B.C.G., and the mass X-ray campaigns. With the passing of the years and the growth of publicity, more and more people availed themselves of the services offered. That was reflected in the early days by a large increase in the number of people who became bed cases in the various sanatoriums and later by the number of people who were cured.

As the honorable member for Brunswick West stated, there has been a diminution in the number of tuberculosis cases in the past few years. This has led people into the belief that the disease has been conquered when, in effect, all that has been done up to this stage is to bring tuberculosis under effective control. A factor in the curative side of this arrangement not associated with the medical side is the peace of mind of the breadwinner. He now realizes that there is a liberal pension provided for him and his dependants during his term in an institution.

As honorable members are aware, the cure for this particular disease is related largely to hospitalization and the various medical treatments available at those institutions. In the early days, if an afflicted person was a breadwinner his main thought was what would happen to his wife and children if he were hospitalized because, prior to the advent of the pension arrangement, his dependants were more or less cast upon the mercy of the State, and were not provided for except under normal pension arrangements which were quite different from the special provision made under this legislation. Consequently, there was a tendency for that type of person to say, "I cannot afford to go into an institution" and so he became a risk to the community at large

because of the infectious nature of his complaint. In those circumstances, the Government of the day was wise in instituting a particular type of pension so that sufferers could be relieved of the mental anguish associated with the knowledge that his dependants may not be properly cared for in the event of his undergoing institutional treatment.

Many people connected with the Department of Health in its various fields have done a splendid job in implementing this legislation, and in that regard I pay a special tribute to Dr. Keogh, who was for many years Director of Tuberculosis, and to his successor, the late Dr. Rosenthal, in which capacity they rendered valuable public service to this State. They were dedicated to this particular field of activity and, under their guidance, the scheme ran smoothly. As other honorable members have stated, the task which was envisaged when this legislation was placed on the statute-book must be completed. Further, I trust that this type of legislation can be used in respect of other serious diseases which are rampant in the community.

Mr. PETTY (Minister of Housing).—I touch very briefly on this Bill. As other members have said, the Government can provide the safeguards visualized in the agreement and in this Bill. The agreement, which provides for an extension of the existing arrangement until the middle of 1963, is an important one, but what it sets out to achieve can be completely destroyed unless the individual assumes responsibility and protects the community from the spread of tuberculosis. We all know that many years ago people were afraid of this disease, but for some reason or other the belief has become established that tuberculosis is no longer a danger; that it does not exist. But we know that it has reared its head again, and so it is necessary for the people in the community to be told, if they have any fear at all, that they can avail themselves of the opportunity of being examined, as the Government desires. In passing, I refer, as the honorable member for Oakleigh did, to the use of Salk vaccine as a safeguard against poliomyelitis. It has been the experience of many municipalities that people will take the first injection but not return for the second. In addition to the waste of an expensive vaccine, there is the loss of services to the community of doctors and those persons who assist them. Moreover, the people concerned are imbued with a false sense of security. Every step should be taken to bring to the notice of the public the availability of preventive services and the safeguards provided under the agreement.

The motion was agreed to.

The Bill was read a second time, and passed through its remaining stages.

MARKETING OF PRIMARY PRODUCTS (MEMBERS) BILL.

This Bill was received from the Council and, on the motion of Mr. K. H. TURNBULL (Minister of Lands), was read a first time.

COUNTRY FIRE AUTHORITY (SAWMILL BURNERS) BILL.

This Bill was received from the Council and, on the motion of Mr. RYLAH (Chief Secretary), was read a first time.

MONASH UNIVERSITY (AMENDMENT) BILL.

The debate (adjourned from November 23) on the motion of Mr. Bloomfield (Minister of Education) for the second reading of this Bill was resumed.

Mr. DOUBE (Oakleigh).—The Opposition is happy to co-operate with the Government in every possible way concerning this Bill, the purpose of which is to amend the Monash University Act. As honorable members are aware, the principal Act laid down that there should be three members of the Victorian Parliament on the Monash University Interim Council. Since the death of the former Leader of our party, Mr. Ernest Shepherd, I have had the honour to represent the Parliamentary Labour party on that interim council. Mr. Rossiter, the honorable member for Brighton, is also a member of that body and has been since its inception. Mr.

Feltham, a member of another place, represents the Country party, having replaced Mr. Mitchell, the honorable member for Benambra. I have been impressed by the magnificent way in which the Monash University Interim Council has worked. I am sure its achievements indicate that a great deal of ability was displayed by the Minister of Education in selecting people capable of doing a very big job under difficult circumstances in a short space of time. Monash opens next year and several courses will be available. As the years go by, the number of courses available will increase. I was appointed to the council half way through its lifetime, and things were already under way. The council has continued to devote to the problem of establishing the university a great deal of ability and a tremendous amount of time and effort. It is pleasing to me to place on record appreciation of the fine work done by these men and one lady. Most of them have other occupations, yet they have found time to do all the work necessary in the creation of a university of this size.

Something which will distinguish Monash University from all other Australian universities is the fact that its medical school will be completely incorporated in the university. In other words, in future there will, I am sure, be a hospital on the site. Honorable members know that the usual practice in Australian universities is that medical students attend universities for training in the early years of their course, but spend the last three years at teaching hospitals located at some point away from the university. By that method medical students are taken away from university life for at least three years. It is unanimously agreed that the provision of a teaching hospital within the Monash University grounds will be a great thing for future medical students. A great deal of the credit for having this suggestion adopted must go to the Dean of the Faculty of Medicine at Monash University, Dr. Andrew. The Minister, in his speech, also praised Dr. Andrew, who has been a tower of strength to the interim council in all its dealings associated with the medical school.

The site chosen for Monash University is one that nobody argues about, although at one time there was considerable controversy concerning it, and doubts were expressed whether the site possessed any character of its own. As the university develops, one must readily acknowledge that when it is completed it will have no equal anywhere else in Australia.

This Bill is an important one, and in essence it can, I suppose, be regarded as a Committee measure. The Act is to be amended to ensure that professorial representation on the council will not be adversely affected by the appointment of the Vice-Chancellor as chairman of the professorial Board. The Minister of Education pointed out that, as the legislation stands, there is a possibility that the number of professors available to assist the council could be limited if what I have stated eventuates. One of the proposals in the Bill is designed to alter that situation, and the Opposition is in favour of it. A second amendment deals with the admission of distinguished persons to honorary degrees. It is in line with the practice at present being followed by the University of Melbourne, and the Opposition supports the idea.

The proposal in clause 4 is important. It will provide for the appointment of a dean of a faculty perhaps prior to the appointment of other professors. The experience of the interim council has been that before it takes the step of appointing professors and heads of departments there is need for the appointment of a person to organize and control the faculty. A faculty cannot be created simply by appointing a professor and enrolling a number of students. Planning must be carried out concerning the layout of buildings, the purchase of equipment, and so on. The Opposition supports the proposal. Another matter dealt with relates to loan funds. Provision was originally made for the expenditure of £2,000,000 on Monash University, and it is now

intended to raise the maximum sum that can be utilized to £7,000,000. Again, the Opposition offers no objection.

There is also great need for the council to have power to assist in providing accommodation both for its own staff and for students. Honorable members will acknowledge that Monash is in a different position from the University of Melbourne in this regard. It is situated in an area where there are no big residences of the Victorian type of architecture erected many years ago, which now provide ample letting space. The types of residences surrounding Monash are homes of twelve to fourteen squares in size and are fully occupied. There is no possibility of either staff or students obtaining accommodation there whilst engaged at the university. To attract staff from other universities interstate or overseas, the council must be able not only to offer a satisfactory career in university work but also to some extent to solve the housing problem which may face people coming from interstate or overseas. The Act is to be amended to help in this regard, and the Opposition applauds the proposal.

The last matter dealt with in the Bill concerns the life of the interim council, and provision is to be made for possible extension of its time, if needed. As buildings at Monash are being erected on schedule, there is the possibility that, if the Act is not amended in this regard and the strict letter of the law is adhered to, the interim council will go out of existence on a day not associated with any of the achievements there. Consequently, the Government has decided that the three-year term of the council may be extended to four years. I think that is a wise move. Members of the council are geared up to carry their work through to fruition. It would be a bad thing to break the continuity of this planning from the Government's point of view, and also a great disappointment to people who have given up a great deal of time to the planning of the university and devoted a lot of hard work to it to find that their term of office expired whilst the job was still incomplete. The Opposition supports this proposed amendment.

The Labour party supports the measure as a whole, and congratulates the other members of the Monash University Interim Council on the wonderful work they have done. We also congratulate the Minister of Education on the progress that has been made and for his wisdom in appointing to the council the types of persons he has.

Mr. ROSSITER (Brighton).—I join with my colleague on the Monash University Interim Council, the honorable member for Oakleigh, in many of the remarks he has made concerning the progress at Monash and the council's planning for the future. A high level of achievement has been established by members of the council. All the male members of the council and Miss Hoy, who is a leading educationist in Victoria, have striven to the utmost since the passing of the legislation to establish what will be possibly one of the greatest educational institutions Victoria has seen. No praise is high enough for the work that has been done.

First, I wish to canvass one or two aspects of the establishment of the council, because I think we should remember that in 1957, after the Murray report had been circulated, it was by the immediate, energetic and completely enthusiastic action of the Minister of Education and the Government of this State that thoughts implicit in the Murray report were put into concrete form, having regard to Victoria's university needs. It may be remembered that for many years before 1957 there had been growing thought that an institute of technology should be established in Victoria. There was a great upsurge of public opinion concerning technological advances made in other countries following the launching of "sputniks", and other activities by nations which had advanced considerably in scientific endeavour. At that stage, the Minister of Education had to determine and to advise Cabinet whether the report on an institute of technology should be implemented or whether the wider

and more general findings of the Murray Committee with regard to Victoria should be implemented, and an academic type of university established, devoting its first years to the technological side. That course was adopted, and Monash is the result. I realize that I have been honoured to have been given the opportunity of serving on the interim council of the Monash University. It has been a delight to me to work with the other members of that body and to see the enthusiasm and ability displayed.

The honorable member for Oakleigh mentioned the plan to establish a teaching hospital on the site of the medical school. The fact that that is so planned is due to the insistence of Dr. Andrew and Professor Ewing, medical members of the interim council, in the early days. They did not want to see a similar provision made at Monash to that existing at the University of Melbourne where, after three years' pre-clinical training, undergraduates must go to the Royal Melbourne, Alfred or St. Vincent's hospitals for clinical work. Thus they lose three years of university atmosphere and associations. He who had experienced, during his student years, the complete university atmosphere, would be a better trained man.

That is just one aspect of the type of work that the interim council was able to produce because of the calibre of its members. One example may be mentioned. When the Australian Universities Commission first forwarded some of its submissions to the Monash interim council on the basis of the Murray Committee report, it was clear that, if the interim council had tamely accepted what the commission first represented, it would have been set back some three or four years. But there was such a condition, almost of horror, in the minds of the members of the council that there was a hurried but energetic getting together of that body and of the commission, with the result that increased finance was made available. At the same time there was an equally great increase in the respect held by the commission for the work done to that stage by the interim council.

I am pleased to be able to report that the Vice-Chancellor of Monash University informed me yesterday that the first building at Monash would be completed next week. We know that students will be accepted next year, but, in view of the setbacks experienced in the programme because of the severe seasonal conditions throughout the winter, there has been a major achievement in all aspects of the work in getting this building completed. Other buildings are also well on the way to completion. On behalf of the Vice-Chancellor, I invite the members of this House to call in at Monash at any time and make themselves known to the Vice-Chancellor, who will conduct them on a tour of the buildings in progress. I suggest also that at some stage this Parliament as a body pay a visit to see what has been achieved.

There was issued recently a report by the Australian Universities Commission upon Australian universities, covering the period between 1958 and 1963. It is most interesting and important for Victoria to note that for the period 1961, 1962, and 1963—known as the second triennium—the capital grant for Monash University will amount to £7,780,000. The object is to complete the building programme over the next three years. Then there will be annual grants in this order—for 1961, £663,000; for 1962, £910,000; and for 1963, £1,440,000. So it will be appreciated that it is no small undertaking that Victoria has set out to achieve, and that it will prove to be one of the largest seen in the field of education for a number of years. We seem now to have secured the support of the Federal Government in these matters, and at this juncture I think I should present certain thoughts of the Australian Universities Commission.

The SPEAKER (Sir William McDonald).—Before the honorable member embarks upon those thoughts, I remind him that in the debate to date on this Bill I have shown considerable laxity. The topics covered have varied greatly and widely from the Bill. I have given that laxity to other honorable members, but I feel that the honorable member for Brighton may now be

going further. I ask him, therefore, to relate what he has to say to the contents of the Bill.

Mr. ROSSITER.—I thank you, Mr. Speaker, for that direction. I thought that because of the general university tenor of the Bill, and due to the fact that it deals with Monash University, I might make some general comments on the university scene.

The SPEAKER.—I suggest that the honorable member relate what remarks he has to make to the contents of the Bill. It is not necessary for him to suppose he cannot say what he intended to say. I again suggest, however, that he relate his remarks to the Bill.

Mr. BLOOMFIELD (Minister of Education).—On a point of order, and for my own guidance later, may I say that it had appeared to me that consideration of the concluding clause of this Bill, which provides for an extension of the life of the interim council of Monash University, would be an appropriate occasion for a review of activities in order to show what has been done and what remains to be done. I was thinking of taking up some time on that aspect at a later stage, and I hope that you, Mr. Speaker, will rule that it will be in order for the honorable member for Brighton to proceed as he was about to do.

The SPEAKER.—My previous ruling still remains, and I ask honorable members, including the Minister of Education, to relate their remarks to the Bill, whether dealing with the last clause or with the whole measure.

Mr. ROSSITER (Brighton).—If the interim council is to be succeeded by a permanent council, that permanent body must have regard to permanency of dealings with the Australian Universities Commission. So I suggest that any thoughts that the Commission may have expressed from time to time, when they are recorded in the annual reports, must therefore be of relevance to discussions on this Bill, which provides for the life of the Monash interim council to be extended for one year. If there is a permanent council, beginning, say, in a year's time, and if the Australian Universities Commission has summed up various factors in the present university field, broadly on the basis of the war years of university education as having a clear relation to Governments and a community approach to universities, we should take those factors into our consideration. The first is that the community did not fully realize during and immediately after the war the full effects of the war years upon the universities, particularly upon their staffing problems.

I do not think the community yet appreciates the full impact that the great bulge of enrolments has had and which Monash University was established to try to relieve. There has been a critical lack of experienced staffs. The members of the interim council who belong to its staff sub-committee have found it very difficult to obtain the services of a properly qualifield Professor of Mathematics. There is a world shortage of teachers of mathematics at university level. That is one other effect of the war and the post-war years.

Another matter that has been pointed out is the rectification of the lag and decay in university work which must proceed with expansion. Let me take as an example the provisions of the mental hygiene legislation which may have to restore a situation and expand it at the same time. That is another aspect of the university field. In future planning, this Parliament must have regard to what has been said by the Australian Universities Commission. If the optimum of a future university can be said to be 8,000 students, and if the enrolment demand is to be met in terms of our existing patterns in the universities, whether or not they must always be maintained, the Australian community must create a new university every two years. That is a tremendous undertaking, one that from a financial viewpoint almost fills us with dismay. But according to the predictions that have been made, that is the situation now facing Australia.

Some of the major influences in the next decade of university education could well be these: There must be a

change in the use of university time; and the calendar must be revised to meet modern conditions. There does not appear to be any likelihood of a change in the present failure rate in the universities. The great surge ahead of secondary school education in all States, and especially in Victoria, has meant that there will be an increasing number of young people attending the universities. There will be an increasing number of university enrolments but there will not be the same calibre of university staffs available, and those two conditions combine to make a reasonable assumption that the failure rate will remain high.

The report of the Australian Universities Commission on Australian universities contains the following statement:—

> The Murray Committee suggested that young Australians lack the academic maturity which develops in the sixth form of English schools. In this connexion, it is worth recalling that university teachers appreciated the maturity of students who came to universities under the Commonwealth Reconstruction Training Scheme.
>
> Since the impact of student numbers is felt more in the first university year than in any other, it would be an attractive possibility to transfer back to the secondary schools a large portion of university first-year work.

I realize the difficulties and complexities involved, but, if the Australian community cannot afford a new university every two years, other steps must be taken to meet the university demand. It may be that educational policy-makers of the future will have to meet that position. I suggest that the Australian Council of Educational Research might have some regard to that problem, if in fact it has not already done so.

Mr. BLOOMFIELD.—The paragraph in the report concludes by saying—

> It appears that the problems of tertiary education must be solved within the universities.

After making the suggestion referred to by the honorable member for Brighton, the report rejects it.

Mr. ROSSITER.—On page 74 of the report it is stated—

> Serious consideration must be given at least in the large universities to the question whether our present traditional methods are the best for dealing with the problem.

Admittedly, it is not a traditional method; it is one that at first sight might appear impossible of achievement, but it could be excellent. The Vice-Chancellor of Monash University, Dr. Matheson, has indicated to me several matters which might be regarded as domestic but from now on will be the day-to-day activities of the Vice-Chancellor and his staff in running the university. He has also reported—

> I am glad to be able to report that the buildings are now making excellent progress and we expect to take possession of the chemistry laboratories in early December.

That is being done next week.

> The physics laboratories and mathematics rooms will follow either just before or just after Christmas and the remainder in time for the opening of term on March 13th.
>
> We have made a satisfactory start with obtaining lodgings in the vicinity for country students and the Transport Regulation Board is considering our request for certain private bus services to be extended to the university gates.

Therefore, it could be said that Monash is now functioning in the sense that its staff is operating, and it will function in an academic sense from the 13th March next year. I for one wish it all the success that such an institution and undertaking deserves.

The motion was agreed to.

The Bill was read a second time, and committed, *pro forma*.

Mr. BLOOMFIELD (Minister of Education) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purposes of this Bill.

A resolution in accordance with the recommendation was passed in Committee and adopted by the House.

The House went into committee for the consideration of this Bill.

Clauses 1 to 6 were agreed to.

Clause 7 (Date for constitution of council).

Mr. BLOOMFIELD (Minister of Education).—This clause, as has been explained more than once, is designed to

extend if necessary the statutory period within which the interim council may hand over to the permanent council of the university. As I explained in my explanatory second-reading speech, it is considered that the present provision may be sufficient for this action, but it is desirable to make provision for the interim council to continue for longer than was originally intended. I take this opportunity of recording, not only for this Parliament but also for future generations, something of the origin and foundation of the interim council of the university and the work it has done, because I realize that it is extremely difficult to discover much about the origin of the University of Melbourne, and what has happened in regard to Monash University may be of interest hereafter.

The university, as a general university, may be said to have originated in the recommendation of the Murray Committee that there should be established in Victoria a general university on traditional lines with a bias towards the technologies rather than an institute or university of technology simply. That report was received on the 19th September, 1957, and with it was another report prepared by the same committee for the use of the Victorian Government in relation to our own affairs in this State. Following the report, the Government decided to introduce legislation to establish a university along the lines recommended. The first action which had to be taken was, of course, to prepare legislation and at the same time to plan for the development of the university. It was decided that following other models an interim council should be established to be entrusted with the work of founding the university. The first task that seemed to me to be requiring fulfilment was the selection of a chairman for that interim council. That engaged my Cabinet colleagues, the Director of Education, the Chancellor and Vice Chancellor of the University of Melbourne and myself for a considerable period in selecting and persuading somebody who appeared to us to be suitable.

I should like to inform the House of a little secret history, because it seems to me that Providence has been kind to Monash University. In the course of these discussions, one gentleman whose name began with the letter "B" was mentioned—it was not the present Minister of Education—and it appeared to me that it was doubtful whether he had all the qualifications required. I turned up the current volume of *Who's Who* and came across the name of Blackwood. Mr. Blackwood had never been mentioned in any discussions previously, but it seemed to me that he was so eminently suited from the point of view of his university, academic, business and administrative qualities, that no better choice could possibly be found. This was confirmed by other people who, like myself, were chagrined that they had not thought of him before. So his appointment came about, originating possibly from the chance turning over of a page.

The Monash University Bill was introduced in March, 1958, and the interim council was appointed on the 20th May, 1958. On the 4th May, 1959, Dr. Matheson was appointed Vice Chancellor by the interim council. It is apparent, as has been said, that what has been done has been achieved fairly swiftly. I join with the honorable members for Oakleigh and Brighton in praise of the extraordinary thoroughness, devotion, capacity and persistence in the face of many difficulties that have been displayed by the members of the interim council. It is heartening to those of us who believe that industrial leaders might take a greater interest in educational projects to contemplate the severe and heavy sacrifice that has been made by industry in the surrender of so much time and experience to the carrying out of the work of establishing this university. Mr. Blackwood, as all members are aware, is the general manager of Dunlop rubber company, which is one of the largest undertakings of its kind in Australia. Also on the interim council are the chairman of directors of the Shell company, the leading executive of the International Harvester Company, one of the joint managing directors of the Imperial Chemical Industries, and

several other industrial figures of the highest standing in the State. It was decided also that we should have—they were gladly made available—the services of the academic leaders of the State, amongst whom were Sir George Paton, Vice-Chancellor of the University of Melbourne, and Sir Leslie Martin, who is now the chairman of the Australian Universities Commission. Leaders of schools, both in the State sphere and amongst the registered schools, were included on the council, and I am sure that the choice of Mr. Brian Hone, the headmaster of Melbourne Grammar School, has been of decided advantage to the council. From the Education Department there was the former Director, the present Director, and the Chief Inspector of Technical Schools.

It was decided that not only should there be men of ability on the council, but also such variety of membership to ensure that all relevant interests were thoroughly represented. In view of the fact that church matters were likely to come under consideration, it was necessary to have represented on the council Protestant and Roman Catholic churches, and furthermore, that representation should cover town and country interests, science and the humanities and, in the field of medicine, both physicians and surgeons. The honorable member for Oakleigh was correct in suggesting that we were able to attract men, and a lady, of the highest calibre to represent all those interests.

Reference was made to the report of the Murray committee and, here again, I feel that Monash University has been favoured by Providence. In 1957, the Murray committee's predictions for the advancement of the second university in Victoria were as follows:—That the period from 1958 to 1960 should be devoted to planning, and that from 1961 to 1963 should be devoted to building. This expert committee suggested that the university should actually open its doors to students in 1964. As honorable members know, on the 13th March, 1961—three years earlier than the predicted date—the university will be in a position to enrol 450 students, of whom there will be provision by way of laboratory facilities for no fewer than 210 students. To bring about this state of affairs, a decision was made as to the exact form of the studies which should be followed at the new university, the size which the university was calculated to attain eventually, and the space requirements which would be bound up with those two components.

The CHAIRMAN (Mr. Christie).—Order! I have listened intently to the Minister of Education, but I find it difficult to relate his remarks to this clause. Clause 7 deals with the question of the date of the constitution of the council—whether the time should be altered from three years to four years—and there is justification for advancing an argument which would support an extension of the time. However, I feel that the Minister is now making a wide survey of all aspects of the Monash University. I ask him to confine his remarks more narrowly to the subject-matter of the clause.

Mr. BLOOMFIELD.—I shall now relate my remarks to the state of affairs that will exist at March of next year, particularly as to what will be ready to be handed over to the interim council at that stage. The administrative and academic staffs have been engaged. In the early stages the academic staff, which will be able to cope with nine departments, will consist of eight professors and 24 lecturers. In these days of difficulty in obtaining academic staff, and in view of the high calibre of the people who have been engaged, the interim council has done very well to provide not only the accommodation but also the people who will undertake the teaching.

The faculties which will be opened will be arts, economics and political science, science, engineering, and medicine. As the House was informed by the two honorable members who are also members of the interim council, it is expected that what will be done will be almost of a uniquely high standard from the point of view of development and, it is hoped, also in many ways from the academic aspect. I have dealt with this matter

in some detail so that honorable members would have an opportunity of understanding the wisdom of extending the period of office of the interim council. There was one matter which I mentioned but which I did not adequately explain, namely, that when the interim council commenced its work, it was provided with copies of the report of the Murray committee, which had been submitted to me in my capacity as Minister of Education. The report concluded with a time-table such as I have outlined to honorable members but, owing to an office error, this paragraph was omitted, which meant that the interim council proceeded with its task without any knowledge that the Murray committee would have allowed it an extra three years in which to carry out what has been achieved. It may well be that ignorance of that recommendation spurred the members of the interim council on to more immediate efforts, which were finally and gladly accepted by the Australian Universities Commission.

I cannot express too fully the satisfaction that it has given me to be connected in a rather indirect way with an enterprise of this type. I could not let the occasion pass without expressing the gratitude which the Government feels it owes to the members of the interim council and to those who have made their services available—to the Commonwealth, the hospitals, the churches and the University of Melbourne—and who have co-operated in an extremely generous fashion to bring to fulfilment what we believe will be a great and permanent undertaking.

The clause was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

LOCAL GOVERNMENT (KEILOR WAVERLEY AND SPRINGVALE) BILL.

Mr. PORTER (Minister for Local Government).—I move—

That this Bill be now read a second time.

This small measure has been prepared to enable the Governor in Council to declare three of our outer metropolitan municipalities—the Shires of Keilor, Mulgrave, and Springvale and Noble Park—to be cities. Legislation is necessary if this is to be done because the Local Government Act does not provide for a shire to be declared a city, although a shire may be declared a borough if, amongst other things, it does not exceed 9 square miles in area. The municipal districts of the three shires in question, however, all have areas in excess of 9 square miles. Special legislation of this nature has been enacted on quite a number of occasions. Preston, Heidelberg and Moorabbin became cities by this means and, in recent years, the municipalities of Nunawading, Sunshine, Broadmeadows and Dandenong have been declared to be cities under powers conferred on the Governor in Council by special Acts of Parliament.

The present proposal is, of course, a direct result of the unprecedented development which has taken place throughout the State, and in particular in the Melbourne metropolitan area, in the post-war years. As honorable members are aware, there has been a marked movement of population to the outer metropolitan areas, and this has resulted in increased revenues and responsibilities for the councils concerned. The rate and extent of the growth of these municipalities have been apparent to anyone who has had occasion to pass through them from time to time. The Shire of Mulgrave, for example, has changed in the post-war years from a vegetable and fruit-growing area to a residential and industrial suburb of the metropolis.

In 1948, the municipality had a rate revenue of £11,500, but, by the year ended on the 30th September last, the rate revenue had increased to £337,000. In the same period the population increased from 7,000 to 47,000 and, what is probably of even greater significance, the number of schools increased from four to nineteen and the number of children attending schools from 191 to

approximately 10,000. Building operations, which are always an index of development, present a similar picture for in Mulgrave during the past ten years there have been issued a total of 19,501 building permits valued at the rather staggering figure of £47,157,000.

The Local Government Act permits any borough to be declared a city if its revenue from general and extra rates in the year preceding the declaration is not less than £30,000, and honorable members will note from the following figures that the rate revenue of the Shires of Keilor, Mulgrave, and Springvale and Noble Park is substantially in excess of this statutory minimum:—

Municipality.	Area, Square Miles.	Rate Revenue, 1959–60.	Population.
		£	
Keilor ..	38	165,000	26,000
Mulgrave ..	23	337,000	47,000
Springvale and Noble Park ..	37½	180,000	27,000

Keilor's area of 38 square miles is larger than that of any city except Heidelberg, which has an area of 47 square miles and which was declared a city under special legislation enacted in 1934. Sunshine, for which special legislation was enacted in 1951, has an area of 30 square miles. In these municipalities, as in the case of the three municipalities which are the subject of the present Bill, there are substantial rural areas of which only small parts are likely to become urbanized in the foreseeable future. For reasons of administrative convenience, it is desirable that these areas remain in their present municipalities, and it would be unfair to deny the privilege of city status to the urban localities because of this.

The effect of this measure will be to enable the councils of the three shires to take advantage of the procedure provided in the Local Government Act for any borough having the necessary rate revenue to be declared a city. The councils must present a petition to the Governor in Council praying that their municipalities be declared cities. The substance and prayer of the petitions will be published in the *Government Gazette* and local newspapers, and one month thereafter the Governor in Council may make an order declaring the municipalities to be cities.

If there is any strong local opposition to a petition for a municipality to be raised in status, the strength of that opposition and the merits of its case must be taken into consideration before a decision is reached.

Mr. WILTSHIRE.—What is the advantage of being raised in status?

Mr. PORTER.—It is purely a matter of civic prestige. Honorable members will note that two of the municipalities propose to alter their names. The Shire of Springvale and Noble Park will become the City of Springvale, and the Shire of Mulgrave will become the City of Waverley. This measure will enable the municipalities concerned to attain a status to which they have been entitled for some time and which, I am sure honorable members will agree, is well merited. I have much pleasure in commending the Bill to the House.

On the motion of Mr. CRICK (Grant), the debate was adjourned until Tuesday, December 6.

VERMIN AND NOXIOUS WEEDS (FINANCIAL) BILL.

The debate (adjourned from October 18) on the motion of Mr. K. H. Turnbull (Minister of Lands) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This is a very important Bill, although it consists of only two clauses. Clause 2 provides—

> In sub-section (1) of section twenty-eight of the principal Act for the words "Nine hundred thousand pounds" there shall be substituted the words "One million two hundred thousand pounds."

Sub-section (1) of section 28 of the principal Act is in these terms—

> The Treasurer of Victoria may under the authority of this Act issue and apply out of the Loan Fund amounts not exceeding in all the sum of Nine hundred thousand pounds.

It is extraordinary how the finance for the Vermin and Noxious Weeds Destruction Board is derived. In his report for the year ended the 30th June last, the Auditor-General saw fit to refer to the fact that the growing practice of the Government to charge to loan funds expenditure previously covered by revenue had been extended in the past year to the Board. He pointed out that the sum of £529,859 had been diverted for this purpose under the provisions of the Public Works Loan Application Act of that financial year. Recently a public works loan application Bill for the current year was before the House, in which provision was made for £600,000 for this purpose. In addition, there is provision in the Estimates, under Division 49, item No. 3, for the expenditure of £195,000 of revenue towards the cost of and expenses incurred in administering and carrying out the provisions of the Vermin and Noxious Weeds Act.

That seems to be a very ragged system of financing these particular activities. The amendment in the Bill relates to the specific purpose to which the funds can be devoted. I am sure that honorable members generally were very interested in the comprehensive account which the Minister of Lands gave of the activities of the Vermin and Noxious Weeds Destruction Board and the purposes for which the additional funds are required. The honorable gentleman referred specifically to mobile units which are to operate throughout the State, and I think he said it was intended that six of these units would be provided in the field by the end of December, 1960. Undoubtedly, this is a major step forward and is something which definitely embodies the adoption of modern methods in the fight against vermin and noxious weeds. Travelling throughout the State at present, one is impressed by the luxuriant growth of plant life—not only desired species of pasture, but also a very heavy crop of noxious weeds.

Mr. K. H. TURNBULL.—One also notes an absence of vermin.

Mr. STONEHAM.—Thus the need for this extra provision becomes apparent. Some people say that more recently the eradication of noxious weeds has to a certain extent been sacrificed in the interests of the myxomatosis campaign. No one would want any less done towards the eradication of rabbits than has been effected, but I state emphatically that there is a crying need in the State to-day for the type of activity that the Minister referred to. The honorable gentleman said that these mobile units will each consist of two experienced operators, one 2-ton truck, one Ferguson tractor, power take-off spray equipment or ripping equipment, power bait cutters and mixers, and one two-berth caravan.

The Minister may care to throw some light on what the Government intends to do in future years in regard to the financing of this branch of the Lands Department. In view of the very pointed reference of the Auditor-General that I have cited, and seeing that there is a necessity to increase the amount of loan funds which may be made available for specific purposes set out in sections 26 and 27 of the principal Act, it seems to me that the opportunity should have been taken to rationalize the financing of the Vermin and Noxious Weeds Destruction Board, so that we should not have the spectacle of loan funds being diverted under the provisions of a public works loan application Bill, as well as under this Bill, and the provision of another £195,000 in the Estimates. It is somewhat confusing and not quite businesslike for the Board to be deriving its finance under these various headings.

The Opposition commends the Minister of Lands for his energy in relation to this matter and pays a tribute also to the members of the Vermin and Noxious Weeds Destruction Board and the local district advisory committees which have been co-operating effectively with the Board in stepping up the measures necessary for the eradication of vermin

and noxious weeds. I wish the campaign of the mobile units every possible success.

Sir HERBERT HYLAND (Gippsland South).—Naturally the Country party supports the proposed legislation. I think the Minister of Lands is doing a very good job in regard to the destruction of vermin and noxious weeds. I hope that the passing of this Bill will give a fresh impetus to the whole matter. Few people appreciate the tremendous loss that occurs through the ravages of ragwort, to mention only one noxious weed. It covers a great deal of wonderful country in this State and it is necessary for us to do all we possibly can to keep it in check. I do not think it will ever be eradicated despite the success achieved with the cinnabar moth and other measures. I think the Minister is of the opinion that if it can be kept in check that is the best we can hope for. In his second-reading speech, the honorable gentleman said—

> Plots covering an area of two to five acres are to be established in the Parish of Callignee for experiments in the chemical control of ragwort.

I asked the Minister to be good enough to keep me advised on how the scheme is progressing because I have been interested in this matter for years.

I wish now to refer to the ragwort infested country in Gippsland. I believe the Government would be well-advised to make a thorough survey of that country in an effort to determine whether anything can be done to work in co-operation with the Forests Commission and devise a tree-planting scheme which will help to control ragwort. Some of the infested country is not particularly fertile, but in other areas very fertile land is involved. However, if the ragwort spreads the land will not be worth much. Many people from the metropolitan area who desire to be farmers buy this land when there is no sign of ragwort and a few months later when the ragwort appears they realize that they have lost their money. Therefore, it would be a good idea to have a complete survey made to determine the affected areas and thus save these people money. This work could be carried out by officers of the Lands Department in conjunction with officers of the Forests Commission. The affected land could then be bought by the Forests Commission and utilized by planting trees on it.

Mr. FENNESY.—Is it private land that is involved?

Sir HERBERT HYLAND.—Most of it is private land. Much of it is owned by absentee landlords who are a curse to the country.

Mr. STONEHAM.—Many of them had to walk off their land.

Sir HERBERT HYLAND.—That is so. They buy the land and when they realize it is ragwort infested they do not bother to have it sprayed but walk off. This seriously affects the great work being done by the Vermin and Noxious Weeds Destruction Board. That is why I suggest it would be an excellent idea for the Government to make a survey of the whole area. There are not two Ministers more capable of doing the job than the present Minister of Lands and the present Minister of Forests. The Minister of Forests knows the territory well and he understands the conditions, because he lived there for many years. I suggest that the two Ministers I have mentioned should put my proposal to Cabinet and try to devise a worthwhile scheme. I want the Government to make a move as soon as possible, and I have no personal interests except that I represent the district. It is a national job to check ragwort, but once pine trees are planted the ragwort disappears so the Government should give serious consideration to my suggestion.

Mr. STONEHAM.—It should also take action to eradicate blackberry brambles.

Sir HERBERT HYLAND.—Blackberry brambles are not as great a menace as is ragwort. It is said that something like 4,000 wind-borne seeds come from one ragwort plant. Naturally, they do not all grow. That seed is blown all over the countryside and one can imagine the harm that could be done. We have to do the best we can to control it. A Country party Government put down several plots at

North Foster in an effort to find the best means of eradication, but the war intervened and the proposal had to be abandoned.

I appeal to the Minister of Lands to give my suggestion serious consideration and to let me know whether any success is achieved so that I may inform my constituents. The municipalities in the area are most concerned about the position as are the landowners, particularly those with good country. They are very much afraid that their good land will soon be covered by this yellow peril, ragwort.

Mr. COCHRANE (Gippsland West).—I am pleased to know that the Government proposes to increase the borrowing powers of the Vermin and Noxious Weeds Destruction Board from £900,000 to £1,200,000. I want to refer to the damage caused by blackberry brambles, particularly in the Koo-Wee-Rup swamp area, where there is a considerable area of Crown land or land under the control of the State Rivers and Water Supply Commission. Most honorable members know that there is an extensive drainage scheme in this area and associated with that scheme land is set aside with embankments between which the flood waters flow. These areas are isolated from the roadways and at times are somewhat inaccessible. This makes it difficult to get at them with spraying plants to spray the blackberry brambles.

On 21st July, 1960, it was reported that the tractor stationed at Koo-Wee-Rup had been sent to another district and would not be returned. The tractor at present on the job has not a self-filling pump and has to travel too far on some drains to stationary pumps for refilling. If extra allocations of loan funds are made available to the Vermin and Noxious Weeds Destruction Board, I hope some of the money will be spent in obtaining new equipment so that the State may benefit. A few years ago a good job was done in spraying the blackberry brambles on what is known as the main drain in the Bunyip river area. However, much of the value of that work has been lost because there was no follow-up spraying. The larger brambles were sprayed, and during the following year the suckers came up. Because there was no continuation of spraying, the menace is just as bad as it was at the start.

Sir HERBERT HYLAND.—Is there not now a spray which goes right to the roots of the plant?

Mr. COCHRANE.—Yes, but the suckers still appear, and unless there is follow-up spraying the menace increases.

Mr. COOK (Benalla).—This is a Bill in which members of the Country party are most interested. It is pleasing to note that it is proposed to increase the borrowing powers of the Vermin and Noxious Weeds Destruction Board, and I should like to say a few words of commendation for the work done by the Board. Throughout the north-eastern district of the State trouble has been experienced from St. John's wort and skeleton weed, whilst Paterson's curse has also been making inroads. The Minister of Lands visited the area two or three years ago, and he promised to give special attention to arresting the spread of noxious weeds. I am pleased to know that as a result of the efforts of the Board some progress has been made in eliminating that dreaded plant —St. John's wort. I hope that further work in this direction will be encouraged because it increases the value of land. By the borrowing powers of the Board being increased, it will have a further chance to carry on this good work.

I am pleased to note that because of the success of the methods devised by Dame Jean Macnamara the rabbit pest has greatly decreased. One can now travel hundreds of miles throughout the country and not see a rabbit. That has been a wonderful saviour to the pastures of this State.

Shire councils throughout Victoria pay bonuses for the scalps of foxes and wombats. In my opinion, the Government should bear the whole of the cost for fox scalps. These animals can be most destructive, and many municipal councils, particularly Benalla, are paying for hundreds of scalps a year. That indicates that foxes are ever-present, and the bonus payments have resulted

in many being destroyed. I commend the Bill to the House because it will enable the Vermin and Noxious Weeds Destruction Board to carry on with its good work.

Mr. KANE (Broadmeadows).—Constituents in my electorate will be happy to know that more funds are to be made available to the Lands Department for the control of noxious weeds. I direct the attention of the Minister of Lands to a matter that has been exercising the minds of certain people in my electorate for a considerable time. It concerns the control of artichoke thistle, which has been prevalent in outer suburban areas for years and which of late has been making its appearance in the nearer country districts.

In the outer suburban areas, no control appears to have been exercised over this thistle, and in many localities, notably in the valleys of the Moonee Ponds creek, the Merri creek and the Maribyrnong river, it has got out of control. After it flowers, the seeds are swept up the gullies by the prevailing southerly winds and are carried for many miles into the nearer rural areas, where they germinate. It is very difficult to eradicate the weed unless action is taken in the early stages. I am glad to know that extra money is to be made available to the Department, because generally it is doing excellent work in this regard. Inspectors are active in various localities, and they will be assisted by the provision of more funds.

I should like the Minister to keep in mind the need for control of artichoke thistle in suburban areas where little control has been exercised and from where seeds blow into nearby rural areas, causing anxiety to landholders. My constituents will be happy about the passing of this Bill, and I hope it has a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6409, section 28).

Mr. K. H. TURNBULL (Minister of Lands).—I should like to express appreciation of the constructive comments made by members of the Opposition and of the Country party. The Leader of the Opposition mentioned the use of mobile units, which have been a beneficial innovation. At present there are two of them, and before the end of the year I hope the number will be increased to six. These mobile units will be available for eradication of either weeds or vermin, wherever trouble spots occur. There will be fully-equipped caravans, rippers, spray equipment and other appliances. Weeds must be dealt with at a certain period if the treatment is to be effective. When six units are available, they can be sent to the areas which are affected by dangerous weeds. There are many proclaimed noxious weeds in this State, but only about six dangerous ones. The mobile units can be diverted to particular areas, and weeds can be sprayed when there is likely to be an effective kill.

The Leader of the Country party referred to conditions in Gippsland, which may be said to be the home of ragwort. I assure the honorable member that the Department is doing all in its power to control this weed. To-day, when the House was discussing the Local Government (Scaffolding Inspection) Bill, it was suggested that it should be regarded as a non-party measure. A similar comment could be applied to the Bill now under consideration, because there is nothing to be gained politically out of the destruction of noxious weeds or vermin. I assure the Committee that I and members of the Vermin and Noxious Weeds Destruction Board do not regard the destruction of these things as a political matter; actually, it is of national importance. Each year the cost to the Department of measures taken to control ragwort is about £50,000.

The Gippsland hills area is a "problem area" as regards vermin and noxious weeds, and two or three years ago, following a visit with the Leader of the Country party to the Binginwarri district, I established an interdepartmental committee to deal with it.

It was pointed out at that time that tracts of country were so infested with ragwort that people could not conduct dairy farms there—in the main, the holdings were small—and it was suggested that the Lands Department should undertake certain remedial measures. I was impressed by the conscientiousness of people who spoke at a meeting held in the district, and as a result I asked a committee representative of certain Departments to make an inspection and furnish a recommendation. Among the Departments concerned were the Lands Department, the Soil Conservation Authority and the Forests Commission. I was hopeful that the committee might return with a suggestion that the better land in the region might be used for grazing purposes and the lighter land used for afforestation. Without any advice, guidance, suggestions or "nudging" from me, the committee suggested that the land should be used for forestry purposes and recommended that the Government should undertake a programme of rapid development in this regard.

Only recently, the Shire of Gippsland has written to me asking that areas within its boundaries should be developed for agricultural purposes. The shire has written also to the Minister of Forests proposing that areas suitable only for the growing of trees should be planted with pines. I am not certain that the areas referred to are the same as those investigated by the inter-departmental committee. In view of the committee's report suggesting that plantations should be established, it is very difficult for me to recommend that part of the land should be made available for selection for sheep grazing. However, I propose to furnish a reply suggesting that a committee consisting of representatives of the Lands Department, the Soldier Settlement Commission, the Forests Commission, and the Soil Conservation Authority confer with the local people about their "problem area" so that the matter can be again investigated.

I had no prior knowledge of the existence of the difficulties relating to equipment, and so on, referred to by the honorable member for Gippsland West. I shall take up the matter and attempt to overcome any problems that exist in his electorate. I assure the honorable member for Benalla that it is no great consolation to me or to any member of this House that the Government is spending £40,000 a year in attempting to eradicate St. John's wort.

Mr. FLOYD.—It should be more.

Mr. K. H. TURNBULL.—That is true, but this amount is as much as can be afforded. At least the spread of this noxious weed is being checked. The honorable member for Broadmeadows referred to the outer metropolitan areas. When I was on the Opposition side of the House, the then Minister of Lands introduced legislation to abolish the metropolitan branches of the Lands Department. Consequently, the shires and municipalities on the perimeter of the metropolitan area were left without any guidance or supervision in relation to noxious weeds. Within the past six months, the Government has appointed an inspector to take control of the area from Gisborne almost to Essendon, and it is hoped to eliminate the thistle problem to which the honorable member referred. I appreciate the co-operation of all parties in regard to the eradication of noxious weeds, because a genuine attempt is being made to rid the State of noxious weeds and vermin.

The clause was agreed to.

The Bill was reported to the House without amendment, and passed through its remaining stages.

ADJOURNMENT.

Sir THOMAS MALTBY (Minister of Public Works).—I move—

That the House, at its rising, adjourn until to-morrow, at half-past Ten o'clock.

The motion was agreed to.

The House adjourned at 6.58 *p.m.*

LEGISLATIVE COUNCIL.

Thursday, December 1, 1960.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 11.28 a.m., and read the prayer.

PUBLIC AND RECREATIONAL LANDS BILL.

The Hon. J. W. GALBALLY (Melbourne North Province).—I move—

That this Bill be now read a second time.

We in Melbourne are justifiably proud of the magnificent city that we have inherited and the dramatic growth that it is making to-day. We can all remember that only a few short years ago there existed in the suburbs of Melbourne, paddocks which grew mushrooms, but which now sprout acres of factory buildings, homes and great shopping centres for the people who live nearby. But this spectacular development, spilling over into our countryside, carries with it an enormous responsibility for those who have to legislate and plan for the well-being of the people who live in this great city and those who will live here in the future. We must do everything in our power to ensure that proper provision is made for breathing spaces, sport, and recreational facilities in the new areas. But, more than that, we must safeguard the heritage of wide parklands and sporting fields that has come down to us not, sad to say, intact, but still in a shape that makes us immensely grateful to the long-sighted planners of the past. These established areas are vitally important because the population density of the inner areas is increasing day by day. Every new office glasshouse or block of flats with more concrete than garden, increases the demand on our parks—for sunshine at lunch-time, playing space for children and grown-ups, and even for giving the family dog a run.

I am introducing this measure because, with other observers, I believe that we have reached a critical stage in our development and that if we do not act now to preserve every square foot of public land—which I shall define later, and which includes sporting areas as well as parklands—it will be too late. Enormous pressures are building up against us, and if we do not take a stand now they will be lost forever. To illustrate my point, I refer to the fact that the planners of Melbourne, those brilliantly far-sighted men, gave us a great belt of parkland consisting of 2,500 acres in the inner metropolitan area. It helped to make Melbourne one of the finest cities in the world. Those acres were a lung for a giant city, but in the period of 90 years 1,000 acres of that area have been taken away, filched—stolen if you like—diverted to other uses, with the connivance—even the blessing—of officials and public authorities.

The Hon. C. H. BRIDGFORD.—Would you make a list available?

The Hon. J. W. GALBALLY.—I thank Mr. Bridgford for his interjection. With his usual acumen he has anticipated what I intend to do. Let us take Albert Park, which was formerly known as South Park. It extended originally from the bayside to St. Kilda-road—a magnificent area. What happened? Little men in short-sighted Governments in the 1860's and 1870's sold off the foreshore and the St. Kilda-road frontage. What happened to Fawkner Park? Its western boundary fronting St. Kilda-road was sold. What happened to Royal Park? What a magnificent entrance to the city it could have afforded. However, all that lovely frontage to Royal-parade, east of the Royal Zoological Gardens, was sold to land speculators.

I have given a mere outline of what happened to three parks, but Mr. Bridgford has asked me to explain exactly what happened. I had anticipated this request, and I shall now deal with the parks in detail. I wish to make it perfectly clear that, in giving these examples, I am not saying that in some instances the taking was not justified. It is easy to say, "We must have a school in this locality." Everybody agrees that schools are of paramount importance, and if there is a park nearby it is easy to say, "We will just nip off a little for a school; nobody can possibly

object to that." That is the kind of argument used to influence people who are, to an extent, just as much conservationists of parklands as I am. In reading this list I do not want some member to say, "But you are not suggesting that so-and-so should not have been taken?"

Let us deal, first, with Albert Park. The foreshore was sold, a railway line was constructed, the South Melbourne Cricket Ground and the St. Kilda Cricket Ground were established, the MacRobertson Girls' High School, the Navy Office, and other Defence buildings were built. In the result, the total area of Albert Park was reduced from approximately 960 acres to 560 acres; slightly less than half the original area has been alienated. Fawkner Park lost its St. Kilda-road frontage. A Government building stood there for many years, but I think it has now been removed. Some honorable member might be able to bring me up to date on that point. I shall have something to say about the Motor Registration Branch building in the Exhibition Buildings when I deal with the Carlton Gardens. In Yarra Park, the Melbourne Cricket Ground, the railway, and now the new fly-over at Richmond which cuts off a section of the park on the south side of the line occupy part of the original area set aside as a park.

The Hon. L. H. S. THOMPSON.—Would you regard a cricket ground or a golf-course as alienating parkland?

The Hon. J. W. GALBALLY.—I thought I had made it clear that a case can be made out for such moves, but, unless the stopper is put in, no parklands will remain. I am not prepared to argue that point at the moment. I will concede that the Melbourne Cricket Ground is one of the finest stadiums in the world. It is centrally situated and caters for a sport-loving people.

The Hon. L. H. S. THOMPSON.—Is not the building of a golf course at Yarra Bend making effective use of parkland?

The Hon. J. W. GALBALLY.—I propose to deal with that point later, but at the moment I am answering Mr. Bridgford's inquiry. I believe legislators should discuss these matters. Yarra Park contains the Melbourne Cricket Ground, and a short distance away—perhaps 500 or 700 yards—is situated the Richmond Cricket Ground. The Domain, that magnificent area on the south side of the river, which was created a park by the original planners, now contains Government House, the Melbourne Observatory, and the Myer Music Bowl. Flinders Park is occupied by the enormous area of the Jolimont railway yards.

Again, I am not compelled to debate whether they should have been put there or somewhere else. Then there was the old City Morgue fronting Batman-avenue, together with the adjoining railway buildings. The Exhibition Buildings and a sports oval are situated in the Carlton gardens. The Government buildings in that area include those of the Transport Regulation Board and the Motor Registration Branch. If ever there was a case for moving Government buildings, it exists at Carlton. Their presence only tends to bring into an already congested area an enormous number of trucks, cars and other motor vehicles. At Princes Park there is the Carlton cricket ground and the university women's hostel. Look what has been inflicted on Royal Park! There are the Commonwealth Serum Laboratories covering a vast area, and the Mount Royal old folk's home. In the same locality there is the railway from Melbourne to Fawkner, as well as the tramway from Melbourne to West Coburg and four roads. There are also an institution controlled by the Children's Welfare Department, a mental reception home, the Zoological Gardens, a Melbourne City Council depot—and now, the Royal Children's Hospital. It is easy to find an excuse for constructing a new highway through parklands. To reclaim private property would be too costly—it would mean pulling down some houses. It is tempting to take over just another little strip of park.

The Hon. SAMUEL MERRIFIELD.—That is likely to be done at Strathmore, where the Country Roads Board wants to construct a road through a recreation ground.

The Hon. W. O. FULTON.—Houses are being pulled down for the erection of petrol service stations.

The Hon. J. W. GALBALLY.—That is so. We all recognize the need for proper hospitalization of children, but the argument to take just another little bit of parklands is irresistible, and it would be a bold man who would stand up and say that the Royal Children's Hospital should not be constructed in Royal Park. As parklands are alienated in all these cases, there will be an enormous loss in the ultimate, and once they are lost they are gone for ever.

I have dealt with the inner metropolitan area to show, I hope, the staggering loss of parklands in a community that needs them more and more as time passes. But the picture in the outer suburban areas is far worse. We have allowed a lot of outer metropolitan suburbs to be established with practically no provision for parklands. That is an appalling state of affairs, particularly when we recognize that nowadays, far more than formerly, everybody has more leisure time. One hundred years ago there were certain people in this community who had a lot of leisure, and many other people had no leisure at all. The introduction of shorter working hours has meant an increase in leisure for all, and I do not think anyone will dispute that people have far more leisure time now than they enjoyed in the old days. I hope I am not being political, but I can remember the time when barbers worked all day Saturday and one could get a shave on the way home from the pictures on Saturday night.

The Hon. W. O. FULTON.—Do you remember the time when butcher shops were open on Sunday mornings?

The Hon. J. W. GALBALLY.—No, I cannot remember that. I must yield to Mr. Fulton there. The planning authorities have laid down in the metropolitan urban area about 7½ acres of open space for every 1,000 people, including ovals and the like.

The Hon. SAMUEL MERRIFIELD.—That excludes private golf courses.

The Hon. J. W. GALBALLY.—It does not include golf courses, racecourses, and the like. We have often heard Melbourne referred to as a city of parks and recreation areas—quite wrongly, I believe. I am citing figures from the Melbourne and Metropolitan Board of Works report of 1954, which shows that Melbourne has 6 acres of public open space for every 1,000 people.

Before I deal with the outer areas, let me refer to some of the older countries where cities were destroyed during the last world war. Consequently there has been an opportunity to rebuild cities as the planners would like—in other words, where the planners have had their own way. In one such city 50 per cent. of the available metropolitan area has been earmarked for recreational and sporting purposes.

The Hon. G. L. CHANDLER.—Where is that?

The Hon. J. W. GALBALLY.—In Kiev. In some of the older civilizations it was believed that for every citizen there should be 300 trees. By world standards we, as a supposedly out-of-doors nation, with all the advantages of an empty land, are lagging far behind.

Dealing now with the outer areas, let me give some statistical comparisons between Melbourne and some of the other areas. This information is taken from page 134 of the Melbourne Metropolitan Planning Scheme, 1954. Melbourne is the central area, and by Melbourne I do not include Port Melbourne, South Melbourne, Richmond, Collingwood, or Fitzroy. The city of Melbourne has an area of 7,850 acres, and the existing parkland is 1,286 acres, or approximately 1 acre of parklands for every 6 acres of area. Templestowe, with an area of 22,000 acres, has 332 acres of public open space. Box Hill, with an area of 5,200 acres has 373 acres of public open space. Nunawading, with an area of 10,490 acres, has 141 acres of public open space.

The Hon. R. W. MACK.—You are referring to open parklands, not sporting ovals?

The Hon. J. W. GALBALLY.—It is public open space, but does not include golf courses.

The Hon. R. W. MACK.—Or tennis courts?

The Hon. SAMUEL MERRIFIELD.—No, not private courts.

The Hon. J. W. GALBALLY.—I must deal with these figures before concluding my remarks, as they form a very important part of my thinking. Ringwood, with an area of 5,715 acres, has a total public open space of 133 acres.

The Hon. SAMUEL MERRIFIELD.—Two per cent.

The Hon. J. W. GALBALLY.—Yes. I will now take the example of Frankston, which is a rapidly developing area. In Frankston and Hastings, grouped together, with an area of 11,800 acres, there is a total public open space of 417 acres. Of 3,360 acres at Oakleigh, an area of only 95 acres is public open space.

The Hon. W. P. MAIR.—In relation to those Frankston figures, do they include the immense foreshore reserves?

The Hon. J. W. GALBALLY.—I cannot say. I am only quoting figures from the metropolitan planning report.

The Hon. G. W. THOM.—The figure of 11,800 acres does not represent the area of the Shire of Frankston and Hastings.

The Hon. J. W. GALBALLY.—It is the gross area.

The Hon. G. W. THOM.—It cannot be, according to the size of Frankston and Hastings.

The Hon. J. W. GALBALLY.—I merely point out that I have taken these figures from the metropolitan planning report of 1954. That is my authority.

The Hon. W. R. GARRETT.—I am not criticizing it, but I should like to know where that figure comes from, as the area of the shire must be larger?

The Hon. W. P. MAIR.—The area of Frankston with which you are dealing is that which is under the control of the Melbourne and Metropolitan Board of Works.

The Hon. J. W. GALBALLY.—That is right. Let me deal with Dandenong, with an area, according to this authority, of 35,840 acres, of which there are 187 acres of public open space. In answer to the question raised by Mr. Garrett, I shall arrange for my colleague to obtain the relevant information whilst I am dealing with other matters. The provision for recreational and sporting facilities in the outer areas is deplorably low, and must, I believe, shock members

The Hon. W. O. FULTON.—Who, do you say, is to blame for the small area of parklands? Is it the municipalities?

The Hon. J. W. GALBALLY.—Mr. Fulton is usually very kind to me, but I have a little more to do than to ascribe blame.

The Hon. W. O. FULTON.—If parklands have not been set aside, someone must be to blame.

The Hon. J. W. GALBALLY.—My research has not enabled me to go far enough to be able to ascribe blame. I am inclined to think, with all the caution of an off-the-cuff opinion, that we have allowed the outer suburban areas to grow up like Topsy without anyone giving proper thought to the problem, in marked contrast to the work of those wonderful planners of the City of Melbourne. I should like to dedicate my remarks to-day to their long-sightedness. As I walked through the Fitzroy Gardens this morning on my way to the House, I thought what a beautiful sight it was, with the sunshine, the glorious trees, little children running about, and the birds chirruping overhead. I trust that, despite some unworthy remarks and criticism which I do not think I need answer, the House will give to this Bill the earnest consideration that it deserves.

We are a sport loving people; wherever one travels in the world to-day Australians are known as great sportsmen. "Conservation," I know, is a dreadful word, but it is closely linked with the concept of an athlete. An athlete is a

conservationist who conserves his mind and body and disciplines them to give a joyous response with maximum effect to his natural instincts and mental command. There cannot be good sportsmen unless there are proper recreation facilities. The instinct of every athlete, whether he is aware of it or not, is against the profligacy of waste and spoliation. His response to this instinct makes of him a whole man, and for his home he needs a whole land, a land carefully trained and conditioned in all its aspects as he is to fill his infinite needs.

If conservation meant only the assurance of room to relax in for those with nothing better to do with their time, there might well be arguments to oppose it on the ground that the nation is too relaxed already. A conservation that meant merely a prevalence of tennis courts over vacant lots, of golf courses over swamps, and of housing developments over scenic vistas, factories and roadside advertising might well be discounted as a too-expensive luxury. But in my view conservation goes far deeper than that; it means to the civilized land what fitness means to the educated body, and in essence what the idea of sport itself means to the human spirit—a wholeness of mind and body.

I look at conservation as the effort to secure a whole land for the whole man. Unless we take positive steps now, it will be too late. If we are not careful we shall leave our children a legacy of shockingly expensive super-highways leading nowhere except to other congested places like those they left behind. We are building ourselves an asphalt treadmill and allowing the green areas of our nation to disappear. Year after year the green fields and open skies are yielding to what we call the advancing civilization. We must stop this plunder.

In the year 1831, Alexis de Tocqueville, a 26-year-old French nobleman with a genius for observation, visited the United States of America. In his account *Democracy in America,* one of the greatest of travel books, he characterized the citizens and their New World, in a way that we might speak of Australia, as—

> that continent (which) still presents, as it did in the primeval time, rivers that rise from never failing sources, green and moist solitudes, and limitless fields, which the plowshare of the husbandman has never turned . . . The physical position of the country opens so wide a field that man needs only to be let alone to be able to accomplish prodigies . . . Such is the admirable position of the New World that man has no other enemy than himself.

To the Australian his leisure time has become his most sizeable personal asset. His choice of a job and habitation, we like to think, is primarily influenced by where he will find life most pleasant. Nearly all Australian people live in large cities, and if we look forward to the year 2000, which I presume would be in the lifetime of most of our children, unless we beware, our continent will appear from the sky as an asphalt jungle. That is the problem to which countries abroad are giving more and more attention at present. It is feared in America that cities will spill right out until they almost touch the next city.

The Hon. L. H. S. THOMPSON.—Would you regard the building of tennis courts and cricket ovals as a legitimate use of parkland?

The Hon. J. W. GALBALLY.—I think it is dangerous to deny the simple needs of man for open sky, green fields and so on, although in a sense people living in the cities have got away from the soil. But man, biologically, still needs the soil. In other words, it is not necessary to speak of conservation merely in terms of inanimate things, of land and water and open sky. It is necessary to conserve mankind, to protect him from the kind of life that so many of us live in a city to-day. We are under lights all day, in concrete buildings and on asphalt, and it is almost a crime to walk anywhere. The dilemma of man enmeshed in an asphyxiating environment of his own creation presents the greatest challenge conservation has ever known. The question was asked: What do I say about playing fields and so on? I have dealt

with that matter in the Bill, which perhaps I ought now to explain. It is a simple measure which seeks to bring back all control of public and recreational lands to Parliament in a way that I believe will not offend anyone. First, it amends section 19 of the Lands Act. As honorable members are aware, land which is reserved for recreation purposes—that is, Crown land—falls into two classes. There are permanent reservations, such as Yarra Park, Flinders Park and Carlton Gardens. Then there are temporary reservations which can be alienated by the Governor in Council, which means on the say-so of a Minister. I think the glaring example of that was the taking of portion of Caulfield Park for the erection of a school, about which Parliament knew nothing. That was done purely by Ministerial act. Under my proposal, where land has been temporarily reserved from alienation for a period of not less than five years, it will become a permanent reservation. I chose five years as a fair interval of time for the reservation to acquire the quality of permanency.

If the Bill is passed such lands can no longer be alienated on the say-so of the Minister. That land must go into the same basket as permanent reservations. That still leaves quite a wide field of public and recreational land. If the use is to be changed, if the purposes for which it is to be used are to be altered, application must be made to the Minister of Lands setting out the reasons for the change of use—if the land is to be subdivided and an hotel built on it, or anything else. The Minister is merely a conduit pipe. He cannot either accept or reject the alteration proposed in regard to use. The Minister will table the proposal before Parliament and it will go through unless either House of Parliament takes a positive step within fourteen days to disallow it. Every proposal must go to Parliament.

The Hon. SAMUEL MERRIFIELD.—A change of use would not be involved in the case the Minister without Portfolio raised.

The Hon. J. W. GALBALLY.—That is so. The provisions would apply to municipalities and public statutory bodies. For instance, the Melbourne Harbor Trust has an area of foreshore that is being used for public recreational purposes. It might need the land for some other purpose—perhaps to build a wharf there. That use cannot be changed unless the proposal to change is sent to the Minister, with the reasons set out. The Minister will table it in Parliament, and the proposal will go through automatically unless either House of Parliament disallows it within fourteen days. There is no bureaucratic control. It cannot be asked, "Why do we have to go to all this fuss and bother, and be held up?" I hope the Bill will take this matter out of the sphere of party politics. There will be no necessity for the Government to place its imprimatur or otherwise on the proposal. The Minister of Lands will not have to say, "I approve," or "I disapprove."

It might be thought that a rather onerous duty is being placed on municipalities, but at present under a section of the Local Government Act, if a municipality wants to sell any land it must obtain Ministerial approval. I do not think municipalities will suffer any hardship under my proposal. Parliament will be supreme in a matter which so dearly touches the convenience of the community.

The Hon. G. L. CHANDLER.—Do you make a distinction between parklands and council-owned lands that have been used for a specific purpose?

The Hon. J. W. GALBALLY.—No. Let us consider, as an example, the situation of the Collingwood council, which owns the Collingwood football ground. The land was given to the council many years ago by an old gentleman whose name, I think, was Dight. A long time ago I examined the question whether the council could grant a lease to the football club. The opinion I took was none other than that of the Right Honorable R. G. Menzies, who said that the council could do so. He gave a very clear, unequivocal

opinion. If the Collingwood council wanted to change the use of that land and build homes on it for old people, although the council owns the land, it would have to send the proposal to the Minister, who would lay it on the table of both Houses of Parliament. It would go through unless Parliament disallowed it.

The Hon. G. L. CHANDLER.—I meant council-owned land used for a purpose distinct from that of parkland.

The Hon. J. W. GALBALLY.—My Bill deals only with land used for recreational purposes. Where it is so used Parliament will be empowered to disallow a change of use. I come to the well-directed questions of the Minister without Portfolio. The subject he raises is dealt with in clause 4, which states—

> Where immediately before the commencement of this Act any land—
>
> (*a*) is vested in or held in trust for any club society association or like body (whether corporate or unincorporate) formed or established for the carrying on by its members of any outdoor sport recreation or pastime; and
>
> (*b*) is used by the members thereof for such a purpose—
>
> then the land or any part thereof shall not be subdivided or sold or disposed of or used for any purpose other than the carrying on of the said outdoor sport recreation or pastime unless and until a proposal for the sale disposal or change of purpose, setting out the reasons for the proposed sale disposal or change, has been submitted in writing to the Minister and dealt with as hereinafter provided.

I ask members to consider the position of the Lawn Tennis Association of Victoria, which has its headquarters at Kooyong. If my Bill becomes law, nobody will be able to interfere with the use of that area for the purposes of tennis except with the approval of Parliament. It might be asked, "Is that not rather an unwarranted interference with the right of a private organization?" I submit that it is not. I am a member at Kooyong. A private club operates there, but it is also the headquarters of tennis in Victoria, and I believe I am speaking for every member of the club when I say that it recognizes its obligations, acquired over the years, to tennis in Victoria now and in the future. Nearly every child who starts to play tennis looks forward to the day when he will play on the centre court at Kooyong. I do not speak for the Lawn Tennis Association of Victoria, but I believe it would welcome protection of the kind contained in the Bill. Let us consider the position of the club. Suppose its members say, "Despite what you have said, we want to change the usage, and make our headquarters at Dandenong." In those circumstances, the sanction of Parliament would have to be obtained.

This proposal applies to all sporting organizations, but not to individual persons. For instance, a man at Preston may have three tennis courts which he hires to players, and he may decide that he will replace them by a block of flats or a petrol service station. I have thought about this problem, and I have rejected the view that such a person should come under any control envisaged by this Bill, because he would not be in the same position as a club formed for the purpose of outdoor sport or recreation. Such a person would be merely engaged in a commercial enterprise.

The Hon. C. S. GAWITH.—What would be the position of a privately-owned tract of land near Mordialloc, which was formerly a racecourse and is now used as a training track?

The Hon. J. W. GALBALLY.—Who owns this particular land?

The Hon. C. S. GAWITH.—A single person.

The Hon. J. W. GALBALLY.—In that event, it would not come within the ambit of the Bill. I direct Mr. Gawith's attention to the provisions of clause 4.

The Hon. G. J. NICOL.—Do you envisage protecting areas of land used for sporting purposes from compulsory acquisition by a Government or a governmental authority?

The Hon. J. W. GALBALLY.—The most that any person can do is to put himself into the hands of Parliament. Parliament is always supreme, and I am merely attempting to bring these matters under its control, whereas at present a change could be made by an executive act, by a municipal council, and so on.

The Hon. G. J. NICOL.—If the Housing Commission wanted to acquire an area of land, it would be required to go through the same procedure?

The Hon. J. W. GALBALLY.—Decidedly so. Government officials have been responsible for the worst examples of filching.

The Hon. C. H. BRIDGFORD.—Some small fish could be caught in the net. For example, if the Bill became law and a small church wished to build a hall on land occupied by tennis courts, the approval of Parliament would be required.

The Hon. J. W. GALBALLY.—The church authorities need merely submit the proposal to the Minister, the necessary documents would be tabled in Parliament, and if there were no objections approval would be given in fourteen days. A private person must go to more trouble to get a motor car driver's licence. The procedure outlined would not be irksome.

The Hon. W. R. GARRETT.—Such a situation would not arise, because most church properties are privately owned.

The Hon. J. W. GALBALLY.—Mr. Garrett is right. I do not think that church tennis courts come within the scope of the Bill.

The Hon. G. J. NICOL.—What would be the position regarding schools such as Melbourne Grammar School, Wesley College, and Scotch College?

The Hon. J. W. GALBALLY.—A school is not a club, society or association formed for the carrying on by its members of any outdoor sport, recreation or pastime. The playing areas of educational institutions are incidental to their main purposes. The Bill does not affect any schools, nor would I want it to do so, because I am content to leave the schools as they are. I realize that, as conditions are at present, they experience great trouble in trying to obtain sufficient recreational areas. I have no intention of harassing anybody, and I am indebted for suggestions that are offered. It may be that someone will discover an anomaly in the Bill. This is the first attempt that has been made to have a measure of this character passed, and I desire that a good Bill should be passed into law, not an irritating one.

The Hon. G. J. NICOL.—I had in mind protecting the places to which I have referred, not harassing them.

The Hon. J. W. GALBALLY.—I think the real criticism that can be made of the Bill is that it does not go far enough. However, it is a start. The measure will affect the Kooyong tennis courts, the Collingwood Football Club, and similar sporting bodies. It will affect all golf courses. There was a time in our community when golf was considered—I suppose rightly so—as the province of the rich, but now as many young people play golf as any other sport. To-day's golf champions came from humble surroundings, and nearly all started as caddies. I do not intend to mention names—Mr. Mack knows whom I have in mind.

Golf is a game that is played by what is broadly called the masses of the people. At the Yarra Bend National Park, the Albert Park or the Royal Park golf courses at week-ends people queue up waiting to play. Melbourne is acknowledged to possess the finest set of golf courses in the world, and if they were removed they could never be replaced. Our sand belt has attracted the admiration of people everywhere. Although the golf courses in that region are privately owned, they belong, in a sense, as do the tennis courts at Kooyong, to the people of Victoria. If my Bill is passed, nobody will be enabled to march in on them without Parliamentary approval, nor will clubs be permitted to march out. It might be said that we should not interfere with them, but I believe that the clubs will welcome the passing of this measure.

The Hon. C. S. GAWITH.—Would you make the clubs non-rateable?

The Hon. J. W. GALBALLY.—I am dealing now with a Bill which is designed to preserve them, and the question of rateability is not one of its subject-matters. I have been at some pains to

point out how the Bill will affect private sporting organizations, because after one has been in Parliament for years one learns how a remark may be misunderstood or misinterpreted.

The Hon. P. V. FELTHAM.—Was the Bill circulated to anybody before members of this House saw it to-day?

The Hon. J. W. GALBALLY.—No.

The Hon. P. V. FELTHAM.—Can you understand how the Premier has decided, before members have seen it, that this measure will be rejected?

The Hon. J. W. GALBALLY.—I read the statement of the Premier to which Mr. Feltham has referred. The honorable gentleman has not contradicted it, so I assume it must have been made by him. I purposely did not advert to this matter because I felt the House would rather want to consider the merits or otherwise of my Bill and not be sidetracked by any criticism I might make of the Premier. However, it does seem extraordinary that a member of Parliament who happens at the same time to be the Premier should say that he would not even bother to read a Bill submitted by another member of Parliament. I understood that the essence of the Parliamentary system implied that every member had the right to bring something forward and that it was the duty of other members to consider it, no matter from which quarter it came. As Leader of the House, the Minister of Transport submits measures to members in this Chamber. If I were to get up and, in some peevish fashion, say that I was not going to read a Bill, and other members acted in a similar manner, it would not be possible to carry on the Parliamentary process.

Australians do not mind others who stand up to them and say what they have to say face to face, but the Premier slinks away all the time in a cowardly fashion and runs to the newspapers. If the Minister of Transport says to my face in this House what he thinks of me, that is part of the Parliamentary system. The press to-day contains a few lines about the redistribution proposal, debated in this House this week, but the Premier, who has said not a word about it in Parliament, acts like a footballer who, when an opponent kicks a goal, runs up and fells him.

The Hon. L. H. S. THOMPSON.—The measure was not debated in the Lower House.

The Hon. J. W. GALBALLY.—There was a Government spokesman here and the Government was well represented. I prefer the red-blooded men, not the slinkers, in Parliament. I hope no undue emphasis will be given to my remarks concerning the Premier. This Bill should be regarded as a thoughtful and reasonable contribution to a problem that must be exercising the minds of honorable members. I am sure the House must have been impressed by some of the figures I have quoted concerning the stealing of parklands and recreation areas, and the lack of proper facilities in the outer areas. If the Bill is passed, it will represent a start and, possibly, other action will follow. I hope we will be able to stimulate public interest and discussion on this measure. I respect the good sense of Australians and I know their attitude to this Bill will not be that of the Premier. In the words of Theodore Roosevelt: "Do what you can where you are with what you've got." I commend the Bill to honorable members.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That the debate be now adjourned.

So far as I know, no member of the Government has seen this Bill. Certainly, Cabinet has not considered it, nor have I personally done so. To-day is the first time that any Government members have heard about the proposal. So far as newspaper comments are concerned, I point out that I have not read them. I do not usually go to the newspapers for the purpose of obtaining information, because they are concerned with news and, sometimes, by the addition of a word here and there, or by the use of a headline, the construction of something is entirely altered.

The Hon. ARCHIBALD TODD.—The newspapers do not always print the actual truth.

Sir ARTHUR WARNER.—They may print some of the truth, but it may not always be of decimal point accuracy. The Government will certainly give consideration to this Bill. So far as I am concerned, it is a thoughtful contribution to a subject which is interesting almost everyone, and, therefore, it deserves consideration.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the next day of meeting.

COMMERCIAL GOODS VEHICLES (AMENDMENT) BILL (No. 2).

The debate (adjourned from November 2) on the motion of the Hon. P. V. Feltham (Northern Province) for the second reading of this Bill was resumed.

Sir ARTHUR WARNER (Minister of Transport).—This is the second of the two Bills introduced by Mr. Feltham relating to transport. The first measure was introduced a few days before the Ballaarat North by-election, and this measure was a subsequent afterthought, which was "squeezed in" just in time. I propose to deal with the Bill in this way: First, I shall show that it is completely inconsistent with the previous comments of Country party members over a number of years, and that a reason might perhaps be found for that. I shall then explain the Bill and demonstrate that it is an entire misconception of what is needed and of what is being done under the transport Act. The explanatory second-reading speech shows that the honorable member who introduced the Bill is unaware of the legal position, and that he was equally unaware of the facts concerning the operation of the Act. I shall read extracts from the second-reading speech to prove that point.

The Bill deals with ancillary vehicles, and their use by vehicle owners in country districts. The first measure of restriction on ancillary users was brought in by the Country party in 1941 when Sir Herbert Hyland—he was then Mr. Hyland—handled the matter for the then Government. His speech was so good that I propose to read the following extracts from it:—

> Many requests have been made to limit the radius in which ancillary users are at present to operate, and I have personally heard the representations of deputations from the following advocates of this curtailment:—Milk Carriers' Section of Commercial Motor Users Association, Hardwood Millers' Association, Wholesale Grocers' Association, Wholesale Fruit Merchants' Association, Master Carriers' Association, Vegetable Growers' Association, and the Potato and Onion Merchants' Association.

In other words, it was the country people themselves who first approached the Country party seeking these restrictions and, later on, I shall demonstrate why they did so. Sir Herbert Hyland continued—

> Experience shows this to be entirely unjustified and, furthermore, it produces a variety of illicit practices which cannot be detected. At present certain persons holding such licences are, in actual fact, carriers operating heavy vehicles which collect orders in country districts for commodities such as wire, galvanized iron, timber and builders' supplies generally. They then order on their own account from wholesale firms in Melbourne and deliver at the country end, charging to the consignee the purchase cost plus cost of transport. This practice interferes with proper regulation of transport, is unfair to licensed carriers, and is particularly unfair to traders in country towns.

The Hon. W. O. FULTON.—Why do you not revert to the days when a person carrying a red flag had to walk in front of a steam engine.

Sir ARTHUR WARNER.—I do not propose to upset myself on this matter. I realize that Country party members do not like the speech I am now making. I am endeavouring to point out that this Bill represents a complete contradiction of everything that Country party members have said in the past and, shortly, I shall demonstrate reasons for it. They will be made perfectly clear, and I shall not have to explain them to anyone. The *Hansard* report continues—

> Devices of this kind are especially prevalent in interstate traffic where, on account of policing difficulties over the border, illicit practices are extremely difficult to detect.

One would almost think that those words had been spoken to-day.

> If vehicles are able to operate on the highways in this way, through the undoubted weakness of the Act, the ease with which they can be used to defeat the intentions of the Act by carrying

deliberately for hire and reward renders effective control impossible. The only solution is to bring ancillary use itself under closer control and deal with the problem at its root.

Sir Herbert Hyland proceeded to point out that it was proposed to limit the carrying capacity of vehicles to 4 tons, and to restrict their operation to an area within a radius of 50 miles from the principal or central place of business.

The Hon. D. J. WALTERS.—Sir Herbert Hyland was then Minister of Railways.

Sir ARTHUR WARNER.—He was Minister of Transport.

The Hon. D. J. WALTERS.—Even if he was Minister of Transport, he was still the Minister in charge of the railways.

Sir ARTHUR WARNER.—In this Chamber in 1955, Mr. Swinburne stated—

> Governments have spent a good deal of money providing modern equipment, rolling-stock and engines, with a view to building up the Railways Service, but that has all been based on a certain volume of traffic, which must be retained if an efficient service is to be maintained.

The Hon. I. A. SWINBURNE.—That is still right.

Sir ARTHUR WARNER.—I am not saying that Sir Herbert Hyland or Mr Swinburne were wrong in the statements they made. I thoroughly agree with them. I propose to demonstrate that this second propaganda Bill is a contradiction of everything Country party members have said in the past.

The Hon. D. J. WALTERS.—There is no need for you to be so provocative all the time.

Sir ARTHUR WARNER.—I am not being provocative at all; I am simply demonstrating that this Bill cannot be justified on any grounds.

The Hon. W. O. FULTON.—You do not live in the country.

Sir ARTHUR WARNER.—I realize that Country party members will not enjoy the speech I am now making, but I did not come here to please them. I am presenting the Government's view on this Bill.

The Hon. D. J. WALTERS.—You should do that by quoting hard facts and not propaganda.

Sir ARTHUR WARNER.—Is Mr. Walters arguing that these speeches were not made?

The Hon. P. T. BYRNES.—I am quite happy with what you have said so far.

Sir ARTHUR WARNER.—In 1955, Mr. Byrnes made a statement which follows the general purport of the previous statements of Country party members. He said—

> It is hoped that the transport regulation system will be preserved for all time. As long as that system continues, the railways will be able to function. Mr. Galbally has conveniently forgotten that the permit system which protects the railways was to have been abolished, but under the present proposal—to some extent the Country party has been responsible for it—the permit system will be preserved. Much of the credit for that action must be attributed to the Country party.
>
> The Transport Regulation Act 1932 enabled road transport to develop throughout the State and the railways to exist in the face of opposition by road transport.

Later he said—

> Under this Bill the whole transport system is preserved. The Country party was fighting to achieve that object.

I am prepared to plead guilty to making some concessions by means of permits, and the Country party joined with other people to criticize what I was endeavouring to do. I admit again that I was acting without complete and absolute authority. Mr. Feltham was sufficiently opposed to what I was doing to say in the House that I had no authority.

The Hon. P. V. FELTHAM.—I was opposed to your interfering with the Transport Regulation Board in the granting of permits. That is what I told you.

Sir ARTHUR WARNER.—That is not correct. If you wish I shall quote all of your remarks.

The Hon. I. A. SWINBURNE.—You should quote these remarks in their proper context.

Sir ARTHUR WARNER.—I shall do so in a moment. I do not want any distortion at all of this matter. I had

given the Masonite Corporation permits to carry by road 10 per cent. of the goods it wanted to haul. The Country party and the Labour party said that I had no right to pre-judge the Board's decision in the matter.

The Hon. P. V. FELTHAM.—What you were told by Mr. Galbally and myself in this House was that the Minister had no general powers as Minister to interfere with the granting of permits.

Sir ARTHUR WARNER.—I agree with that. What caused the debate was the fact that Masonite Corporation's representatives were present in the House at the time and they had lobbied the Country party to bring their case to Parliament, which the Country party did. In the course of the debate I was told that I had no authority to grant these permits. Mr. Feltham stated *inter alia*—

> I take the matter further than has Mr. Galbally. Any direction or instruction by the Minister on the issue of permits is wrong and unauthorized by Parliament . . . . In the light of this alarming state of affairs caused by the Minister's ignorance of the legislation, my party has moved the motion before the House.

In other words, because I had granted permits for 10 per cent. of the requirements, the Country party brought the matter to the House and said that my action was out of order. For more than twenty years the policy of the Country party has been reasonably consistent until these propaganda Bills were introduced. Members of the Country party have clearly stated the party's policy on this matter on innumerable occasions and I agree with a great deal of it. They have said that if we are to preserve the railways, which are essential to the State, we must not allow them to be subjected to unlicenced, free, open competition which would have the effect of destroying them. If that were done, a number of privileges would be taken away from country people because they make great use of railway services. In broad principle, I agree with that. In the circumstances which then existed and in the circumstances that now exist, I have said on many occasions that I do not agree with freedom of the road without some charge being imposed for use of the roads. Not only is it the policy of the Country party in this State, but it is also the policy of the Country party in Queensland. The Country party transport Minister there has just introduced a plan for charging all vehicles up to 3d. a ton-mile under a complete permit system. In order to guard against any assertion that the newspaper report could not be believed, I have brought a copy of the relevant Bill with me and it is available if needed.

We come then to the fact that just prior to the Ballaarat North by-election there was a complete and sudden change of heart on the part of the Country party, and two Bills, one of which we are now considering, were introduced. I think I should now explain what this Bill purports to do. The proposed change in paragraph (*f*) of sub-section (1) of section 5 of the principal Act would allow owners to operate within 100 miles of the principal place of business. I have sought legal opinion on this and have also asked the Transport Board how it would interpret the proposal. It would mean that any vehicle owned by any person engaged in any business could set up a complete transport operating system in the State and could also add a few embellishments. Let us say a firm entitled Railway Smashem Limited was formed. It could set up four or five proprietary companies—of course, individuals under the Act—which would establish their principal places of business within 100 miles of Melbourne, perhaps 95 so there should not be any argument. This was the kind of thing visualized by Sir Herbert Hyland some years ago, perhaps operating under slightly different methods. If I were running the firm, I would also form a discount buying organization in order to purchase goods in the city and sell them at a profit to country storekeepers, perhaps providing terms. The firm would then be able to cart practically throughout the entire State of Victoria carrying officially its own goods.

The Hon. P. V. FELTHAM.—Why do you say "officially?"

Sir ARTHUR WARNER.—This would be exactly what was visualized by Sir Herbert Hyland, and you must remember that he was once a country storekeeper and knew what was likely to be done. I would go even further than he suggested. I would go to country storekeepers other than the chain stores, and offer them credit.

The Hon. P. T. BYRNES.—Chain stores are already operating in practically all country towns using permits and are giving customers three months' credit.

Sir ARTHUR WARNER.—Perhaps Railway Smashem Limited would have to offer six months' credit, but it would be able to carry goods anywhere and everywhere throughout the State. In time, probably there would be no railways operating, and its position would be even better.

The Hon. P. T. BYRNES.—This bogey was raised when the Country party first wanted freedom within 25 miles. It is only a bogey.

Sir ARTHUR WARNER.—A subsiduary operating in, say, Ballarat would have the right to come to Melbourne, pick up goods, and travel to any place not more than 100 miles on the other side of Ballarat.

The Hon. P. V. FELTHAM.—It would have to cart its own goods.

Sir ARTHUR WARNER.—Yes, its own goods, technically.

The Hon. P. V. FELTHAM.—You are suggesting the organization of a gigantic fraud the like of which has never been indulged in in Victoria before.

Sir ARTHUR WARNER.—I think Mr. Feltham should consult his Leader on this matter. The mathematics of the situation and the local devices which can be used have not changed since Sir Herbert Hyland made a competent and very understanding survey of the position. What I am outlining is not just some modern get-rich-quick fantasy. It is what has actually been done in the United States of America.

The Hon. P. T. BYRNES.—What have you got to say about the fact that Mr. Purvis was fined recently for this type of thing.

Sir ARTHUR WARNER.—That was because he was not empowered to travel beyond 50 miles. He was not the instigator of this proposal of yours, was he?

The Hon. P. T. BYRNES.—No.

The Hon. W. O. FULTON.—Would you hold it against him if he was? You should not besmirch a man's name for no reason.

Sir ARTHUR WARNER.—If I have said anything derogatory of Mr. Purvis, I apologize. I have no animosity towards him; I have only met him once. The next proposal is to insert a new paragraph (*h*) in sub-section (1) of section 5, and this proposal is even more "slap happy" than the other.

The Hon. P. T. BYRNES.—You should not be too hard on this proposal, as I think a lot of it.

Sir ARTHUR WARNER.—Under this proposal an operator could use a 15-ton truck if he wished, and under the other one he would be handicapped by the size of the truck he would be forced to use. Furthermore, he would not have to operate from a principal place of business. He could operate from any place and carry on any kind of business. He could conduct a country sawmill if he wished. He could carry the goods in any sized truck he liked and, provided he carried them legitimately, he could convey them anywhere in the State. It would be a case of complete and wide-open freedom of road transport, 100 per cent. All he would need to do would be to carry what were technically his own goods.

The Hon. P. V. FELTHAM.—Why "technically"?

Sir ARTHUR WARNER.—I used to have a good opinion of Mr. Feltham's legal knowledge. Let me assume that I live at Yea, or some distance a little farther away. I want goods to be brought to me by a road transport operator, and I say to him, "I want some timber from Melbourne." He replies, "I can cart it only as long as I pay for it." I tell him to do so and that I will pay him for the timber when he delivers it to me. He goes to a company in Melbourne, obtains the

timber and pays for it. Officially, technically, and legally that timber, once he has ordered and paid for it, is his.

The Hon. P. V. FELTHAM.—Do you really think that?

Sir ARTHUR WARNER.—I will answer that after the adjournment, when I shall have had time to think up the right word.

The sitting was suspended at 1.2 *p.m. until* 2.20 *p.m.*

Sir ARTHUR WARNER.—Before the suspension of the sitting Mr. Feltham, if I understood him correctly, was endeavouring to give the legal opinion that a person could not buy goods and then transport them, sell them to a nominal owner and therefore own them within the meaning of the Act. I dispute that and so do my legal advisers. Apparently Sir Herbert Hyland does, also, because on one occasion he stated—

> At present certain persons holding such licences are in actual fact carriers operating heavy vehicles who collect orders in country districts for commodities such as wire, galvanized iron, timber and builders' supplies generally. They then order on their own account from wholesale firms in Melbourne and deliver at the country end, charging to the consignee the purchase cost plus freight.

I would suggest that Sir Herbert Hyland was fully advised that that was correct. I am equally fully advised. In most hire-purchase transactions it is common practice for companies to have subsidiaries which technically sell the goods to the hire-purchase companies and then hire or rent them. This is a common device by which the legal ownership is temporarily in the hands of a third party for the purpose of complying with some law or regulation. Therefore, I come back to my proposal that under this amendment a person could set up in Victoria a company known as Railway Smashings Limited with its head office in Melbourne and a subsidiary company 90 or 100 miles from Melbourne strategically situated in the north, east, south-west or north-west in such a way that there would be substantial freedom of transport.

The Hon. P. V. FELTHAM.—They could do that under the 50-mile provision.

Sir ARTHUR WARNER.—That is so, but it is not so encouraging to do it. The next point in Mr. Feltham's proposal to give this complete freedom—which it substantially is—is that there is no limit on the size of the vehicle. That is the point which was overcome by Sir Herbert Hyland's amendment to reduce the limit to 4 tons. It is interesting to note who were the people who objected to this complete freedom. According to Sir Herbert they were the small storekeepers, wholesalers and companies in country areas. They objected because prior to this particular Country party restriction—I am not criticizing the Country party—the larger companies were beginning to overwhelm the small country storekeepers.

I submitted these proposals to the Railways Commissioners and to the Transport Regulation Board. I assure honorable members that I made no attempt to discuss the matter with the chairman of the Railways Commissioners. I simply sent it along for his comments. He said—

> Moreover, there is no provision in the clause that the principal place of business in Victoria of the person concerned shall be in the country, so that it would be equally competent for Melbourne firms with country branches to carry their own goods freely to and from such branches. This would apply particularly to chain stores such as Coles, Moran and Cato, and S. E. Dickens; also, presumably, to the carriage of beer to any country hotel whose owner cared to send to Melbourne to get it.
>
> In fact, although the declared purpose of the Bill is to assist country industries and foster decentralization, consideration of the foregoing implications shows that it is very much of a two-edged sword, for Melbourne-based industrial concerns would only have to establish strategically-located country sales offices to get freedom to distribute their goods by road throughout the State.

That is the point I am putting, but I put it on a larger scale than Mr. Brownbill did. He continued—

> Notwithstanding that country industries would have the same freedom to use road transport, they would still be worse off than at present, for under the existing set-up, country industries are more favourably treated as to rail freight rates between country centres and Melbourne than metropolitan ones.

In other words, to a large extent this is a centralization project and one which offers great scope to a large central operator with headquarters in Melbourne.

The Hon. P. V. FELTHAM.—Does the Minister believe that country businesses would not want this Bill?

Sir ARTHUR WARNER.—When they examined it closely, a great number would not want it. I assume that in the rush to get this Bill into the House, neither Mr. Feltham nor the Country party had time to really examine what was being done, nor did they examine the Bill to ascertain what its legal consequences would be. I make that statement because, in his second-reading speech, Mr. Feltham said—

> An industry could not obtain a licence for the transport of its own goods because the Board does not have the power to grant such a licence.

I presume that Mr. Feltham read the report of his speech before it finally went into print. His statement is quite untrue. There is nothing whatever in the Act which provides that an industry in Victoria cannot get a discretionary licence. In fact, I direct Mr. Feltham's attention to the fact that the Minister has no power in regard to permits, but his control applies to licences where the Minister does have a wide discretionary power.

The Hon. I. A. SWINBURNE.—It has no effect until the Minister gives his sanction. That is the fundamental point.

Sir ARTHUR WARNER.—No, there is a much more fundamental point. All the Minister has to do is to encourage the decentralized industry to apply for a licence and, if the Board refuses it, the Minister can then grant it.

The Hon. I. A. SWINBURNE.—It works in reverse, too.

Sir ARTHUR WARNER. — That is the important point and the one which Mr. Feltham apparently does not understand, because he said—

> This is the first occasion on which I have heard of a general discretionary licence being granted to an industry to carry its own goods.

This shows a complete and woeful ignorance of what the Government is doing. Certain industries in the country are disadvantaged by the restrictions on road transport. Other industries in the country are at an advantage because they are in their natural place, and to those industries the Government does not give permission to transport by road. As Mr. Swinburne pointed out, the railways depend on the volume of goods transported to sustain them. That has been Country party policy throughout, and I agree with it. Certain persons are at a disadvantage.

The Hon. I. A. SWINBURNE.—Who would they be?

Sir ARTHUR WARNER.—I will not miss a trick.

The Hon. D. J. WALTERS.—"Trick" is a good word.

Sir ARTHUR WARNER.—What I have to say will not be a distortion of the true position. The Government has said to me as Minister of Transport and to Mr. Fraser, the Minister in charge of decentralization, that, without destroying the railways, as much freedom as possible should be given to decentralized industries which are at a disadvantage. I emphasize the word "disadvantage." Consequently, I have in my possession lists of industries to which concessions have been granted, although Mr. Feltham stated that it was impossible and that he had never heard of one. The first list relates to industries outside a 50-mile radius from the General Post Office, which are issued with "D" licences for cartage to and from Melbourne. They have a 50-mile as-of-right licence, but are allowed to go beyond it. I shall not read all the details contained in the lists, because approximately 100 firms are mentioned. The first list is as follows:—V. H. Armstrong, Ballarat; Ballarat Products Limited, Melbourne; Brown's Confectionery Proprietary Limited, Ballarat; Bruck Mills (Australia) Limited, Wangaratta; M. B. John and Hattersley Limited, Ballarat; James Miller and Company Proprietary Limited, Brunswick—this is a Melbourne manufacturer which sends goods to country centres; Renold Chains

(Australia) Proprietary Limited, Benalla; Shepparton Plaster Works, Shepparton—Mr. Feltham comes from Shepparton and mentioned Shepparton particularly as being at a disadvantage; Tahbilk Proprietary Limited, Tabilk.

The next list is of country industries outside the 50-mile radius, again issued with "D" licences for extended operations. There are 67 firms, of which seventeen have access to Melbourne, and I think it as well to have them recorded. They are W. R. Aberline, Warrnambool; Bairnsdale Tile and Concrete Works Proprietary Limited, Bairnsdale; Ballarat Associated Fibrous Plaster Manufacturers Proprietary Limited, Wendouree, Ballarat; B. C. X. Pure Fruit Drinks Proprietary Limited, Golden Square; C. H. Bell, Bendigo East; Bendigo Bottlers Proprietary Limited, Bendigo; Bendigo Preserving Company Limited, Bendigo; E. J. Bolwell, Horsham; S. V. and V. Bongiorno, trading as Nhill Aerated Water, Nhill; Coco-Cola Bottlers (Adelaide) Limited, Mildura; Cohn's Limited, Swan Hill; Colac Aerated Water Company, Colac; C. H. Cole, trading as Coles Motors, Colac; V. M., A. J. and E. W. Collis, trading as A. W. Collis and Sons, Foster; Cowley's Eureka Ironworks Proprietary Limited, Ballarat; J. C., K. J. and G. R. Crisp, trading as J. C. Crisp and Sons, Wedderburn; A. E. Dowson, Wonthaggi; Echuca Flour Mills Proprietary Limited, Echuca; Ekon Heating Engineers Proprietary Limited, Morwell; Garden City Flour Mill, Ballarat; Gippsland Tile Works, Sale; Grant and Wilson Proprietary Limited, Yarrawonga; K. R. Grant, Benalla; W. H. and F. H. Green, trading as Green Brothers, Avenel; W. H. and M. E. Greene, trading as B/Rite Fibrous Plaster Works, Warrnambool; K. Hair, Benalla; Hamilton Aerated Water Company, Hamilton; Hardinge Brothers Proprietary Limited, Horsham; Heleys Proprietary Limited, Mildura; J. T. Helleren, Yarram; H. C. Hill, trading as Standard Fibrous Plaster Works, Morwell; Hoffman Brick and Potteries Limited, Yallourn; Jako Steel Farm Buildings Company Proprietary Limited, Ballarat; Kerang Plaster Sheet Company Proprietary Limited, Kerang; Kerang Plaster Sheet Company Proprietary Limited, Bendigo; K. M. Plaster Products Proprietary Limited, Pakenham East; Lindner and Son Proprietary Limited, Dimboola; James Malcolm and Company Proprietary Limited, St. Arnaud; Manger and O'Neill Proprietary Limited, Echuca; Maryborough Flour Mills Proprietary Limited, Maryborough; W. H. Matthews, Trafalgar; T. Matkovich, trading as Central Gippsland Casing Works, Warragul; Mayfair Distributors Proprietary Limited, Bendigo; Merbein Brick Works, Merbein; and Merbein Plaster Works, Mildura.

The Hon. P. T. BYRNES.—How far does the "D" licence entitle them to travel?

Sir ARTHUR WARNER.—For various distances and for various purposes. If the honorable member would like to examine them, I would be pleased for him to do so. The list continues—

J. and T. Miller Proprietary Limited, Morwell; Murray Breweries Proprietary Limited, Beechworth; Murray Valley By-Products Proprietary Limited, Wangaratta; New Northcote Brick Company Limited, Melbourne; North-Western Woollen Mills Proprietary Limited, Stawell; Palex Proprietary Limited trading as F. Daniels and Sons, Warragul; A. N. Ratligeber and Sons, Stawell; Reed Brothers, Bendigo; Rowlands Proprietary Limited, Ballarat; Sandhurst Brick Company Limited, Bendigo; Selkirk Freight Lines Proprietary Limited, Ballarat; Shepparton Brick Works, Shepparton; Shepparton Cordials Proprietary Limited, Shepparton; and Shepparton Preserving Company Limited, Shepparton.

The Hon. P. V. FELTHAM.—What was the licence that was granted to Shepparton Cordials Proprietary Limited?

Sir ARTHUR WARNER.—The licence entitles the company to operate a 94 cwt. truck within a radius of 50 miles of Shepparton, for the cartage of its own manufacturers, Coca-cola, empty bottles, and so on.

The Hon. P. V. FELTHAM.—Are you proud of that one?

The Hon. A. K. BRADBURY (to Sir Arthur Warner).—Some of those would be carting goods that the railways could

not handle. Murray Valley By-Products of Wangaratta deals wholly in offal from the Shepparton and Albury abattoirs. Would the railways handle that?

Sir ARTHUR WARNER.—I cannot say. All I am saying, in reply to Mr. Feltham's statement that it was legally impossible to grant licences and that in fact there was no case in which it had been done, is that where the railway service is inadequate or some decentralized industry is disadvantaged, the Government has granted a licence if requested to do so, or, alternatively, has regarded them in such a way that they are not disadvantaged. Apparently not sufficient propaganda has been broadcast, because Mr. Feltham was not aware of the position. On a previous occasion I invited members of the Country party to mention any decentralized industry which was not being reasonably treated, but I have not had any case drawn to my attention.

The Hon. A. K. BRADBURY.—We have done so, but you must admit that you had a change of heart.

Sir ARTHUR WARNER.—Where a firm is at a genuine disadvantage and can bring the matter before the Transport Regulation Board in a proper manner——

The Hon. A. K. BRADBURY.—That has not always been your policy.

Sir ARTHUR WARNER.—It has, as demonstrated by this tremendous volume of licences which have been granted.

The Hon. A. K. BRADBURY.—You mentioned Renold Chains of Benalla. You vetoed that licence in 1956 after the Transport Regulation Board had indicated that it would grant it.

Sir ARTHUR WARNER.—That is not so. That firm could not have obtained a licence without my signature.

The Hon. A. K. BRADBURY.—But you vetoed it, and it was only because of pressure that you had a change of heart. I will produce the correspondence.

Sir ARTHUR WARNER.—I have signed so many licences that I cannot remember the exact circumstances of each one.

The Hon. A. K. BRADBURY.—I will refresh your memory.

Sir ARTHUR WARNER.—The honorable member may do so. If the Bendigo people feel that they are still suffering from a disadvantage, I am prepared to have another look at the matter. The list continues—

A. N. Smith Limited, Yea; South Gippsland Cordial Company Proprietary Limited, Korumburra; B. Storti, Wonthaggi; Stramit Boards Proprietary Limited, Bendigo; and Terang Plaster Works, Terang.

The Hon. D. J. WALTERS.—The railways do not want to cart plaster sheets.

Sir ARTHUR WARNER.— The railways have not admitted that they do not want to cart anything. Mr. Walters may be at a disadvantage in this debate, but I suggest that he should refrain from making statements which are untrue. The railways have never said, nor have I, that they do not want to cart anything. In some circumstances goods are better carted by road. In general, the Railways Commissioners desire to carry everything. They may not always be in the right about that, but that is their policy. It is only right that they should endeavour to carry all goods, but where they are inadequate, where there are stupidities such as Mr. Feltham described, of taking goods 20 miles to the railway, 30 miles by rail, and then another 20 miles by road, the Board would consider that the railways were inadequate and a licence would be granted. Mr. Feltham maintained that it could not be done.

The Hon. P. V. FELTHAM.—I will not endeavour to reply by interjection. If I am silent, do not take it that I am accepting what you say.

Sir ARTHUR WARNER.—Mr. Feltham stated that an industry could not obtain a licence for the transport of its own goods because the Board does not have the power to grant such a licence. Could that statement be clearer?

The Hon. P. V. FELTHAM.—I cannot explain by interjection.

Sir ARTHUR WARNER.—The list proceeds—Wangaratta Flour Mills Company Proprietary Limited, Wangaratta; Weerona Potteries, Bendigo; and J. R. and E. M. Wookey, Long Gully, Bendigo. I do not know whether I should read the next list, which consists of 58 decentralized industries, or whether the House will permit its inclusion in *Hansard* without my reading it.

The Hon. I. A. SWINBURNE.—We are happy to listen to you.

Sir ARTHUR WARNER.—I am not so happy to read it, and I think it would take up the time of the House unnecessarily. The purpose is to demonstrate and to have it recorded how unreasonable the Country party is.

The Hon. P. T. BYRNES.—The Minister is lost in a maze of his own activities and does not know where he is going. It does not matter what he puts into *Hansard* because I do not suppose anybody will read it.

Sir ARTHUR WARNER.—It seems that I shall have to read the list.

The Hon. A. K. BRADBURY.—Put it in *Hansard.*

The PRESIDENT (Sir Gordon McArthur).—I do not think it would be proper to incorporate it in *Hansard* unless it is read. Answers to questions are sometimes dealt with in this way, but I do not think it should be done in this case.

Sir ARTHUR WARNER.—I shall read the list. A.C.I. Engineering Company, Eildon—there was an argument on the question of a permit in this case. The company was eventually granted a licence, which the Minister had power to do, without any criticism. A.G.M. Manufacturing Company Proprietary Limited, Bacchus Marsh; Australian Handle and Joinery Company Proprietary Limited, Lindenow South; Ballarat Paper Mills Proprietary Limited, Ballarat; Banfi, B. and L., Bendigo; Bendigo Preserving Company Limited, Bendigo; Bensley Brothers, Wangaratta; Bradford Cotton Mills Bendigo Proprietary Limited, Bendigo; Branross Proprietary Limited, Creswick; Brown John Industries Limited, Bendigo; Bruck Mills (Australia) Limited, Wangaratta; Bryan Brothers and Borch, Colac; Camille De Stoop (Australia) Proprietary Limited, Wonthaggi; Carnation Company Proprietary Limited, Merrigum; and Cleckheaton (Yorkshire) Limited, Shepparton. Incidentally, that firm has a 7-ton truck, and is licensed to carry raw materials from Melbourne and partly processed goods to Melbourne.

The Hon. P. T. BYRNES.—It is a very big firm.

Sir ARTHUR WARNER.—I agree. These industries should be supported, and they can get this kind of discretionary permit.

The Hon. D. J. WALTERS.—I had an idea the previous Government did that.

Sir ARTHUR WARNER.—I am not arguing about that. All I am saying is that these mysterious, illegal, unknown licences do exist.

The Hon. P. V. FELTHAM.—What is your alternative for Cleckheaton?

Sir ARTHUR WARNER.—I do not know. How many miles is it to Shepparton?

The Hon. P. V. FELTHAM.—It is 115 miles.

Sir ARTHUR WARNER. — The company has a permit to pick up in a 7 ton 14 cwt. vehicle, raw material goods from Melbourne for its own use and the right to send partly processed goods from the factory back to Melbourne by road.

The Hon. P. T. BYRNES. — When Cleckheaton came from Yorkshire and established its industry at Shepparton, it was given the undertaking that facilities would be made available to it. That promise has been kept by all Governments and honoured by the Transport Regulation Board.

Sir ARTHUR WARNER.—The list I previously referred to includes Cyclone Forgings Proprietary Limited, Wonthaggi; Cygnet Timber Products, Yallourn North; Davies, J. J., and Sons (Felton Textiles), Sale; Daylesford Centenary Woollen and Worsted Mills Proprietary Limited, Daylesford; Dunlop Rubber Australia Limited, Kangaroo

Flat; Eaglehawk Clothing Company, Eaglehawk; Eureka Valve Manufacturing, Ballarat; Fletcher Jones and Staff Proprietary Limited, Warrnambool; Gippsland Cement and Lime Company Proprietary Limited, Traralgon; Girgarre Cheese Factory and Trading Company Proprietary Limited, Girgarre; Gisborne Manufacturing Company, Gisborne; Givoni Mills, Newstead; Glover Industries Proprietary Limited, Moe; Gold Cross Shoes (Australia) Proprietary Limited, Cobram; Hanro (Australia) Knitting Mills Proprietary Limited, Bendigo; Hattersley Limited, Ballarat; John, M. B., and Haymes, H., Proprietary Limited; Ballarat; L. Jilbert, Wangaratta; Kia Ora Industries Limited, Bendigo; La Mode Industries Proprietary Limited, Morwell and Traralgon; Latoof and Callil Proprietary Limited, Euroa; Lonsdale Supplies, Ballarat; Lucas, E. and Company Proprietary Limited, Ballarat; Mansfield Timber Products Proprietary Limited, Mansfield; Marshall, W. G., Wonthaggi; Mintex Proprietary Limited, Ballarat; Morris and Walker Proprietary Limited, Ballarat; Myrl Shoe Company, Maldon; Mytton's Limited, Ballarat; Oliver and Stevens, Ballarat; Paddle Brothers Proprietary Limited, Ballarat; Pelaco Limited, Camperdown; Premier Wire Works Proprietary Limited, Maryborough and Dunolly; Riddell Industries, Riddell; Ronaldson Brothers and Tippett Limited, Ballarat; Rosella Preserving Company, Tatura; Simmonds Aerocessories Proprietary Limited, Ballarat; Stafford-Elinson Proprietary Limited, Eaglehawk and Creswick; Sterling Clothing Company Proprietary Limited, Korumburra; Tatura Textiles, Tatura; Thompson's (Castlemaine) Limited, Castlemaine; Tongala Milk Products, Tongala; Villiers Australia Proprietary Limited, Ballarat; Wangaratta Woollen Mills Limited, Wangaratta. These concessions are in addition to all the primary industry as-of-right rights, and all the assistance given to decentralized industry by the Minister in charge of decentralization.

The Hon. P. T. BYRNES.—Quite correct.

Sir ARTHUR WARNER.—If the Country party is genuinely interested in doing something about the matter, it should not come along with some sudden bit of propaganda which is ill-considered from the legal point of view and has not been made the subject of an investigation as to what is actually being done by the Government, but is merely put up to the House for the purpose of electioneering. Such an approach is unworthy. This is a very big subject. In the main, the railways are necessary to the country. A policy has to be evolved which will grant some concessions. As a matter of fact, Mr. Balfour, the honorable member for Morwell in another place, who lives at Moe, recently submitted a proposal, which had some merit, in regard to small ancillary vehicles. As an administrative act under the licensing powers we now have, all decentralized industries have been offered certain ancillary rights for fairly long distances in small types of vehicles. In other words, we are going to work on the job of making decentralized industry less frustrating. Probably no one in this House reacts more adversely to being told what he has to do than I do. I cannot think of anything worse for a country manufacturer—I was one—than to be told that he cannot do a certain thing.

The Hon. R. W. MAY.—Was the agitation for small ancillary vehicles encouraged by a plebiscite conducted by a borough council?

Sir ARTHUR WARNER.—I suppose some agitation has been going on for some time, but it was the honorable member for Morwell in another place who was responsible for bringing it to my notice and arguing the case.

The Hon. R. W. MAY.—It was the outcome of a plebiscite of all ratepayers of a borough.

Sir ARTHUR WARNER.—I could not say; it could have been. All I know is that representations were made to me by Mr. Balfour.

The Hon. P. T. BYRNES.—That is so. We know that he is a member of the Liberal party and you are not using that fact for propaganda purposes.

Sir ARTHUR WARNER.—Quite right. It would be competent for the Country party, or any other body, to say to the Government, "We realize that the railways must be preserved." This Bill would completely destroy them because it would give, in substance, by various tricks, complete freedom of transport. Of course, the Country party has not suggested how to deal with the problem of the millions of pounds that would be lost if such freedom of transport were permitted.

The Hon. P. V. FELTHAM.—It must be borne by the State.

Sir ARTHUR WARNER.—I realize that Mr. Feltham, as a member of the Opposition——

The Hon. P. V. FELTHAM.—I am not a member of the Opposition.

Sir ARTHUR WARNER.—I had that idea the other night, when the matter of redistribution of electoral provinces was under consideration, but I may have been mistaken.

The Hon. D. J. WALTERS.—We may be the Opposition, if you go on like that.

The Hon. P. T. BYRNES.—You may find yourself in the Opposition.

The Hon. D. J. WALTERS.—You are going the right way about it to do that, and it would serve you right if you did.

Sir ARTHUR WARNER.—I realize that the Country party is putting this Bill forward and regards it as urgent. I realize that Opposition members or, shall we say, members who are not the Government——

The Hon. P. T. BYRNES.—That is more like you, Mr. Minister.

Sir ARTHUR WARNER.—I have been invited into this argument.

The Hon. I. A. SWINBURNE.—You did not take much inviting.

Sir ARTHUR WARNER.—I realize it is not the responsibility of members who do not form the Government to examine the full implications of everything they do or propose; nevertheless, I suggest that when losses would total millions of pounds, when the proposal would damage the very people whom allegedly the Country party is trying to help and when it would have the effect of wrecking the railways—it would wreck the railways—one might expect that some slight attention would be given to the interest of the general public, the State's finances and the welfare of the people of the State. One should not have regard only to the propaganda value of putting up a proposal which members of the Country party, in their hearts, must know is impracticable.

The Hon. W. O. FULTON.—You are doing yourself an injustice.

Sir ARTHUR WARNER.—That is a matter of opinion. I am trying not to be provocative. If anyone suggests to the Government that it should take £1,000,000 from water, light, roads, schools, or, alternatively, that it should not take off that sum but should get it by some form of increased taxation, and give the Government an idea of the direction in which it could be obtained, I shall be very happy. I am authorized by the Government to say that we will examine the proposition—no doubt with the aid of someone like Mr. Fulton—to see what can be done in regard to granting further freedom. I appeal to members, when they hear of frustrations in decentralized industry or when it is believed a firm is at a disadvantage, to examine the position. I have read the rate book and I do not wish to go through it again. Mr. May went through it all. A number of statements which it contained were either untrue or taken out of context, and in many cases there were slight misrepresentations. I have had my officers go through them to see if any of these people could justify further help. I have very clear instructions from the Government that it is my duty as Minister of Transport, in support of the Minister in charge of decentralization, to help any disadvantaged decentralized industry. We have tried to do that and have written to people inviting them to put cases up.

The Hon. W. O. FULTON.—Would you say that the railways would give an unbiased opinion on road transport?

Sir ARTHUR WARNER.—I do not think so, but no one invites them to

do it. Those invited would be, first, the Transport Regulation Board and, secondly, the Minister of Transport. If he does not do justice to the decentralized industry which is disadvantaged, believe me, the Minister in charge of decentralization does not hesitate to bring the matter before Cabinet. Let there be no misunderstanding on that point.

The Hon. SAMUEL MERRIFIELD.—You said that the Government had instructed you to help the Minister in charge of decentralization. Has there been any report back as to what has been achieved in the way of decentralization?

Sir ARTHUR WARNER.—One cannot have such a report, nor could one genuinely get it, because it is impossible to measure the improved results that may be obtained in any industry. It is impossible to tell for what real reason industries leave certain districts. Statements have been made by the firms themselves and by persons who have tried to take political advantage of the claim that some industry has left an area because of transport problems. Members may imagine how I fly to the point when such a statement is made. As a result of my inquiries, I usually get a statement in writing from the firm concerned that transport had nothing to do with the reasons for their leaving the district. The Horsham foundry is an example that comes to my mind.

The Hon. ARCHIBALD TODD.—Do not bring that one up. The smell might get around!

The Hon. SAMUEL MERRIFIELD.—Are we achieving anything in relation to decentralization?

Sir ARTHUR WARNER.—I do not think on this Bill I should go so far. My views on decentralization are fairly well known.

The Hon. W. O. FULTON.—They were well stated in the Shepparton newspapers.

Sir ARTHUR WARNER.—They were, for those who try to distort them. I do not believe in certain industries being sent into unsuitable territories in such a manner that they fail. I do not believe anybody should assist an industry to go into a particular town if he knows that that industry will be at a colossal disadvantage. Such a state of affairs does the industry no good and it does the town no good, because there is no greater disaster to decentralization, in my opinion, than for an industry that has been established in a town to fail. The town is damaged when that industry moves out. The failure is recorded against the efforts of decentralization, and perhaps some really efficient suitable industry is discouraged from moving to that town. I believe the population of the country could be doubled by the simple expedient of more intensive cultivation. I have had practical experience of that. Recently I took over a property with three families on it and now there are six. Obviously, if one wants to work in the country, one uses the resources and labour of the country.

The Hon. SAMUEL MERRIFIELD.—That is putting fresh capital into it.

Sir ARTHUR WARNER.—However, I suggest that does not bring population to the country. Some industries require special techniques and special labour, which is seasonal. Some Melbourne industries employ 800 more people in winter than in summer. That kind of industry would be of no use in the country.

The Hon. W. O. FULTON.—Do you think the railways could assist decentralization by taking some of their works to the country?

Sir ARTHUR WARNER.—I do, and that has been done. The number of men employed in railway workshops in the country is greater now than it has been under any previous Government.

The Hon. W. O. FULTON.—If General Motor-Holden's Limited can manufacture car bodies at Woodville and bring them to Dandenong, why cannot the railways carriage division be located at, say, Seymour?

Sir ARTHUR WARNER.—We have railway workshops at Ballarat, Bendigo, and elsewhere. I should like to end the discussion by saying that if one wishes to preserve the railways for the benefit of country people—and they are of undoubted value—one must ensure, as Mr.

Swinburne pointed out, that they have a volume of traffic. We ought to provide that volume of traffic by some sound economic method. I made a proposal which is not acceptable. I do not suggest that it was a marvellous idea or that it would be the end of the matter. There are a number of other ideas which I am trying to implement within the political arena. The Government and I would welcome any suggestion that would get over not the economic problem, which does not exist to any extent, but the frustration that is suffered. During my period of office the same people have been coming along with the same problems and the same sense of frustration which seems to overpower their judgment in many cases. They feel they ought to have some special treatment.

The Hon. W. O. FULTON.—I should say they feel that they should have justice.

Sir ARTHUR WARNER.—In this instance the word "justice" must be interpreted on the basis of what is good for everybody. One particular man who lives in a town—I shall not mention his name—has possessed a degree of freedom of transport for a long time but still fails to recognize that in his town there are 600 railway workers and their families. He also forgets that the railways bring a lot of work to that centre.

The Hon. W. O. FULTON.—What centre is that? Is it a fictitious one?

Sir ARTHUR WARNER.—I shall be happy to inform Mr. Fulton privately. There is no reason why this matter should be quite as political as it is. It is only political because people—sometimes members of my party, sometimes members of the Country party and sometimes members of the Labour party —exaggerate some situation for propaganda or election purposes. In my opinion, this is a vital problem which is so important that we should do the best we can about it. It has been said that the transport costs of this country amount to about 20 per cent. or 30 per cent. of all costs. Surely we ought to sit down quietly and examine the matter. We do not want to destroy the railways, which must be retained for certain purposes. Is there some way in which we could get over the petty irritations and disadvantages that exist by subsidizing or assisting industries? I am trying to carry out the Government's policy and am very willing to examine any proposal that might be submitted on which we would be justified in spending £500,000 or £1,000,000, or even £2,000,000, or to ascertain what freedom we can afford to give. Of course, even if one satisfies the demand, the problem will remain of what will be done about the roads which will carry the millions of tons of goods that are at present carried by rail. That must be taken into consideration. The roads must be financed in some way.

The Hon. P. T. BYRNES (North-Western Province).—I am sorry that the Minister of Transport has demeaned his undoubted talents by attacking this Bill. The honorable gentleman has accused Mr. Feltham and the Country party of bringing it forward purely for propaganda purposes. That assertion has not the slightest foundation in fact. It would be very difficult to reply to a number of the Minister's remarks, and I do not think there would be any advantage in doing so. I assure the House that the measure was not introduced for propaganda purposes. Great changes have taken place in the economy of the State in the last twenty, ten, and even five years. The tempo and style of living have changed altogether, and there has been enormous development. We must adjust ourselves to the times and its problems. It is the duty of this Parliament to take cognizance of proposals that are put forward. If we are to develop the State outside as well as inside the metropolitan area three things are essential, namely, abundant electrical power, cheap and abundant water supply, and a modern and efficient transport system—a system which will enable everyone to keep costs of production down and to reach markets and customers as quickly as possible.

If the Minister of Transport had as much knowledge of rural Victoria as he has of the great metropolitan area and its problems, he would view the matter

from a different angle. In the last five years great strides have been made in the development of electrical power throughout this State on the plan that was laid down by the Country party when it was in power. Within a few years practically the whole State will be receiving power through the State grid system. There are gaps in our water supplies, but continuous development is taking place in this field. One aspect in which we are falling down is the solving of our transport problems by providing rapid and cheap transportation. I shall not discuss whether or not the development that is taking place in the metropolitan area is good or bad, but it has been very great in the past 10 years. There is a vast population within 25 miles of the General Post Office, and at Geelong; also, to a lesser extent, in Ballarat, Bendigo, and other places. We talk a lot about decentralization and its value, but under present conditions it is almost impossible for a country industry to become very large. A modern firm is manufacturing sauces and other products at Swan Hill, while the Bruck mills are operating at Wangaratta, and several large firms are operating at Shepparton, including the canning factories and Cleckheaton, and a large American firm is to establish itself there shortly.

However, there are few potential customers within a radius of 50 miles of those places compared with the same area in Melbourne. Last October I asked some questions in the House regarding registrations of commercial vehicles, and the number of "D" and "E" class licences. There has been a gradual increase each year. In the reply to my questions, it was stated that the number of commercial goods vehicles operated solely within a radius of 25 miles of the General Post Office, Melbourne, at the 30th June last was 12,176. The greatest group of potential customers is in that area. Every Melbourne businessman has rapid and complete access to customers with an as-of-right licence. Such businesses can expand. In addition, they can trade with a number of country centres by securing permits for haulage. On the other hand, the country manufacturer, wherever he is, must go much further to secure a number of customers. I hope that fact will ultimately percolate into the thick skulls of some persons.

Some country firms are doing quite well and all they want is the right to go further afield. I shall quote one company whose representative gave evidence to the Distribution of Population Committee. I refer to Cohn Brothers at Swan Hill. They have a branch at Bendigo and recently acquired another at Shepparton. They propose to establish a depot in the Western District and are quite a substantial firm.

This firm has stated that it has no quarrel with the Transport Regulation Board, that it has no difficulty in obtaining permits, and that the cost of permits is quite reasonable, but it points out that its as-of-right licence is useless because the district in which it carries on business is sparsely populated. It seeks the unrestricted right to send trucks from Swan Hill to Shepparton or to the Western District at a moment's notice without having first to obtain a permit. The firm can obtain a "D" class licence, which can help in certain ways.

Sir ARTHUR WARNER. — I know the details of this case backwards. If this firm were granted an as-of-right licence covering 100 miles, should a similar right be granted to city aerated water firms?

The Hon. P. T. BYRNES.—I suppose there must be a *quid pro quo*. There is an effective distance over which a firm can transport goods.

Sir ARTHUR WARNER.—If it were a question of the granting of a licence, it would not be reasonable to grant one to "A" and refuse to grant one to "B." In the operation of a permit system, there is some possibility of giving a favour to country people, and they have a privilege and do not suffer a disadvantage.

The Hon. P. T. BYRNES.—The Minister advances a beautiful theory! The manager of the Swan Hill co-operative store states that it does not sell many

Christmas goods now because nearby is a small shop which receives from Melbourne every week by road transport, a delivery of expensive gifts and toys, which are sold on the lay-by system and on terms.

Sir ARTHUR WARNER.—That illustration is opposed to your argument.

The Hon. P. T. BYRNES. — These things happen. The Swan Hill co-operative store does not seek a permit to take goods to Melbourne, although it may be anxious to get a permit to cart goods from Melbourne.

Sir ARTHUR WARNER.—In that case, the company desires that the granting of a permit to the other firm be refused?

The Hon. P. T. BYRNES.—No effort has been made in that direction. The Minister of Transport states that the Transport Regulation Board is selective in granting permits. The honorable gentleman may think that the system operates well, but it does not.

Sir ARTHUR WARNER.—If Mr. Byrnes furnishes details of a particular case it will be investigated.

The Hon. P. T. BYRNES.—A manufacturer in Swan Hill used to carry tiles to Echuca, 100 miles distant, and the permit enabling him to do so cost £1 10s. a load. He is now in competition with a big tile manufacturing company in Melbourne. The Swan Hill manufacturer to whom I refer supplied me with details of his case for submission to the Distribution of Population Committee. I understand that he has appeared before the Transport Regulation Board and expects to be issued with a "D" class licence to enable him to cart tiles 100 miles to Echuca. Mr. Feltham and I want to know why this man should be restricted so much. Swan Hill has a population of only 7,000 persons, and in order to keep his small tile works operating, the manufacturer to whom I have referred must transport his product to other districts.

Sir ARTHUR WARNER.—The answer is " in the interests of the public."

The Hon. P. T. BYRNES.—This manufacturer is producing a good article, and so long as he can do so at a competitive price he will get ample business.

Sir ARTHUR WARNER.—Either there is complete freedom or there is some form of restriction which must be irritating to someone.

The Hon. P. T. BYRNES.—I am aware of that fact. The object of the Bill is to remove some of the restrictions and frustrations that at present exist and to enable business in the country to expand at the same rate as it has expanded without hindrance in the metropolis because of the supple transport system which operates there. A city manufacturer can load a truck with goods and deliver them to Ascot Vale or any other suburb he chooses at a moment's notice. On the other hand, if a country business man has a permit to go from Swan Hill to Ouyen and suddenly desires to go instead to Hopetoun he must obtain a permit from the Transport Regulation Board.

Sir ARTHUR WARNER.—You realize that the reason for that is to preserve the railways?

The Hon. P. T. BYRNES.—I am speaking entirely of cross-country cartage.

Sir ARTHUR WARNER.—In such cases permits are always issued.

The Hon. P. T. BYRNES.—The person in question must contact the Transport Regulation Board and arrange for the transfer of the permit, and this may take half a day. In business nowadays, with competition keen, a man must be able to send goods wherever he wants to without delay.

Sir ARTHUR WARNER. — Does Mr. Byrnes believe in complete freedom?

The Hon. P. T. BYRNES.—I believe in complete freedom for the carriage of goods across country.

Sir ARTHUR WARNER.—The legislation states that a licence will be issued unless the service provided by the railways is adequate.

The Hon. P. T. BYRNES.—The object of the Bill is to give freedom of road transport to manufacturers and others trying to build up business in country districts. The Minister of Transport refuses to see the point. Two-thirds of the people of Victoria live within 25 miles of the General Post Office in Melbourne and they comprise the great bulk of customers. Manufacturers in Melbourne can cart their goods with complete freedom anywhere they like in the metropolitan area, but a person who starts a little business in the country is restricted in the carriage of goods to a distance of 25 miles.

Sir ARTHUR WARNER.—If you submit a workable plan and give up the propaganda idea, the Government will examine it.

The Hon. P. T. BYRNES.—The Country party is not putting out propaganda.

Sir ARTHUR WARNER.—You cannot support this Bill.

The Hon. P. T. BYRNES.—Of course I can. I believe the railways have a place in the community and that other forms of transport have their places, too. Times change; the Railway Department must do the job for which it is best suited, and so must road transporters.

Sir ARTHUR WARNER.—We cannot afford to have the railways and not use them.

The Hon. P. T. BYRNES.—The Minister of Transport is finding all sorts of ways not to use them. The Transport Regulation Board has willingly granted 4,000 "D" class licences and the Minister of Transport says, in effect, "Look what these people can do." The Country party says, "Let them operate as of right," but the Minister will not agree. The honorable gentleman has stated that if all persons who desire to transport goods by road apply, permits will be issued to them.

Sir ARTHUR WARNER.—I said, "If those at a disadvantage apply." There is a big distinction.

The Hon. P. T. BYRNES.—There is not much difference. Country business people should be permitted to operate in the same way as business people in the metropolitan area. The railways have a part to play in the community and always will have. It would be a sad day if the Department folded up altogether. But it must be remembered that times have changed. I admit that no-one has tried harder than the Minister of Transport has in the last five years to make the Railway Department operate efficiently, but he is up against an old problem. He is trying to make the Department pay when it carries a tremendous debt of interest that can never be liquidated. The expanding economy of the State as a whole should carry the loan on the railways. The Department is battling uphill against road transport. Roads are much better now than they ever have been. Dangerous curves are being removed from main highways and they are being reconstructed to enable them to carry more traffic. Bigger and faster trucks than ever before are now in use.

Sir ARTHUR WARNER.—The Railway Department does not pay any interest. Interest is charged to it but it does not pay it.

The Hon. P. T. BYRNES.—The fact remains that the interest is charged against the Department. The railway deficit is caused by the interest burden, and if it were removed it would be almost possible to balance the accounts. If the Department were not troubled by this nightmarish interest burden on money spent long ago, it would be possible for it to grapple with the other problems which are getting the Minister, the Department, and the union into serious difficulties. The general public has forgotten who is right or who is wrong in the present industrial dispute, but the people continue to suffer. The wheat farmers may incur losses because the unions, the Commissioners, and the Minister have got themselves into a mess and none of the parties involved seems to be able to show the others how to get out of it. The only solution seems to be to give better conditions to the railwaymen.

Sir ARTHUR WARNER.—Do you recommend that we should give in?

The Hon. P. T. BYRNES.—I do not recommend that the Government ought to give in, but the Minister should make another desperate attempt to try to arrive at a conclusion.

Sir ARTHUR WARNER.—Negotiations are proceeding every week.

The Hon. P. T. BYRNES.—Whether the Minister is right or wrong in saying he will not give in, I contend that any fair-minded person would agree that in comparison with the average working conditions in general industry, the conditions of employment in the railways are in many ways not attractive.

Sir ARTHUR WARNER.—The Conciliation Commissioner has said the opposite.

The Hon. P. T. BYRNES.—That may be so, and doubtless he based his judgment on the evidence placed before him, but he may have been influenced to an extent by preconceived ideas built up over the years. Modern problems must be dealt with by the adoption of a modern outlook. Victoria is a different State now from what it was ten years ago. The Premier and the Minister of Transport claim that in the last decade they have built up Victoria to be one of the most magnificent States in the world.

Sir ARTHUR WARNER.—So it is.

The Hon. P. T. BYRNES.—They say that Victoria is going ahead so fast——

Sir ARTHUR WARNER.—That we would not even know we were handicapped by the Country party!

The Hon. P. T. BYRNES.—If the Minister wishes to see real progress, he should visit Western Germany, where great development is taking place, at a much faster rate than in Victoria. I could not resist giving the honorable gentleman a little advice, because I think he needs it. I strongly object to the contention that this Bill is a propaganda measure. It is not. Answers to questions asked by me show that out of 103,000 trucks registered and operating in Victoria, about 88,000 are covered by "E" or "D" class licences. We are not far removed from what might be called reasonable freedom of the road. Sheep and cattle are daily transported by road from the most remote parts of Victoria to the Newmarket saleyards, and wool and most other commodities are carried by the same means. To-morrow, 22 or 24 passengers are booked to travel by aeroplane to Mildura. The Railway Department is facing all sorts of serious competition to-day. The roads and motor vehicles are good, and young people wish to get through their work as quickly as possible. We cannot stand in the way of progress.

I deny that this measure will open the door completely to road transport. The Country party simply seeks to afford country persons the right to bring their goods to Melbourne, or to transport them across Victoria from one town to another, in vehicles of any size. That is not an unreasonable proposition. However, if it is considered to be unreasonable, the Country party is prepared to give further consideration to the question, with a view to providing more justice to country people. Whatever happens to this Bill, the Country party will not allow the matter to lie idle, nor will it tolerate being abused to the effect that the measure was brought forward for propaganda purposes, or that the Country party members do not believe in it.

We must move with the times and, although I agree that the railways should continue, the road operators are entitled to a better deal than they are now receiving. Country people are entitled to enjoy the same amenities and facilities as those available in the metropolitan area, and we will continue to strive for those things without apology. The railways have their place in the community. The railway debt should be completely written out of the railway books and borne by the progressive community. This would enable the Railways Service to be closely examined and, if the railwaymen could be given better conditions, appropriate action should be taken. I am sure that, with more contented servants, the Department would operate much more satisfactorily than it is now doing.

On the motion of the Hon. Archibald Todd, for the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned until the next day of meeting.

ESTATE AGENTS (AMENDMENT) BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—

That this Bill be now read a second time.

Honorable members will recall that under the Estate Agents Act, which was passed by this Parliament in 1956, an Estate Agents Committee was constituted. Since then, the operations of that committee have, by and large, assisted the buying public and the estate agents. From time to time, however, the Estate Agents Committee has recommended that certain amendments should be made to the legislation, and this Bill is designed to implement that proposal. The amendments proposed in this Bill are not of an important or fundamental nature, but they will facilitate the working of the Act and dealings between estate agents and the buying public. The Bill is essentially a Committee measure. The provisions are in no way related one with the other and, therefore, I shall deal with each clause separately.

Clause 2, which amends sub-section (1) of section 12 of the principal Act, relates to applications for licences as estate agents. Under the existing law, notices of application are posted inside and outside the court-house, where the average member of the public would never see them. This Bill proposes that, in the future, such notices shall be advertised in a daily newspaper circulating generally throughout the State. This is a wise move because, if there are any objections to the issue of a licence to a person, the public will be in a position to submit any evidence that may have some bearing on the matter.

Clause 3 amends section 34 of the Estate Agents Act, which is a very important and intricate section. It will not alter in any way the fundamental purposes of the section. However, in practice there have been a number of defects, which will be remedied if this clause is agreed to. Section 34 deals with the statement which describes a property being sold and gives details regarding the availability of finance, and so on. Under the existing law, it is necessary for the agent concerned to give that statement to the purchaser. Occasionally, when a purchaser is represented by some other person at an auction, it is difficult for the agent to hand him the actual statement. The clause proposes that, in the future, it will be permissible to hand the statement not only to the purchaser, but also to a person who may be acting on behalf of the purchaser, such as his wife, or an agent who has been commissioned to act on his behalf.

A further amendment proposed to section 34 is important, although it does not alter the fundamental intention of the section as it was originally designed. It has been found in practice that the purchaser's right to revoke a contract for any breach of section 34 has been abused. In one instance, because the address of the purchaser was omitted from a statement, the purchaser managed to revoke the contract. When this measure becomes law, such action will no longer be possible. A technical breach will meet with the general penalty prescribed in the Act, namely, a maximum fine of £100 or six months' imprisonment, but it will not be possible to avoid the contract.

Paragraph (*b*) of proposed new sub-section (1) of section 34 provides that it will be possible to avoid a contract only if the statement is not given in relation to representations relating to finance, or where the statement as to finance has not been carried out. The original intention of the section was to enable a purchaser to revoke a contract when some important breach of the law had been committed. That provision has been preserved but, when a technical breach is committed, or when there is a breach unwittingly committed, it will no longer be possible for an ultra-clever individual to avoid a contract.

The Hon. ARTHUR SMITH.—Who will define what is a technical breach?

The Hon. L. H. S. THOMPSON.—It is clearly defined in the Bill. If there is some omission that is not of a fundamental nature in the actual statement, it will not be possible to avoid the contract, but it will still be possible to have the omission remedied if the statement is not given, or if some of the promises regarding finance are not met.

Clause 4, which amends sub-section (2) of section 37 of the principal Act, deals with the liability of an employee of an agent in respect of real estate or business sold by an agent. Under the existing law, if, without the consent of the owner, an agent personally purchases a property he has been commissioned to sell—he could do this in various ways—he is not only liable to the penalty prescribed under the Act, but he must also return any profit which the court considers has resulted from the sale. However, if a sub-agent carries out such a misundertaking—by unscrupulous means he might purchase a property that he has been commissioned to sell—he must meet the penalty of the Act, but he is not required to return the profit. The Government regards that as an anomaly and this clause will rectify the position.

The Hon. SAMUEL MERRIFIELD.—What would be the position when a sub-agent or a member of a proprietary company offended in that manner? How would it be possible to obtain the money from the company?

The Hon. L. H. S. THOMPSON.—I am not sure whether the legislation will cover that aspect, and I shall investigate it with a view to clarifying the position during the Committee stage.

Clause 5, which substitutes a new subsection (2) of section 38 of the principal Act, deals with trust accounts. In future, it will be mandatory for trust moneys to be kept in a current account. Apparently, it has been the practice of some agents to earn interest on trust moneys, with the result that the moneys are not on call when required. This clause will ensure that agents observe the practice in relation to trust moneys which is common in relation to solicitors and other persons who handle public money. It will be an added safeguard for the buyer or purchaser on whose behalf an agent is holding money.

The amendment proposed in clause 6 is purely consequential and of no significance—it corrects an omission from the original legislation. The changes proposed are not of a fundamental nature, but are designed merely to correct a number of anomalies which the Estate Agents Committee believes have developed as a result of the operations of the legislation. I commend the Bill to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until the next day of meeting.

LAND TAX (RELIEF) BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

The purpose of this Bill is to grant relief from the payment of land tax to persons in necessitous circumstances. The proposal is along the same lines as the provision which exists in the Local Government Act with reference to relief from municipal rates. In the Local Government Act, it was not necessary to define "necessitous circumstances." Each council acts within the enabling provision in exercising its powers and can determine this matter as it thinks fit. However, in the case of the Land Tax Act, it is necessary to lay down a guide for the Commissioner and the Government of the day.

This proposal was foreshadowed in the Budget speech. It was said then that a Bill would be presented that would provide a power for remission or deferment of land tax where a person's only income was a Commonwealth social service pension at the maximum rate, plus a further amount not exceeding £26 a year, or was an amount not greater than the maximum rate of the appropriate pension plus £26, provided that the person would otherwise qualify for that pension at the maximum rate. Children's allowances, including child endowment, will not be treated as income.

The Bill now before the House is drafted on this basis with the inclusion of repatriation pensions on the same basis as social service pensions. There is a wide variety of pensions under the Repatriation Act. In the case of service pensions there is a means test along similar lines to the social service pensions, the means of both husband and wife being taken into consideration. In the case of other pensions under the Repatriation Act, no means test applies, and the Bill therefore makes provision in these cases to consider the income of the spouse as income of the taxpayer. In effect, therefor, the provisions of the Bill will apply to all persons who qualify for a maximum social service pension or repatriation pension and whose other income is not more than £26. This amount is designed to take care of any small amount of income which a pensioner receives from savings bank interest or the like. I emphasize that the purpose of the Bill is relief to pensioners. It will be noted, however, that provision has been made for similar relief to be granted to persons whose financial circumstances are substantially similar to those of the social service pensioners as covered in the Bill.

As with the provision regarding rates in the Local Government Act, the power is given to remit the tax or to postpone payment of the tax. Each case will be considered on its merits. In introducing an amendment to the Local Government Act provisions in 1957, the Minister of Public Works said—

> It is undoubtedly true that many pensioners have close relatives, often children, who perhaps have not helped them in the manner they should but who will inherit any property they leave. It is felt in such cases that the rates should be allowed to remain on the property, and thus councils would be induced to grant relief to necessitous persons without detriment to the ratepayers.

Similar considerations can be said to apply with respect to land tax, and therefore the Bill provides that where payment of land tax is postponed, it shall remain a charge on the property. Generally, it is a simple Bill of only two clauses, and I feel that honorable members will not require a great deal of elaboration in the Committee stage. I am sure they will all applaud the intention of the Government. I commend the Bill to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until the next day of meeting.

LOCAL GOVERNMENT (SCAFFOLDING INSPECTION) BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

This is a Bill to repeal and re-enact Part XLIII. of the Local Government Act which provides for the inspection of scaffolding. A Board of Inquiry was appointed by the Governor in Council in 1958 to inquire into and report on means of reducing the accident rate in industry in Victoria, and the Board made certain recommendations for improving the supervision of scaffolding. These recommendations are the basis of this measure. In providing for scaffolding inspection, the Government is, of course, primarily concerned with the welfare of employees, but it is also true that any increase in industrial efficiency which will reduce accidents is to the advantage of the community generally. The industry itself has done considerable work in an endeavour to improve conditions.

The Board of Inquiry appointed to investigate safety in industry submitted an interim report dealing with the enforcement of the scaffolding regulations, and recommend as a provisional measure that these regulations be regazetted with the inclusion of "appropriate powers to inspectors of lifts of the Department of Labour and Industry to ensure safe working in respect of building cranes and scaffolding associated therewith."

It was thus suggested that the administration of scaffolding regulations should be in the hands of a Government Department. In fact, this was originally proposed in legislation in 1922. However, that was altered and the matter was left in the hands of municipalities. There are a number of arguments why the administration should be by a

Government Department, but on the other hand there appears to be greater weight of argument in favour of the inspection being left in the hands of council. They are bodies carrying out inspections of buildings for other purposes. It would be rather expensive for the Government to set up a special department to carry out one type of inspection only in this field. In addition, it would be necessary to find technical officers to do the work and local councils already have on their staffs persons with a considerable knowledge in this field. Consequently, the Government felt that the inspections should be left in the hands of councils. Proposed new section 824 defines various terms used, and does not call for any further comment. New section 825 covers the area over which the legislation is enacted and new section 826 deals with the question of leaving inspection in the hands of local councils. New section 827 provides for the appointment of a Scaffolding Regulations Committee consisting of seven members representing various parties interested in scaffolding, including the Municipal Association of Victoria, the Master Builders Association, the Melbourne Trades Hall Council and others.

New section 828 provides common rules for regulating the proceedings of the committee, and new section 829 details the functions of the committee. New section 830 will enable the committee to summon witnesses, take evidence on oath and so forth. New section 832 requires councils to appoint the necessary inspectors and to give them the necessary directions. New section 833A provides means to enable the Crown to act where a council does not. I commend the Bill to the House.

On the motion of the Hon. Samuel Merrifield, for the Hon. ARCHIBALD TODD (Melbourne West Province), the debate was adjourned until the next day of meeting.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of Sir ARTHUR WARNER (Minister of Transport), was read a first time.

ENTERTAINMENTS TAX (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of Sir ARTHUR WARNER (Minister of Transport), was read a first time.

WATER (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. E. P. CAMERON (Minister of Health), was read a first time.

GAME (LICENCES) BILL.

This Bill was received from the Assembly and, on the motion of Sir Arthur Warner (Minister of Transport), for the Hon. L. H. S. THOMPSON (Minister without Portfolio), was read a first time.

LAND TAX (RATES) BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to declare the rates of land tax for the year ending the 31st December, 1961. No change in the rates of tax is proposed, and the Bill will re-enact the existing rates which have been in force since 1953. These will apply to assessments issued during the calendar year 1961 and are based on the unimproved value of land held on the 31st December, 1960, as provided in the Land Tax Act.

The estimated revenue from land tax included in the Budget for 1960-61 comprises the tax collected since the 30th June last and the portion of the 1961 tax which will be collected before the 30th June next. In total, this is expected to produce £6,600,000. As no variation in rates is proposed, I commend the Bill to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province) the debate was adjourned until the next day of meeting.

HOUSING (POWERS) BILL.

Sir ARTHUR WARNER (Minister of Transport).—I move—

That this Bill be now read a second time.

This is a short Bill to amend the Housing Act 1958. Two sections are being amended. The amendment of section 89 arises from the doubts which have been expressed by the Crown Solicitor as to the meaning of the term "investment." The Housing Commission has made finance available to the Melbourne and Metropolitan Board of Works to provide services in areas the Commission was developing and in order to do so, has made interest-free loans to the Board. This action has been queried by the Auditor-General and the amendment set out in clause 2 is necessary in order to regularize the matter.

The second amendment, set out in clause 3, is designed to facilitate the Housing Commission and municipal authorities entering into binding agreements in respect of developmental works carried out in Commission areas. The vital point about this amendment is that agreement must exist between the Housing Commission and the municipality before the provisions of the Bill can operate. In the past there has been some doubt whether the council or the Commission or both have in fact the power to make these various agreements.

The Hon. SAMUEL MERRIFIELD.—Will the Bill require these agreements to be ratified in any way?

Sir ARTHUR WARNER.—I think they are already ratified by the Minister, but they do not have to be ratified by Parliament. The object is to allow a council to make a deal with the Commission regarding the provision of certain services in a Housing Commission estate.

The Hon. SAMUEL MERRIFIELD.—But there are two conflicting spheres. I was wondering what provision there is for ratification.

Sir ARTHUR WARNER.—The procedure is laid down in the Housing Act.

The Hon. I. A. SWINBURNE.—Agreement is reached by a joint conference between the two Ministers concerned.

Sir ARTHUR WARNER.—Yes, but even that does not ratify. The minor amendment of sub-section (3) of section 89 dealt with in clause 2 is necessary to permit the Commission to apply funds other than Commonwealth-State Housing Agreement loan funds as the Treasurer may approve. The Commission has from time to time made available to the Melbourne and Metropolitan Board of Works, with the Treasurer's approval, loans for a relatively short term free of interest to enable sewerage to be installed prior to house connexion, because it is economic for the Commission to operate in this manner. Open field construction of sewers can be carried out by the Melbourne and Metropolitan Board of Works at substantial savings when there is no obstruction by fences and houses and provision of temporary sullage drains and pan closets are not necessary. The Crown Solicitor has ruled that even though the Commission stands to gain financially, a loan without interest is not legally an investment within the meaning of sub-section (3). The proposed amendment will enable the Commission, with the consent of the Treasurer, to "apply" funds for such purposes.

The amendment contained in clause 3 is the main purpose of this Bill. The original purpose of section 107 was to enable the Commission by agreement with municipalities and other public authorities to carry out works on their behalf in areas being developed by the Commission. No difficulty has been experienced with the other authorities, but as regards municipalities it has not been possible to operate this section. The main difficulty has been that the Commission can get no guarantee of take-over of the works by the municipalities for future care and maintenance, on satisfactory completion, before the funds for these works have been committed. Municipalities have been willing to give such an undertaking but there has been no legal provision for such. The only means available to the Commission has been to proceed under Division 10 of the Local Government Act, but the Commission and council are of the opinion that it is ludicrous to go through all the formalities of a local government Act scheme where the Commission is the sole owner of the land affected, and so the Commission invariably finds itself constructing roads

and other works by direct contract under the supervision of the council but without the protection of the Local Government Act as to take-over of the works by the council on satisfactory completion.

The addition of paragraph (*a*) of subsection (1) of section 107 will enable the Commission and any council to enter into an agreement, with the consent of the Governor in Council, for the Commission or the council to carry out the works enumerated in any area being developed by the Commission. It will give the council specific power to carry out construction of private streets and other works in Commission areas. These works can be carried out only after agreement has been reached between the council and the Commission as to finance, whether work is to be done by the Commission or the council, standards and specification, supervision and related matters.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until the next day of meeting.

VERMIN AND NOXIOUS WEEDS (FINANCIAL) BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That this Bill be now read a second time.

This Bill makes provision to amend section 28 of the Vermin and Noxious Weeds Act 1958 by increasing the loan authority from £900,000 to £1,200,000. From the inception of the Vermin and Noxious Weeds Act 1949, expenditure on the purchase of transport facilities, tractors and accessories, miscellaneous equipment, tools, establishment of storage depots and general maintenance of all equipment at the 30th June, 1960, amounted to the sum of £888,958, which has practically exhausted the loan authority as at present approved.

Expenditure for the year 1959-60 was accounted for as follows:—Motor transport, £42,296 17s. 9d.; plant, machinery and miscellaneous equipment, £18,183 10s. 1d.; spare parts, repairs and accessories, £18,951 13s. 2d.; storage (maintenance of depots), £418 7s. 1d.—total, £79,850 8s. 1d. The creation of the Vermin and Noxious Weeds Destruction Board, which came into operation on the 29th July, 1959, and the establishment of local advisory committees has excited the interest of landholders and increased the demand for better equipment. The setting up of mobile units requires extra equipment and the demand for these units is increasing, and it is proposed to place six of these units in the field by the end of December, 1960. These units will be used to enforce the Act by entry on private land where the Act has not been complied with and entry on private lands by request of the landholder particularly in cases where the landholder has not sufficient equipment to do the work or his inability to do the work through ill health or other reasons.

The units will be used on both Crown and private lands on vermin and noxious weeds control. Two units with experienced operators will shortly commence a programme of blackberry eradication in Gippsland and continue in that area during the spraying season. The areas to be treated will be Crown lands, railway reserves, road deviations, proclaimed highways, road cuttings, embankments, bridges and culverts under control of shire councils; this will give relief to shire councils and protection to primary producers. A mobile unit consists of two experienced operators, one 2-ton truck, one Ferguson tractor, power take-off spray equipment or ripping equipment, power bait cutters and mixers and one two-berth caravan.

It is essential that an additional amount of money be made available to facilitate the purchase of power machinery and replace and maintain the motor vehicles; replacement of portable spray equipment is necessary if it is to be readily available for hire purposes under section 27 of the Act. It is estimated that at least £80,000 will be required this financial year for these purposes. The total estimated expenditure on the over-all administration connected with vermin and noxious weeds for 1960-61 will be in the near vicinity of £1,000,000. A broad division of this

amount indicates that approximately 53 per cent. will be spent on weeds and 47 per cent. on vermin.

Some 130 plants are proclaimed noxious, and requests for the proclamation of further weeds mainly on a regional basis are received from time to time. It is proposed to review the complete list of proclaimed weeds at an early date. Intensive research into weed problem is being actively carried out and it is hoped that considerable benefit will result from the twelve months' overseas visit of a senior research officer, who was selected for the Commonwealth Fund Fellowship to study in the United States of America and Europe; this study is almost completed and he is expected to return early this month. Plots covering an area of two to five acres are to be established in the Parish of Callignee for experiments in the chemical control of ragwort. Further experiments with the cinnabar moth are being carried out in the ragwort-infested areas in the Otways; an outbreak of a virus disease in the Gunyah area and attacks from the scorpion fly wiped out the moth colony in that area.

The Hon. W. O. FULTON.—To what stage has the cinnabar moth treatment been developed in Victoria?

The Hon. G. L. CHANDLER.—I shall obtain that information for Mr. Fulton. It is hoped to set up a new district centred on Keilor to enable action to be taken in the control of weeds and vermin on the fringe of the metropolitan area for the protection of nearby agricultural lands. On the vermin side, research into the breeding, distribution and movement of the wombat has commenced The laboratory at the Department's research station at Eltham will be ready for use in November and an investigation will then commence into the problem of carrot bait remaining toxic to stock for long periods. This measure will enable the Board to have sufficient finance to carry on its various activities.

On the motion of the Hon. ARTHUR SMITH (Bendigo Province), the debate was adjourned until the next day of meeting.

MONASH UNIVERSITY (AMENDMENT) BILL.

The Hon. L. H. S. THOMPSON (Minister without Portfolio).—I move—

That this Bill be now read a second time.

The administration of the Monash University is at present being carried out by those administrative officers who have been appointed, under the guidance of the interim council. The date for the lapsing of the interim council and its take-over by the permanent council, to be known as the Monash University Council, is April, 1961. Meanwhile, as a result of the work being done by the interim council it has become evident that certain amendments are necessary to the principal Act. Clause 2 of the Bill increases the representation of professors on the interim council from two to three. At the University of Melbourne and certain other universities it has been customary for the chairman of the Professorial Board to be also a member of the university council. However, it is considered in the case of Monash University that it is desirable that the vice-chancellor should also be chairman of the Professorial Board. Under the existing Act if this intention were carried out the professorial representation on the council would be reduced because the vice-chancellor is already an *ex officio* member of the council. So, clause 2 deletes representation for the chairman of the Professorial Board and increases the representation of professors from two to three. In actual fact, all it does is to maintain the representation of three from the professorial staff.

Clause 3 provides for the conferring of honorary degrees by the university. The University of Melbourne was recently granted this honour and it is considered only fitting and desirable that Monash University should have such an honour. It is common practice for universities overseas to have the right to confer honorary degrees, and I do not think anyone could object to Monash University having this right.

Clause 4 deals with the appointment of deans of the various faculties. At the University of Melbourne it is fairly

common for the deans of the faculties to be appointed by the faculties themselves. When the Monash University Act was originally drafted it was thought this method of appointment should also be adopted at Monash. However, occasions have already arisen where a faculty as such barely exists and yet it is necessary to appoint a dean. Quite recently Dr. Andrew was appointed Dean of the Faculty of Medicine at Monash. It is necessary for the council to be given the power, when a situation arises and when it is desirable, to appoint the deans of the faculties. Clause 4 makes it possible for the appointment to be made by the faculty or by the council.

By clause 5 it is proposed to increase the amount to be made available from the Loan Fund from £2,000,000 to £7,000,000. It is quite obvious that the increasing amount of money being spent on the erection of buildings makes it inevitable that the maximum of £2,000,000 be elevated considerably, and in order to avoid amendments every couple of sessions the Government thought it desirable to lift the maximum to £7,000,000. It is interesting to note that the plans are now being prepared for the starting of the Faculty of Science, the Faculty of Commerce and the Faculty of Arts, and it is possible that the Faculty of Medicine may soon be started.

The Hon. P. V. FELTHAM.—A most up-to-date statement of the faculties has just been issued.

The Hon. L. H. S. THOMPSON.—That is so. Obviously the Monash University as such will be opening for certain faculties in March of next year. Clause 6 relates to the provision of housing for members of the university staff by the university council. It is a fairly common practice amongst Australian and overseas universities to provide facilities for the housing of staff. This clause will permit the university council to enter into such contracts or arrangements and execute such guarantees as the council thinks fit and when the Treasurer of Victoria approves. So, there is that additional safeguard, not that it is ever likely that moneys and guarantees will be misused. It is necessary to obtain the best possible staff for Monash University and if we are to compete on unequal terms with other universities for the services of the best men, we shall find ourselves at a disadvantage. All this clause does is to enable the university to offer certain incentives such as housing to potential members of the university staff so that it may obtain the best possible teaching staff.

Clause 7 extends the term of operation for the interim council, which would normally expire in April, 1961. The academic year will start next March, and it is considered undesirable to have the university starting operations in March and the permanent council taking over from the interim council a few weeks later. This clause extends the maximum period of operation of the interim council to April, 1962. In other words, it gives it a life of four years instead of three.

I believe these amendments are necessary to the effective working of the university. I know honorable members would like me to thank those people who have done so much towards the initial stages of the planning of this university to ensure that it will operate as quickly and effectively as possible. Both Houses of Parliament have been represented by Mr. Feltham, Mr. Rossiter and Mr. Doube, and they have taken a keen interest in the initial planning. Indeed, I have heard overseas experts comment on the fact that we are making a very early and effective start on this university, particularly in view of the fact that its existence was contemplated only a few years ago.

On the motion of the Hon. Archibald Todd, for the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned until the next day of meeting.

HEALTH (TUBERCULOSIS ARRANGEMENT) BILL.

The Hon. E. P. CAMERON (Minister of Health).—I move—

That this Bill be now read a second time.

This measure provides for the ratification of an agreement between the Commonwealth Government and this State to continue the campaign against tuberculosis. The first such arrangement was made in September, 1949. In 1950, in accordance with the agreement, the Director of Tuberculosis was appointed so that proper attention could be given to the conditions laid down in the agreement. The first agreement was of ten years' duration, and contained a renewal clause which makes this further arrangement possible. The present arrangement will run for a period of three years, with provision for further extension beyond that date. It provides that the Commonwealth will reimburse to the State approved expenditure on capital works such as the provision of land, buildings and equipment for use in combating tuberculosis, and maintenance expenditure in relation to anti-tuberculosis work to the extent to which such maintenance expenditure exceeds per annum that incurred by the State during the year ended 30th June, 1948, before the first agreement was entered into. The State undertakes to employ a full-time Director of Tuberculosis, and to provide free treatment in institutions for those suffering from this disease.

A special branch, under the Director of Tuberculosis, has been established and has achieved successful results. From the time the arrangement was made, the Commonwealth has provided for capital works a total of approximately £351,000. This sum was expended on buildings, remodelling of wards at Austin hospital and alterations to Greenvale and Heatherton sanatoriums. Two wards were removed from Greenvale for use by tuberculosis cases at the Mont Park mental hospital. It is proposed that this year the Commonwealth Government will make available a further amount of £33,000 which will be spent at Heatherton in remodelling the kitchen, which is one of the last remaining portions of that institution requiring modernization.

The success of the campaign against tuberculosis has been spectacular. In Victoria, in 1950, 849 beds were occupied by patients suffering from tuberculosis, and in addition there was a long waiting list. By the end of last year, not only was there no waiting list but the number of beds occupied had been reduced to 744. A total of 220 beds at Greenvale sanatorium had been handed over for use as an old people's home, and 40 beds of Gresswell sanatorium had been closed. These are now being used for lesser cases. At Heatherton 22 beds not needed for tuberculosis cases were made available for use by chest cases from Melbourne homes and hospitals for the aged. The average stay of patients at Gresswell sanatorium has been reduced from 399.7 days in 1950 to 125 days in 1959 and from 300 to 199 at Heatherton. In 1950 there were 1,840 persons in receipt of Commonwealth tuberculosis allowances, and in 1959 the number had been reduced to 496. In the same period the death rate was reduced from 198 persons per 1,000,000 to 53.8 persons per 1,000,000. That figure has remained fairly static in recent years. Mass X-rays are carried on in this State, between 300,000 and 400,000 persons being X-rayed each year. A campaign of Mantoux testing is being conducted for school children. If a person who has suffered from the disease shows any reaction to the artificially produced bacillus, a red spot appears in a day or two. If no spot appears the person is free from the disease. In addition, school children are immunized with B. C. G. injections where necessary, and approximately 95 per cent. of the 48,000 school children dealt with each year receive immunization treatment. The arrangement to be ratified by this Bill will enable the great work which has been done in the past ten years to continue, and I commend the Bill to the House.

The Hon. SAMUEL MERRIFIELD.—What is going to happen in regard to the permanent control of Greenvale?

The Hon. E. P. CAMERON.—It is handed over completely to the State and will continue to be an elderly persons' home until its capacity is reached.

The Hon. SAMUEL MERRIFIELD.—Who will control it?

The Hon. E. P. CAMERON.—A committee of management, as it does now. It has not been possible to complete the modernization and renovating of all wards, but each year more beds are being provided.

The Hon. SAMUEL MERRIFIELD.—Will the same situation apply at Gresswell?

The Hon. E. P. CAMERON.—Either Heatherton or Gresswell, at some future stage, will no longer be used for persons suffering from tuberculosis, and I think it will be Gresswell. That institution will then be used for accommodating aged people. The problem of providing accommodation for elderly citizens is increasing and, according to statistics relating to life expectancy, it will continue to increase.

The Hon. W. O. FULTON.—What will be the maximum number of elderly persons at Greenvale?

The Hon. E. P. CAMERON.—Two prefabricated wooden wards were shifted to Mont Park to accommodate mental patients suffering from tuberculosis. Some others have been renovated, but more people will be taken into the brick building. A medical centre must be provided for persons suffering from intermittent sicknesses, and a geriatric centre established. If these persons become ill they are sent to St. Vincent's or another hospital. I think a number of beds additional to the 220 which were available to tuberculosis patients will be provided. It would be possible to construct more wards of the prefabricated type because ample space is available.

The Hon. W. O. FULTON.—Will the Commonwealth Government pay for that?

The Hon. E. P. CAMERON.—It is regrettable that the Commonwealth Government does not assist the State in regard to aged people's homes, other than by way of hospital benefits. It will provide £2 for each £1 raised by church or other organizations, but not in relation to the State Government's contribution to such institutions. Maintenance is purely a State matter. However, it must not be overlooked that the Commonwealth Government provided Greenvale sanatorium originally.

On the motion of the Hon. Samuel Merrifield, for the Hon. BUCKLEY MACHIN (Melbourne West Province), the debate was adjourned until the next day of meeting.

STATE ELECTRICITY COMMISSION (BORROWING) BILL.

The debate (adjourned from November 22) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of the Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This is a Bill to increase the borrowing powers of the State Electricity Commission, for which three amendments are necessary in the principal Act. As honorable members are aware, generally speaking, the principal Act has remained in its present form for many years, with the exception that, from time to time, amending Bills have been necessary to enable the Commission to increase its borrowing capacity. The increasing loan allocation clearly portrays the growth of this tremendous State instrumentality during the years since it was originated shortly after the first world war. Possibly, the history of the State in more recent times, has paralleled the great improvement and increase in power facilities that has been brought about by the Commission. One could safely say that, as the Commission's activities have been expanded there has been a similar increase in the standard of living. The general prosperity of the community could be attributed largely to the availability of increased power supplies.

Electricity has entered into almost every field of activity. As country members would know, electric power is now used extensively in the homes of farmers and in primary production. On dairy farms and in other avenues of primary production electric power is almost indispensable. In fact, there has been such an increase in the productive capacity of the State in recent years that it could almost be said that primary production in Victoria is an electrified industry. In the realms of

commerce and industry also, a tremendous upsurge of production has been brought about largely as a result of increased power facilities.

In his second-reading speech, the Minister mentioned the number of motors connected to the State's electricity system. I do not propose to traverse that ground, other than to say that the figures reflect on an average about five horse-power per unit, which shows the disbursement that can take place in power facilities. They are no longer bound by the limitations which previously existed, and to-day power can be distributed at will, not only through the well-developed parts of the State, but almost literally in any area that is covered by the reticulated system. The efficiency achieved in this process has consequently increased considerably.

Honorable members appreciate that in the transportation sphere electric power is of the utmost importance. Not only have we the electrified railway service in the metropolitan area but, more recently, the service to Morwell and Traralgon has been electrified. Obviously, therefore, in some parts of the field of transportation, electric power has held its own, so to speak, with the internal combustion engine. In the realm of electronics, concerning which subject the Minister of Transport probably has more information and a far greater knowledge than any other member of this House, rapid development and expansion have taken place. To-day, all sorts of devices impinge themselves in some way or other on our lives, with the result that possibly we are happier and healthier and lead lives of greater prosperity. Probably electric power has provided a greater proportional impetus to the secondary side of our lives than to our primary system.

During the course of a debate on another measure, the Minister denied the opportunity for further increases in primary production, and I agree with him concerning the application of scientific processes in this field. It appears that secondary production, in all its forms, is destined to climb to greater heights and at a much faster rate than is primary production. My philosophic preamble might not be very pertinent to the Bill, although it is a real factor that we, as a State and as a people, derive great benefit from the State Electricity Commission.

An examination of the figures contained in the Ministerial notes concerning this measure—probably they were not incorporated in *Hansard*—testifies to the great advances that have taken place during the last decade. Although the present Government is entitled to its share of credit for the part it has played, it is true that considerable planning and preparation over a long period have been responsible for moulding the State Electricity Commission into the successful undertaking it is to-day. Previous Governments can claim credit at some stage for the great upsurge in the number of farms connected to the electrical system throughout Victoria, but I should like to mention also, apart from people at governmental level, all those officers and members of the Commission itself, from the chairman to the ordinary commissioners, at some time in the history of this great undertaking have played a tremendous part in its success. We all have human weaknesses, including those people I have mentioned, but fortunately for the State those weaknesses do not exist in their technical sphere. I have no hesitation in saying that the chairman and the Commissioners of the State Electricity Commission have rendered splendid service to this State in guiding the destiny of this huge undertaking, particularly in the light of the Act that, with the exception of the chairman, the Commissioners are only part-time appointees. Consequently their work is partly of an honorary character.

I am reminded of a book written by the late Mr. Eggleston, who was of a different political philosophy from me, but who spoke of a State Socialism in Victoria, and even in those early days he eulogized what he believed the part this system could play in the economy of our Victoria; indeed the part it is still playing is a tremendous one, one which has its parallel in almost every country throughout the world. Other

countries, in some way or other, are striving to increase their power facilities, and consequently tremendous changes have taken place. Russia first adopted the Socialist system as far back as the end of the first world war, when they endeavoured to achieve the ambition of being a fully electrified country. Other countries had adopted that principle, and since then I have no doubt that many more have followed along the same path. During the last decade, this State has trod very quickly along that path. In fact, it is still climbing at a rate previously unparalleled in our history. No doubt we shall continue to climb, but at what rate it is difficult to forecast. The Minister's speech indicated that even since the Bill relating to the Hazelwood project was dealt with by this House, there have been revisions in the programme. I do not think we need worry about revisions from time to time so long as they enable necessary planning over a particular period to be sufficiently accurate to provide for future requirements. After all, we can readily revise or improvise from time to time if necessary in the future, as we have done in the past. I hope we have for ever put behind us those years when the public in this State suffered power rationing. I submit, however, that there is no need to sell electricity, nor is there need for the Commission to embark upon wide advertising campaigns as private businesses are doing in many spheres.

The Hon. W. O. FULTON.—They would not do that if they had a monopoly.

The Hon. SAMUEL MERRIFIELD.—I am coming to that point. I am saying that, whether of necessity or otherwise, private enterprise has had to advertise, but in the case of electricity there is no need to advertise or seek to sell it; the product sells itself. That again reflects the great part that electricity plays in so many other fields of activity. It is obvious, on reading the statement of the Minister, that successive Governments have had headaches concerning the Commission's activities over the last ten years. A Labour Government took office in 1952 and followed our Country party friends in the corner after they suffered that grievous loan cut in 1951, which was unparalleled in its severity and perhaps even in its ferocity.

The Hon. W. O. FULTON.—It was never justified.

The Hon. SAMUEL MERRIFIELD.—I agree, but it was done. No utility was harder hit than the State Electricity Commission.

The Hon. G. L. CHANDLER.—Sir Arthur Fadden was a good Treasurer.

The Hon. SAMUEL MERRIFIELD.—There have been some changes in the composition of the Liberal Governments in the last eleven years, but it was the Liberal Government as we know it to-day. I shall briefly state the facts, because I am trying to lead up to the part we felt we should play. When our party took office in 1952, we found that the State Electricity Commission had plant lying about indiscriminately. Perhaps that is the wrong word to use, but, it had plant spread widely over the State in various ways in anticipation of funds being made available for the erection and subsequent operation of the plant. The loan cuts wrecked all that prior planning, and the equipment remained idle on the ground for several years. We inherited those troubles, and our problem was how to divert sufficient funds to help the Commission pay its way in respect of contracts which could not be broken in law. After all, there have been cries of repudiation at different times in political history, and the Labour Government considered it had to divert sorely needed financial resources to assist the State Electricity Commission whilst at the same time try to provide some additional amount to enable the use of plant and structures that were still awaiting erection. Fortunately, we got by with public assistance. Not only private investors but some big financial people aided us. Between us all, we gradually climbed out of the worst of that savage 1951 cut, and we were able to get the State Electricity Commission on to a better footing in the following years.

Perhaps the present Government is fortunate inasmuch as all those problems were behind it when it came to

office. Yet I have no doubt that the Government will continue to face a tremendous problem to finance the future growth of this undertaking. The need for expansion is still rising at a rate greater than the normal population increase. Whether prosperity or wealth is increasing so much faster than the rate of population is difficult to assess because no one can give us the facts. However, it is increasing, and the Commission's demands will also increase at a far greater rate. Proportionately, the Commission's demands in the future may be an even greater burden than in the past. I do not wish to be a carping critic of the Federal Government at the moment, but action has been taken by it in the hope of diverting resources from the private sector to the public sector. Doubtless the Commission would relish a diversion of capital resources in that way to enable it to keep abreast of capital demands of its undertaking.

Digressing from the Bill, I must state that I wish the Government would honour its undertakings. If it makes arrangements with the Labour party and the Country party concerning meetings and times, obviously they should not be broken. It appears that we are now in the process of breaking another undertaking. Personally, I do not mind.

Sir ARTHUR WARNER (Minister of Transport).—Mr. President, I object to Mr. Merrifield suggesting that I am breaking an arrangement. I have not broken an arrangement with any party either during this session or during any other session, and I am not doing so now.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—When the question of Thursday sittings was discussed last week Mr. Mack asked for an adjournment at 5 p.m., and the Minister agreed to that.

Sir ARTHUR WARNER.—I said that we would sit until about 5 p.m. or a little after.

The Hon. SAMUEL MERRIFIELD.—It is now after that time so another arrangement is being changed. Until the 30th September, 1960, according to the Ministerial notes that have been circulated, public loans had subscribed £105,700,000, private loans £107,000,000, and Treasury advances totalled £44,800,000. In percentages the figures are 41 per cent. public loans, 41.5 per cent. private loans, and 17.4 per cent. Treasury advances. The Minister was good enough to obtain figures for me revealing the position for the twelve months up to 30th June last, three months prior to the date to which the gross totals were assessed. In that twelve-month period, the amount subscribed through public loans was £6,500,000 or 23.5 per cent. of the total, private loans £9,600,000 or 34.6 per cent., and Treasury advances £4,000,000 or 14.4 per cent.

We now have it established that capital money is being supplied from internal sources through depreciation reserves and increased charges which have meant additional profits. Public loans have declined from 41 per cent. in the long term to 23.5 per cent. in the short term; private loans from 41.5 per cent. to 34.6; and Treasury advances from 17.4 per cent. to 14.4. per cent. Internal funds have absorbed 27.7 per cent. It can be seen that internal funds are making up much of the decline in public loans and private loans and, to a minor degree, Treasury advances. This Bill increases borrowing powers from £265,000,000 to £325,000,000, which will carry operations of the Commission on for about two years. I was interested to read in the Minister's notes that the Commission has had the full support and assistance of the Government. I do not deny that, but I point out that it has received similar assistance from every Government in my political memory, which goes back a long way.

So far as price ranges are concerned, it is interesting to note that in periods of decades from 1930, the all-consumer price—I have neglected separate categories of consumers—was 2.2d. per kilowatt hour in 1930, 1.4d. in 1940, 1.4d. in 1950, and to-day 2.5d. Of course, we all know that money has declined in value and those comparisons are only in terms of money. The price to-day is

far cheaper in terms of real value than it was in 1930. Possibly it is also cheaper than the relative price in 1950. Consequently, the Commission must have been able to produce electricity more efficiently, and we will see much greater efficiency in the future. Bigger generators will be installed—the new Hazelwood project is an example—and at some stage or other there will be replacement of existing generators and stations. Thermal stations have lasted very well in this State and have helped tide us over those critical years when there were no other resources upon which to draw.

No doubt we will see increased load factors at the various main centres. Melbourne, Geelong, Ballarat and other parts of the State are growing rapidly and making increased demands for electricity. But at the same time they are assisting in cheapening the relative liability for distribution. The Snowy Mountains scheme now provides power to this State, and a Bill to authorize that supply was passed a couple of years ago.

The main point is that power is to be obtained at a total average price at which the States would have produced the power if they had built stations themselves at the time the power was made available from the various stages of the Snowy scheme. Possibly it is true that to achieve power from thermal stations to operate on the medium or high peak-load field would involve us in a greater cost of production. If wages and the cost of living generally continue to increase, there is no doubt that future stations will cost more to build than the existing ones. It is well known that although hydro-electric stations have a higher capital cost than other types, eventually they are cheaper because of the lower maintenance costs. It could be that at some future date the cost at which we can produce power will increase to such a degree that it will offset the loss at which the Commonwealth may at this stage be operating the Snowy scheme. That is difficult to determine because of the large number of factors involved.

The Hon. Samuel Merrifield.

The life of plant for depreciation calculations has been assumed to be 30 years in the case of thermal stations and 70 years for hydro-electric stations. I think the original plant at Yallourn is already far older than 30 years and probably some of it is destined to remain there until means are found to replace it. That would include not only generators but also steam-raising plant. It is difficult to say what will happen in relation to loads apportioned between the Snowy scheme as its power becomes available and the thermal system, because it may prove that our thermal plant operating on a base load will tend to push the Snowy output up into the peak load or, under favourable seasonal conditions when more water is available, for the Snowy plant to operate on a basis of producing a longer running load, thus relieving some of our thermal stations to that extent. All these cost factors will make the relationship of hydro and thermal schemes difficult to determine.

The Minister of Transport mentioned nuclear power. The chairman of the State Electricity Commission, Mr. Connolly, is said to have pursued inquiries amongst the best and highest authorities overseas. As a result it was considered that the use of nuclear power here could not be envisaged within the next ten years. I would not cavil at that statement. A member of the other House and I visited a nuclear station, the Berkeley station in Gloucestershire, when abroad recently. We were interested in the form of construction. That is a base-load station running constantly. Unfortunately, in Victoria such a station would be in competition with the most efficient units in our system, the thermal units at the coalfields in Yallourn. It is hard to visualize nuclear stations coming into the Victorian system. The position might be different in other States. For instance, South Australia is deficient of coal, there is some degree of division of population, and there are transport difficulties. Possibly a nuclear power station will be established there sooner than in Victoria. Inquiries I have made show that, as yet, with mass stations in which uranium is used as a fuel—a considerable amount

is used—there is no indication that there is a practical way of controlling the emission of nuclear fission so that stations can operate under short load conditions.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until the next day of meeting.

LANDS DEPARTMENT.

LEASE OF LAND AT PORT MELBOURNE.

The Hon. ARCHIBALD TODD (Melbourne West) asked the Minister of Transport—

(*a*) To whom is land abutting on Williamstown-road and Prohasky-street, Port Melbourne, leased, and what was the date of commencement of the lease?

(*b*) What are the terms and conditions of such lease?

(*c*) Are the terms and conditions being observed; if not, why?

Sir ARTHUR WARNER (Minister of Transport).—The answers are—

(*a*) The E. M. F. Electric Company Proprietary Limited, 991 Rathdown-street, North Carlton, holds a lease for a term of 50 years commencing from 1st October, 1955, for an area of 16 acres, 2 roods, 1 perch, which abuts on Prohasky-street near its junction with Williamstown-road.

(*b*) The terms and conditions of the lease are in the standard form used for industrial Crown leases in the metropolitan area, with the following additional provisions:—

(i) Rental £14,957 per annum for first ten-year period.

(ii) The demised premises shall be used as a site for offices, stores, engineering manufacturing, manufacture of arc welding electrodes and allied activities.

(iii) Rent shall be subject to the rebate which shall from time to time be determined and fixed by the Board of Land and Works, which means the Lands Department, with respect to such portions of the demised premises as have not been reclaimed to the level required for effective drainage thereof and are, therefore, unsuitable and cannot be used by the lessee for the purposes of this lease. Rebate at present fixed at £1,757 per annum.

(iv) Improvements to the value of not less than £450,000 to be completed by 14th December, 1969, and to be effected as follows:—

£50,000 by 14th December, 1957,
£150,000 by 14th December, 1959,
£300,000 by 14th December, 1964.

(v) Buildings to be set back 20 feet from south boundary of leasehold.

(vi) No buildings to be erected below required drainage level.

(vii) The council of the City of Port Melbourne to have the right to tip on portion of the leased land, in north-west section, until filled to required drainage level or such other time as may be mutually agreed to by the lessee and the council, and the lessee shall thereupon, without cost to the council, remove and re-erect on the new boundaries of the Port Melbourne municipal tip the fences now existing on the land which may be used for tipping.

(*c*) The first sub-section of the improvement covenant was more than observed by site works to the value of £65,535, and since 1957 further works to the value of £7,712 have been effected. An extension of time for completion of the balance of the second sub-section has been allowed on condition that the third sub-section is complied with by the required date, namely, 1st October, 1964.

This concession was given because of representations having been made by the lessee company for additional time to review its original plans for development of this site.

The House adjourned at 5.19 *p.m. until Tuesday, December* 6.

LEGISLATIVE ASSEMBLY.

Thursday, December 1, 1960.

The SPEAKER **(Sir William McDonald)** took the chair at 11.5 a.m., and read the prayer.

STATUTE LAW REVISION BILL.

This Bill was received from the Council, and on the motion of Mr. RYLAH (Attorney-General), was read a first time.

COUNTRY FIRE AUTHORITY (SAWMILL BURNERS) BILL.

Mr. RYLAH (Chief Secretary).—I move—

That this Bill be now read a second time.

The Country Fire Authority Act 1958 places upon the Country Fire Authority the duties of taking all necessary steps

for the preparation and supervision of fire and the protection of life and property in that part of Victoria which is outside the jurisdiction of the Metropolitan Fire Brigade. As honorable members are aware, the Chief Secretary, after consultation with the Minister of Forests, may by declaration published in the *Government Gazette* declare any period to be the summer period in respect of the country area of Victoria. During this period, no person is allowed to light a fire in the country area unless he does so in accordance with a permit first obtained or in accordance with specific conditions laid down in section 39 of the Act.

However, section 40 of the Country Fire Authority Act 1958 provides that on any day on which a warning has been issued from a broadcasting station that the day is one of acute fire danger, no person shall light any fire in the open air or permit or suffer any fire in the open air to remain alight, notwithstanding any permit which may have been issued or that the fire was lit in accordance with section 39. During the course of their operations sawmillers collect considerable dumps of sawdust, edging, bark, &c., which if allowed to accumulate become a fire hazard during the summer period. Accordingly, the policy of the Country Fire Authority is to require sawmillers to dispose of such waste progressively, and to this end section 110 of the principal Act empowers the Governor in Council to make regulations relating to the clearing of all inflammable materials from the site of sawmilling establishments. This is usually done by disposing of sawdust in an incinerator and burning edges, bark and other waste in open pits. Of course, during days of acute fire danger fires in such open pits must be extinguished as provided in section 40.

Recently, however, a waste disposal unit has been developed which is an enclosed area with sides of 40 or more feet in length, the walls of which are ten or so feet high and constructed of corrugated iron bolted to steel posts and angle iron rails and, although the enclosure is open to the air, there being no roof, there are overhead sprinklers with a supply of water which can ensure that the whole disposal area can be drenched if need be. This burner is considered to be efficient for the disposal of mill waste and satisfactory from the point of view of safety in that the fire is effectively confined, flue draught is eliminated, and the water spray system enables the intensity of fire to be swiftly brought under control should weather conditions require it.

The Crown Solicitor has expressed the opinion that waste burning in a unit of this type constitutes a fire in the open air and, consequently, must be extinguished on any day declared to be a day of acute fire danger. The Solicitor-General has expressed the view that the existing incinerator type of burner is a fire in the open. If that opinion was upheld, it would mean that no waste could be burned on days of acute fire danger in sawmills in areas under the control of the Country Fire Authority, whereas in Forests Commission areas regulations permit that to be done. This amending Bill amends section 40 in such a way that approved burners may be operated on days of acute fire danger. Under the amendment, the Minister is empowered, on the recommendation of the Country Fire Authority, to approve of any particular burner on such conditions and terms as he sees fit. Approval will be for a limited period, and will ensure that proper precautions are taken to see that the burner is kept in first-class order and used in accordance with such conditions as the Minister may impose.

Provision is also made for the revocation of the approval, which may be necessary if the conditions of approval are not strictly adhered to. I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Tuesday, December 6.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL.

The debate (adjourned from November 30) on the motion of Mr. Porter (Minister for Local Government) for the second reading of this Bill was resumed.

Mr. DIVERS (Footscray).—First, I compliment the Government on introducing this Bill which, I trust, will have a speedy and successful passage through this House and another place. The Local Authorities Superannuation Board came into operation in 1947. The total income of the authority for the year ended 30th June, 1960, was £1,160,488, and its assets were valued at £1,188,160, including amounts in the Management Account, the Provident Account and the Insurance Account. During the year under review, 615 contributors have left and surrendered their policies, the amount involved being £75,957. The 7 per cent. premium payment consists of a 3½ per cent. contribution by the employing authority for each employee covered by the scheme and a contribution by the employee at the rate of 3½ per cent. of his salary; these contributions are made in 52 equal instalments each year. In respect of a person who has been covered by the scheme for six or seven years, the total premium payment upon surrender is cut by 50 per cent. In other words, half of the total premium payment per annum on surrender is sacrificed to the underwriting company. Under the provisions of this Bill, the amount surrendered will be paid to the Local Authorities Superannuation Board and will eventually be invested in local government loans. This will enable local authorities to employ more men to carry out works involving loan funds and consequently more people will be brought into the scheme.

The total number of contributors to this superannuation scheme is between 7,000 and 8,000. For the year ended 30th June, 1960, 94 of them died, and their dependants received sums totalling £84,419. During the past financial year, the sum of £7,773 was paid from the Provident Fund. The Local Authorities Superannuation Board has constructed in Queen's-road, Melbourne, at a cost of £118,616, premises suitable for its requirements. Competent persons are in charge of this scheme. The Government Statist and Actuary, Mr. V. H. Arnold, has made several reports to the Board, and has prepared a table showing the annual premium at various ages of entry, details of the existing scheme, and proposed benefits under the internal scheme. The annual premium in the case of a contributor who enters the existing scheme at the age of twenty years is £50—£25 from the contributor and £25 from the employing authority—and the sum assured is £2,339. At maturity, assuming that the 1954 bonus rates continue, he would receive £4,570. When the scheme is underwritten by the local government authorities themselves, instead of an underwriting company, the amount will be improved by just on £2,000. Further, the annual amount available for investment will be approximately £700,000 per annum including the present provident fund contributions. Interest will be earned at the rate of 5½ per cent. and a surplus on the insurance account of about £10,000 in the first year, £20,000 in the second year, and so on, will be available with other miscellaneous profits to provide bonuses. The annual amount available for management and the contingent fund will at 6 per cent. amount to about £30,000.

Mr. PORTER.—You have been referring to the initial capital?

Mr. DIVERS.—Yes. The capital will benefit over the years to the degree indicated.

Mr. BORTHWICK.—On what earning rate is the proposed new scheme based?

Mr. DIVERS.—I am unable to say what will be the earning rate under the scheme provided for in the Bill, because that cannot be assessed. The Government Statist and Actuary has not furnished a report on the question whether councils are likely to reduce or increase their staffs. The fact remains that if this Bill is passed, the Local Authorities Superannuation Board will be able to employ between £60,000 and £70,000

more than it can at present because of surrenders. I have pointed out that when a contributor withdraws from the scheme, 50 per cent. of the premium, consisting of the employing authority's contribution of 3½ per cent., is sacrificed. If the premium for the year is £30, the sum of £15 is paid to the contributor who withdraws, but the £15 paid by the employing authority is profit to the underwriting company. I have no quarrel with the existing contract, but I emphasize that the passing of this Bill will supersede that arrangement and permit the Local Authorities Superannuation Board to retain the money to which I have referred and increase benefits to the contributors without increasing the premium rate. If the result is as predicted, the Government is to be commended for bringing in the Bill.

A list of securities held by the Local Authorities Superannuation Board in respect of investments at the 1st July, 1960, discloses that loans have been made to the following authorities:—State Electricity Commission, £150,000; Melbourne and Metropolitan Board of Works, £40,000; Fern Tree Gully Shire, Council, £25,000; Mildura City Council, £30,000; Ringwood City Council, £11,250; Yarrawonga Sewerage Authority, £5,000; Stawell Sewerage Authority, £10,000; Tallangatta Sewerage Authority, £10,000; Moorabbin City Council, £15,000; Heidelberg City Council, £10,000; and there are many others.

The Local Authorities Superannuation Board has invested all the moneys it has had available in loans to local government and semi-government authorities, a fact which illustrates the manner in which the Board is ploughing its income back into the fields from which it has been drawn. In his second-reading speech, the Minister for Local Government stated that it was hoped the Bill would be proclaimed prior to the 1st March. I ask the honorable gentleman to endeavour to have it proclaimed before January; if this is done the Board will be assisted in its planning.

Mr. RAFFERTY (Ormond).—I join the honorable member for Footscray in congratulating the Government on the introduction of what I believe to be a very progressive piece of proposed legislation. The Minister for Local Government and the honorable member for Footscray have given the House all the details necessary. I had hoped to present some figures I was able to obtain overseas, but I did not realize that the debate would be resumed to-day, and so I shall be unable to do so. However, there are several other points I wish to bring to the notice of honorable members.

The plan envisaged in the Bill is designed to bring the staff retirement plan of the Municipal Association of Victoria up to date. I think it is true to say that the old conventional insurance plans that have existed throughout Australia and many other parts of the world are now as dead as the dodo, and world-wide thinking is now in line with what the Minister has put before the House on this occasion. It has been stated that there are some 7,000 contributors to the fund, and that fact in itself is important. Under the proposed new scheme it will be permissible for moneys to be channelled into trustee securities, and this will offset the capital erosion which has occurred in all parts of the world with respect to staff retirement funds.

A similar problem arises in the State Superannuation Fund which covers public servants. Frequently it is necessary for Parliament to pass a Bill amending the existing provisions relating to the superannuation of public servants because the funds available under the old unit system have become inadequate for pensioners and action has to be taken to increase pensions to a level that will enable the recipients to live reasonably in these times of inflation and depreciated money values.

Mr. FENNESSY.—That is putting value back into the £1.

Mr. RAFFERTY.—The honorable member for Brunswick East has voiced a catch-cry that has been used for years. It is used now only by persons in the community who fail to think. Thinking people have long since given up that idea. Point is given to the importance

of the proposed new legislation by a proposal suggested recently by the Federal Treasurer.

To-day, people in the community have departed from the policy of taking out insurance policies. Of course, I am not "knocking" insurance which, in itself, has its advantages, but it is not a satisfactory method to adopt in connexion with staff retirement plans. I am delighted that the Minister has grasped the "bone" of the situation. It is recognized freely in the community, because a large percentage of business establishments which provide staff retirement plans now channel their funds into more attractive avenues. Honorable members would appreciate that, if a person takes out an insurance policy for £1,000 to-day, when it matures, say, 20 years hence, its value will be "chicken feed." That is not the fault of the insurance companies or anyone else; it is just one of the situations that arise in a progressive and expanding community.

To-day, many funds are channelling their money into equities, trustee securities, and Government loans so that the pool of money that is being invested on behalf of employees in the community has become very large. That matter was dealt with by the Federal Treasurer recently when he spoke of the possible amendments to the income tax laws. It has been suggested that some of those huge funds should be channelled back into Government and semi-governmental loans. The Minister, again showing that he is right up to minute, has assured the House that, under this measure, a large proportion of the money will be channelled back, with advantage, to the semi-governmental loans and to the municipalities themselves.

Mr. DIVERS.—That did not change the policy of the State Superannuation Board, which was already doing that.

Mr. RAFFERTY.—I recognize that, but this measure will give them complete power to do so. I do not agree with the honorable member for Footscray that some employees may be put off. In an expanding economy it is not possible to estimate what money will be received. This Bill will assure that upon retirement, the employees concerned will not suffer from what might be termed "capital erosion." The Bill represents an effective attempt to offset "capital erosion" and will ensure that, upon retirement, people will receive pensions which will allow them to live in reasonable circumstances.

It may be interesting for honorable members to know that I have gone to some trouble recently to check a number of superannuation schemes—I prefer to call them staff retirement plans—throughout the world, and, at present, in Australia, our legislation permits us to have better schemes than in any other country. That is recognized by the major firms which have branches throughout the world. One firm in London—I refer to the Lever Group, which has staff retirement plans in many countries—informed me that the facilities and provisions offering in Australia far outstrip those available anywhere else. I consider that governmental superannuation schemes should have a similar type of provision to that contained in a private trust deed, namely, that of equal representation of employer and employee in connexion with the administration of the fund. Under this legislation, that commendable policy will be implemented. This Bill represents forward and up-to-the-minute thinking, and I commend the Government upon introducing it.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5 (Insertion of new division in No. 6298 Part 1).

Mr. MUTTON (Coburg).—I am concerned particularly with the situation of a person who has retired from active employment and who must live on a superannuation pension. No honorable member will deny that persons who have worked for many years, whether it be in municipal, governmental, or private industrial fields, are entitled to retire

and live in comparative comfort. During their working careers, these employees have contributed to the superannuation or staff retirement schemes but, unfortunately, owing to the rising cost of living and to inflation generally, upon retirement they do not receive equal value for their contributions. In many cases, because they have contributed to superannuation funds, thereby becoming entitled to pensions upon retirement, they are deprived of receiving the Commonwealth age pension and other social service benefits. Possibly at the next Premiers' conference, this matter could be raised with a view to rectifying the position. With all due respect to my colleague, the honorable member for Footscray, I point out that when this Bill becomes law, the low-wage earners who have retired will derive very little benefit; in fact, it could even be detrimental to them.

The clause was agreed to, as were the remaining clauses.

The Bill was reported to the House without amendment, and passed through its remaining stages.

ENTERTAINMENTS TAX (AMENDMENT) BILL.

The debate (adjourned from November 9) on the motion of Mr. Bolte (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—The purpose of this Bill is to provide for a reduction of entertainments tax on certain classes of entertainment. No doubt, in introducing the Bill, the Government was activated by a desire to assist the motion-picture theatre proprietors, who have experienced considerable difficulty as a result of the inroads into their takings by the impact of television. As honorable members realize, the position will deteriorate still further in the near future, particularly in certain country areas, when additional television transmitters are established. The Government deserves certain credit for its action in attempting to assist motion picture theatres, but it is doubtful whether the measure will provide sufficient assistance to the industry. There is a sound case for the representations made by the motion picture industry for the abolition at this stage of entertainments tax.

As honorable members are aware, last year the Government increased the range of tax exemptions, and reduced certain items of taxation. Nevertheless, during the financial year ended 30th June last, the closure of picture theatres still continued. In the metropolitan area during that year, an additional 27 theatres closed, making a total of 55 metropolitan theatres closed since 1956. In the country, no fewer than 36 theatres closed during the year, making a total of 63 throughout the State since 1956. Comparing the aggregate number of admissions to picture theatres for the year 1956–57 with those for the year 1959–60, there was a decline from 34,000,000 admissions to 18,000,000 admissions, representing a reduction of 46 per cent. That is over the entire State. The impact of television on the motion picture industry has been very serious.

Apart from the economic point of view of giving relief to people who have invested large sums in the industry, I feel a far bigger issue is involved and that we should take cognizance of it. Extremely powerful monopolistic influences have control of the press and radio and television stations in this country, and they constitute a menace to the future welfare of our nation. It is of the utmost importance that we should do all possible to maintain alternative avenues of entertainment and enlightenment. Otherwise, we would have concentrated into the hands of a very few people who control radio, press and television most extraordinary power for moulding opinions and dominating the thinking of people during their leisure hours. I consider that would be a bad thing for our national progress. There is a strong case for doing everything reasonably possible to keep motion-picture theatres open. If the Government is really

serious in regard to the impact of television on picture theatres, it must recognize that only effective action, not tinkering with the problem, will be good enough to ensure that an adequate number of theatres remain open to meet public requirements.

I said in my opening remarks that I gave the Government credit for its intentions in this matter, but I could not reconcile with certain facts I have collected one or two statements made by the Premier and Treasurer in his second-reading speech. He said, *inter alia*—

> The big advantage of the plan, however, is that 60 per cent. of all theatres will get complete exemption from the tax, and these will be the theatres located in the suburbs and the country towns which have been shown to have suffered most or can be expected to suffer most from the competition of television.

Before I proceed to challenge the accuracy of the 60 per cent. referred to, I should like to point out that theatres in the city, which will not be affected by the proposed rebate system, have also been affected by the impact of television. The rebate system will give complete exemption if the tax paid does not exceed £20 a week, and the rebate is reduced by one-quarter of the amount exceeding £20 paid in tax. Therefore, if a theatre pays £100 per week in tax, it would not obtain any exemption. The inference to be drawn from the Premier's speech was that the position of the big city theatres is all right. However, whilst they pay a larger amount of tax than the smaller theatres they are meeting substantial fixed charges. They are the theatres which provide up-to-date amenities such as air-conditioning and so on. They feel the impact of television just as much as do small suburban theatres. My information is that in the not distant future some of the big city theatres will be in serious difficulty.

Mr. BOLTE.—It seems strange to hear you putting up a case for the big company or the big man.

Mr. STONEHAM.—I am not doing that; I am mentioning this matter in passing simply because the inference to be drawn from the Premier's speech was that if a city theatre pays a substantial amount of tax it must automatically be on easy street.

Mr. BOLTE.—I did not say that.

Mr. STONEHAM.—The Premier said that the purpose of the rebate system was to assist those theatres which felt the major impact of television, and the point I make in passing is that the big theatres have felt that impact just as much as the small ones.

Mr. BOLTE.—By way of a helpful interjection, I might point out that some of the city theatres that show top-class films have actually done better in the last year or two than they did previously.

Mr. STONEHAM.—I shall deal with that aspect. In his second-reading speech, the Premier and Treasurer went far beyond the realm of reality so far as that aspect is concerned. I am not carrying a brief for city theatre-owners when I make reference to the impact of television on their theatres. If the Premier's statement is correct that 60 per cent. of all theatres will obtain complete exemption, how does he reconcile the figures I shall now quote? The total amount collected last year from entertainments tax was £845,000. The Premier stated that the rebate system will cost £100,000 in a full year. A sum of about £503,000 of the total amount of £845,000 was derived from tax collected on admissions of up to 5s. 6d. If the cost of the concession is to be £100,000, it means that it is about one-fifth of the amount collected on admissions of up to 5s. 6d. I cannot imagine that 60 per cent. of all the theatres in the State will obtain complete exemption if the concession is merely to be one-fifth of the amount that is paid at the present time on such admissions. On the point the Premier raised, that theatres which show first-class films have done very well, the honorable gentleman, in his second-reading speech stated that there have actually been increased attendances particularly in the highest-priced ranges. That is not borne out by official figures which I obtained from the Treasury. They show that in the admission range of 7s. 0½d. up to 7s. 6d.

admissions for 1958–59 totalled 177,000, and in 1959–60 they had declined, not increased, to 145,000.

Mr. BOLTE.—That does not prove anything, surely.

Mr. STONEHAM.—It just proves that the statement the Premier made in his second-reading speech was not correct.

Mr. BOLTE.—Because an admission of 7s. 6d. is charged it does not necessarily mean that good films are shown.

Mr. STONEHAM.—Let me leave out the question of good films for a moment. The Premier stated that there had been increased attendances particularly in the higher price ranges. My figures show that admissions at a cost of over 7s. 6d. in 1958–59 totalled 609,000 and in 1959–60, 604,000. Actually there was a decrease in that range. The point I wish to come to relates to good films to which the Premier referred. He also stated in his second-reading speech—

> The cinema as a form of quality entertainment is able to withstand the competition of television and even improve its position.

There are isolated instances where the showing of good films like "South Pacific" has achieved phenomenal success. But how many films are in that category? If the Premier's statement is correct, why is there any problem? Why have picture theatres been closing down?

Mr. BOLTE.—The theatres about which you have been speaking are not closing down.

Mr. STONEHAM.—The Premier's theory is that so long as theatres show only good films and charge high prices they can meet the challenge of television. I hope the measure will be as effective as the Government thinks it will. Personally, I think it will be a matter of providing too little, too late. In Great Britain recently it was decided to abolish entertainments tax, for reasons very similar to those affecting this State to-day. Generally speaking, I think there is a strong case for the abolition of entertainments tax.

Another provision of the Bill relates to the payment of tax by patriotic, philanthropic, religious and charitable organizations which conduct entertainments. At present, to qualify for a taxation exemption, their expenses must not exceed 60 per cent. of the gross proceeds. As the Premier pointed out, in many cases these organizations put forward most laudable efforts, but often just fail to qualify for exemption. Possibly owing to inclement weather, attendances fall off and expenses prove to be just a little more than 60 per cent. of the gross proceeds. The Government proposes that a rebate system shall apply in cases where the organization does not qualify for complete exemption. We consider that to be a good proposal.

A reduced scale of tax is to be provided in respect of live theatre productions. That, too, is an excellent idea so far as the encouragement of the Australian culture, art, and theatre skill is concerned. I do not know whether it should apply to imported artists who put on shows at Festival Hall.

Mr. BOLTE.—I can assure you that if we could devise a way by which it would not apply to such shows, we would do so.

Mr. STONEHAM.—A way may ultimately be found to ensure that we obtain a fair return from the proceeds of shows at Festival Hall. One other matter relates to public dance halls. From independent inquiries I have made, it appears that the few remaining public dance halls in the metropolitan area are conducted in a manner which enables them to perform a very definite social service to the community. I believe that these public dances are conducted under respectable and proper conditions. They should therefore be given every consideration in the matter of extertainments tax. The Amusements Proprietors Association claims that dance-hall owners should pay tax at the live-artist rate. They point to an anomaly that if an American dance-band leader brings a few musicians to this country, augments his band with Australian musicians, and the band gives a performance at Festival Hall, tax at the reduced live-artist rate is paid. However, if the same band plays

at a public dance hall and people dance to the music, the higher rate of tax applies.

In view of the difficulties which the proprietors are experiencing from various angles, I think the Government should give sympathetic consideration to their request. I hope that at an early date the Premier and Treasurer will be able to do something for these people. It is unfortunate that, being somewhat inexperienced in political matters, the persons concerned did not make their representations until after this Bill had been presented to Parliament. If the Premier is impressed with their case but cannot do anything for them at this stage, I trust that in the months ahead he will review the situation and, if possible, include dance bands in the lower rate of tax. I should like to hear the Premier reply to the representations that have been made for the complete abolition of the entertainments tax as the only effective means by which the Government can assist the motion-picture proprietors in their efforts to compete with television.

Mr. MOSS (Murray Valley).—This Bill is designed to give partial relief so far as the entertainments tax is concerned. A few years ago the tax was introduced in Victoria after the Commonwealth had vacated the field. But New South Wales did not re-introduce it, and that has created some very serious problems for motion-picture interests. In border towns such as Wodonga and Rutherglen the picture promoters have suffered heavily because there is no entertainments tax in New South Wales while there is in Victoria. The Premier has stated that strong representations have been made to him for some relief. I am totally opposed to the tax but this measure provides partial relief and, consequently, the Country party supports it strongly. I do not think the tax should have been re-introduced into Victoria, and I hope that at the earliest possible moment it will be abolished.

Much consideration has been given to the motion-picture industry, but it is my belief that it has failed to meet the challenge of television and that unless it brings forward something new and better than at present, the industry will continue to be in serious trouble. I am not blaming the promoters in various centres, but the industry itself has not met the challenge. It will need to do some very clear thinking if it is to maintain itself to the extent to which it is now operating. The Country party looks forward to the day—and hopes it will not be far distant—when the entertainments tax will be abolished.

Mr. DUNSTAN (Mornington).—This Bill, although it offers some relief, is a graphic example of how Victorian theatres have suffered under uniform taxation. The Treasurer will be the first to admit that the entertainments tax is unfair. But there are limits to State taxes, and the alternatives are virtually non-existent. Our State taxes are higher than those imposed in any other State in the Commonwealth, due largely to the imposition of uniform taxation.

I support the Premier in his remark that city theatres—in the main—have enjoyed even larger attendances and better financial returns over the past few years than prior to the introduction of television. There are one or two films that have had phenomenal seasons. For example, "South Pacific" is entering upon its third year, and other films such as "Around the World in Eighty Days" could also be cited. That film was taken off, not because it was not still attracting large attendances but because there were bookings of films to follow. There was also the film "Cinerama," and the two following "Cinerama" pictures, and each has had a run of six to eight or nine months. Others have had almost record runs, lasting from six months to a year and longer.

I would be the first to agree that cinemas in the country and suburbs have had a particularly "rough spin" and in many cases have had to close down. In Frankston the picture theatre has been knocked down and a large emporium built on the site. That kind of thing has happened almost everywhere in the country and the suburbs. Some suburban theatres are hanging on in order to see the effects of the

passing of this Bill. However, there is evidence that generally the motion-picture industry in Victoria has shown and is continuing to show great confidence in the future. When we consider that the old King's Theatre was pulled down and a new theatre was rebuilt on the site—it is known as the Barclay—at a cost of some hundreds of thousands of pounds, we realize that that is not the sort of thing to which a struggling industry would commit itself.

Last year, the Majestic Theatre was extensively renovated at a cost well over £50,000; it is now called the Chelsea. The musical, "Porgy and Bess," is still being shown there and is experiencing a record run. We can consider also the recent expenditure upon the Esquire theatre, which now has the wide screen on which it has been showing Todd-AO films. The Plaza had to be converted with the view of making it possible to show "Cinerama" films there. All these are examples of the efforts that have been put into the industry.

The cinema has been rediscovered by the younger generation, which has been nursed on television. There is sometimes too much television in a home; most young children now watch an hour or a couple of hours of television every day. These same young people have never been to the "movies" and are only now discovering the cinema. We see this particularly in the phenomenal attendances at city and suburban theatres during school holidays. The exhibitors, realizing the situation, put on good "box office stuff" for children during holiday periods.

The cinema has its advantages over television not only for children but for adults also. I know of a housewife who goes only to films in colour because she is sick of looking at black and white on television. Most films to-day are produced in colour and are attractive for that reason. Then there is always the desire of the housewife to get out of her home on occasions, and the cheapest form of entertainment in which she can indulge is a visit to the "movies." Although there is television which she can watch in her home in the evening, she likes to get out in the daytime to see a picture. Then there are the many families who like to go occasionally to a drive-in theatre. Many people travel from as far distant as Frankston to see a film in the city.

Mr. SNIDER.—That is after reading the film criticisms in the papers.

Mr. DUNSTAN.—I do not wish to comment, but I agree with the interjection. There is a further reason why more and more people are going back to the cinema, and that is in the pleasure of audience participation. Watching television in the home is apt to make one bored with the programme and the company. Television is not nearly as entertaining and funny when watching it by oneself. One's sense of humour becomes dulled. But a person can go to a picture theatre where there are bound to be numbers of other people who will laugh with him. He does not feel self-conscious as he would in his own sitting-room on finding himself laughing by himself.

I have pleasure in supporting this Bill, and I ask the Premier to consider the Leader of the Opposition's representations that the Government should keep this matter under review. The motion-picture exhibitors are hoping not only that there will be partial relief but that perhaps in twelve months the Government will be able to go even further. With the good management that the Government has shown, it is possible that its supporters will be returned at the election next year in very large numbers and that there will also be a surplus next financial year so that the same Treasurer may see fit to give this matter further consideration, thus supporting the hopes of the motion-picture people that in twelve months' time the whole tax will be abolished.

Mr. LOVEGROVE (Fitzroy).—I support the remarks of the Leader of the Opposition and also those of the honorable member for Mornington up to that stage where he began a political prophesy. I support the very human observations that he made as to the relative merits of television and the big screen. If one were to carry the

psychological implications a little further, it would not, I think, be difficult to picture some very unusual situations. The members of the Opposition, with the Premier himself, I believe, would like to see the whole of the entertainments tax abolished, but in any case we should like to see further relief given to live-artist shows. We would be grateful also if the Premier would reconsider the use of taxation in this Bill as a fiscal measure to make some radical alteration in the entertainment industry.

The Premier and Treasurer received from entertainments tax the sum of £1,412,000, according to the 1959–60 financial statement, and his concessions, as announced both in his speech on this Bill and in the Budget speech, add up to about £150,000, leaving him, after making the subtraction, an income from entertainments tax of £1,160,000 for the current financial year. Compared with what the Government gets from entertainments tax, very little is done directly by the State—I am not criticizing the present Government—to plough anything back into the entertainments field in a way that would lead to the cultural advancement of the community. I direct the attention of honorable members to the Treasurer's financial statement which on the appropriate pages dealing with expenditure in the Premier's Department, the Treasury, and the Chief Secretary's Department, after subtracting the amounts that are paid out to subsidize art at the National Gallery and Museum and the Library and so on, sets out the expenditure on musical appreciation to be £200 for the Victoria Police Band, £550 for the State Service Concert Orchestra, £1,000 for the Victorian Band League, and £25,000 for the Victorian Symphony Orchestra, a total of nearly £27,000 to which must be added certain other amounts which the Government grants to encourage a better cultural level in the community generally.

Mr. BOLTE.—Do not neglect the National Theatre.

Mr. LOVEGROVE.—The Premier rightly points out that I should include the National Theatre. There is also the Council for the Encouragement of Music and the Arts, the appropriation for cultural development and grants in connexion therewith being an amount of £40,000. The Opposition is pleased to note this, but I consider that more could be done. The worst side of the entertainment industry to-day is undoubtedly television.

Mr. FENNESSY.—Do you mean the live shows?

Mr. LOVEGROVE.—Not particularly, but I am conscious that some of them are not very good. In my view, the worst features are the imported films. During the past few years there has been a controversy about the calibre of the entertainment by people who are well-versed in this subject and who, at the same time, are conscious of the fact that television is still having its teething troubles. For that reason they do not want to do anything to impede the advancement of the industry here. From a mass of evidence and a multiplicity of witnesses this has become obvious to the Commonwealth Government, and the responsible Minister has made a statement about it. Appeals have been made to television stations throughout Australia, in an endeavour to raise the calibre of entertainment, to increase the quality of live shows and reduce the quantity of imported material. In fact, the standards laid down by the Broadcasting Control Commission are extraordinarily severe, but unfortunately in some cases in commercial television they are honoured more in the breach than in the observance.

Having regard to the present state of the television industry in Victoria, it might be a good idea if the Government examined it as a potential source of taxation. I would not suggest any kind of taxation that would deter the development of the industry. The pattern of imported television entertainment in Melbourne is widespread and distinctive in one way, and if the stations do not employ more Australian entertainers than they are doing, they could be looked upon as a source of taxation. I shall quote a summary of

sample programme titles, which was prepared by the Actors' and Announcers' Equity Association of Australia—

Maverick, The Rifleman, Man Without a Gun, Annie Oakley, The Sheriff of Cochise, I Love Lucy, Brave Eagles, Perry Mason, Cisco Kid, Wagon Train, Trackdown, Dragnet, Lawman, Steve Canyon, The Real McCoys, Wyatt Earp, Texas Rangers, 77 Sunset Strip, McKenzies Rangers, Panic, Mickey Spillane's Mike Hammer, Cimarron City, The Californians, Kit Carson, Have Gun, Will Travel, Rin Tin Tin, Cheyenne, Buffalo Bill Junior, San Francisco Beat, Wanted, Dead or Alive, Sergeant Preston of the Yukon, The Texan, Wild Bill Hicock.

Some of this alleged entertainment is of such low calibre that, as the honorable member for Mornington rightly pointed out, people are glad to go to the pictures occasionally to escape it. People who may be tempted to view some of this imported rubbish, which is inculcated into the youth of the community and is un-Australian and gives an anti-social idea of life in some cases, would be better off if it was not shown in Australia. I say that with some realization that some of the big screen productions are no better, although I believe most of them are. The Government should use the entertainments tax to improve the calibre of entertainment and it should subsidize cultural concerts.

Mr. WILCOX.—What about Music for the People?

Mr. LOVEGROVE.—I have another idea to put forward at a later stage, but it is not original. When one looks at a random summary of imported television programmes one finds the following:—

Each week in Melbourne, at 9 p.m. on Sundays, approximately 62,000 children under the age of fifteen regularly watch the American programme *Gunsmoke.*

Each week, at 8 o'clock on Saturday nights, 94,000 children under fifteen are watching *Sugarfoot.*

At 10.30 p.m. on Saturday, 32,000 are watching *Mickey Spillane's Mike Hammer.*

On Friday nights at 8.30 p.m. 119,000 children are watching the American programme *Have Gun, Will Travel,* while on the other commercial station at the same time 62,000 children are watching the American crime programme *77 Sunset Strip.*

On Friday nights, the programme *The Texas Rangers* draws 158,000 children, while on the other commercial station, *West Point* is watched by 54,000 children.

On Wednesday nights the programme *Buffalo Bill, Junior* is watched by 159,000 children.

That information was prepared by the Actors' and Announcers' Equity Association of Australia which is at present negotiating on an industrial issue with some of the television stations. The result of the showing of these programmes in Australia is the impregnation of only one side of the American scene—not the real side but the worst side of it—and it has become accepted as the norm of entertainment for the citizens of to-morrow.

Mr. WILCOX.—Does the honorable member think I am wise in not owning a television set?

Mr. LOVEGROVE.—I think any honorable member who owns a television set would be wise to put it in a room of which he can lock the door. Television could afford potential advantages to the citizens of this country if it were properly used. If, despite the exhortations of the Commonwealth Government, the protests of most of the social service organizations and the churches and the objections which have been taken in every Parliament in Australia to-day, this industry cannot improve the calibre of entertainment, it should be taxed by the State Governments and the money so obtained used to contribute to a scheme which will give to the public of Australia some form of cultural entertainment. Unless the television stations improve the standards of their programmes, in ordinary commercial morality they should be asked by the Government to contribute something more than they are contributing to-day.

Mr. BROSE.—Do we get this rubbish only because it is cheap?

Mr. LOVEGROVE.—I believe so. I believe also that it is not only cheap in Australia but the cheapest rubbish from the entertainment rubbish tips in America.

Mr. BROSE.—And out of date.

Mr. LOVEGROVE.—Yes, and it does not reflect the true picture of American life. It reflects some of the worst sides of America life, which are accepted by children. This debases their outlook on the future of their own country. I have

no doubt that if the Government—I do not criticize it—was prepared to ask private enterprise firms in Australia, such as General Motors-Holden's Limited, to provide a subsidy with the Government to enable cultural concerts to be shown at the magnificent canteens that exist in industrial establishments where people have nothing to do in their lunch hour, they would agree. The concerts could be broken up into three groups, such as chamber music, musical comedy and good modern music. This would enable people to see some of the best sides of entertainment. In addition, the Government would then be doing a magnificent job in competing with the imported rubbish on television.

I know that the Treasurer has financial difficulties and cannot afford not to impose entertainments tax, but something should be done to make the people to whom I have referred contribute towards showing the public the better side of entertainment. I say, without any desire to be criticized as a "square," that it is generally agreed in the entertainment field that the worst kind of modern music that has ever been foisted on any country in the world is rock and roll. This rubbish has been foisted on to the public to make millions for disc jockeys in America.

Mr. CHRISTIE.—It is what goes with it more than the actual music.

Mr. LOVEGROVE.—It is not music at all. It is well known that half of the people making fortunes from rock and roll do not know anything about and cannot read music. I maintain that the Government has some responsibility to attempt to combat the present trend in entertainment, and that the Treasurer should consider the proposals that have been advanced. The suggestion in regard to factory concerts is not original, and in fact emanates from Mr. Don Thompson, secretary of the musicians' union. It may be said that musicians have a vested interest in the proposal, but despite such criticisms I believe it is an excellent idea. Such action has been taken on occasions by the Council for the Encouragement of Music and the Arts, but there is room for much more activity in this direction.

In conclusion, I support the remarks of the Leader of the Opposition in regard to the tax imposed on dance halls in Melbourne. In almost every country in the world, including Great Britain, dancing is recognized by Governments as an audience participation entertainment, and for that reason it is excluded when entertainments tax on live-artist shows is being considered. The average number of musicians and live artists employed per week by ten Melbourne ballroom proprietors is 186, and the average number of other employees is 308. If the Government were to remove taxation from this industry it would not lose any large sum of money. The following establishments no longer conduct public dances: Royale Ballroom; Merri Palais; Parish Hall, Yarraville; South Melbourne Town Hall; Coppin Hall, Prahran; Footscray Youth Centre; Cathedral Hall; Carnegie Hall; Mentone Town Hall; R.S.L. Hall, Brunswick; Albion Hall, Brunswick; Maison de Luxe, Elwood; Earls Court, St. Kilda; Northcote Town Hall; Williamstown Town Hall; Brunswick Town Hall; Preston Town Hall; Martini, Moonee Ponds; Progress Hall, West Brunswick. These closures illustrate that in connexion with the dance business there is no longer the same scope for taxation. I support the suggestions made by the Leader of the Opposition and the comparison made by the honorable member for Mornington between the relative merits of television and the big screen. I trust that at some time, when the Treasurer feels that finances will permit it, consideration will be given to the suggestions that have been made.

The motion was agreed to.

The Bill was read a second time, and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6243, s. 8).

Mr. BOLTE (Premier and Treasurer).—I wish to reply briefly to honorable members who have contributed to this debate. In the main, I agree with their

comments. Any Treasurer is in a difficult position in regard to a tax which has become an integral part of the financial structure. Even with the present concessions, it is estimated that an amount of £1,150,000 will be obtained from entertainments tax in the forthcoming year. I agree with what has been said in connexion with dance halls, but I point out that the question was not raised until after the Budget had been presented. If partial concessions were granted, similar to those granted to the live theatre, it would mean a decrease of £80,000 in revenue in a full year, that amount being handed to the ten major dance-hall proprietors. No suggestion has been made to decrease the admittance charges to dance halls. If the concession were spread over many hundreds of film exhibitors, the individual advantage would not be great. It is difficult to decide suddenly to grant a concession, even though it would be of advantage to musicians, artists and others employed in a particular industry. I give an assurance that I will consider the matter before the next Budget is introduced.

I have been informed that motion-picture exhibitors have run into a difficulty in relation to the concession that has been granted because of existing contracts with the film distributors. I do not know the exact terms of the contracts, but a percentage is paid on gross takings. If taxation relief were conceded, gross takings would be increased, to the obvious benefit of the film distributors. In considering concessions, a number of ramifications have to be taken into account, because the concessions are not and cannot be passed on to the general public. If I understand that position correctly, I sympathize with the exhibitors because on current contracts they will have to pay an additional sum to the film distributor. They approached me with the view of inserting a provision in this Bill defining this particular sector of their earnings as a tax, but the Crown Solicitor has advised that, first, it is doubtful whether that could be done and, secondly, it is not really the prerogative of Parliament to interfere with contracts between individuals. When new contracts are entered into they should ensure, if possible, that this particular question is taken into account. I assure them that it is the intention of Parliament to grant them some relief in order that they may weather the storm and stand up to the competition of television.

The honorable member for Murray Valley mentioned the position of border towns. So long as entertainments tax is levied in this State, the problem he mentioned will continue. Personally, I would be happy if entertainments tax could be abolished. If such a step were taken, ways and means of raising the equivalent of £1,150,000 would have to be found. Future Treasurers may be a better Mandrake than I am, and, if they can find some means of abolishing this tax, they will have my support.

The clause was agreed to, as was the remaining clause.

The Bill was reported to the House with an amended title, and passed through its remaining stages.

WATER (AMENDMENT) BILL.

The debate (adjourned from November 23), on the motion of Mr. Mibus (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This is an important Bill, although it was not announced as such when it was introduced. With the approach of the festive session, it would be inappropriate to say anything harsh about the measure. I assure the Minister that any remarks I make are not directed at him personally. However, it seems to me that some Commissions are inclined to take things for granted so far as Parliament is concerned. As members of this great institution, we should insist at all times that matters placed before Parliament are properly explained. Some years ago the State Electricity Commission adopted an aloof and remote attitude towards Parliament, and it is gratifying that in recent years that attitude has

been reversed. Recently a Bill introduced relating to the Commission was explained in great detail by the responsible Minister.

This measure is essentially a Committee Bill because it consists of 21 clauses which have no general purpose. Many of them appear to be completely unrelated, but some are of great importance. It is essential that the Minister, in his second-reading speech, should give an explanation of the requirements of each clause. In this instance, that was not done. I know the Minister acted in good faith in bringing before the House the notes which had been furnished to him, according to which the Bill is a simple measure mainly for the purpose of streamlining financial procedure for the waterworks trusts and providing for better administration and consequential machinery amendments. However, a study of the Bill shows that several of the clauses are of substantial importance. The explanation given by the Minister was not good enough and does not do justice to the Bill.

In recent years the State Rivers and Water Supply Commission has experienced great difficulties in the administration of the Water Act, and there was some serious litigation. It was necessary to bring special legislation before this House before the case had been determined in order to extricate the Commission from a particularly difficult position. The history of the amendments made to the Water Act indicates that Parliament should be careful indeed to seek all available information concerning every amendment that is suggested.

As I said earlier, this is a Committee Bill and I do not propose to discuss individual clauses at the second-reading stage. Honorable members should study the Bill closely during the suspension of the sitting for lunch to satisfy themselves of the truth of my statement. This is, in fact, almost a major Bill because of its wide ramifications. I shall have more to say concerning the clauses when the Bill reaches the Committee stage.

Mr. BROSE (Rodney).—I agree with the Leader of the Opposition that this is a Committee Bill and that it is most important. Like him, I find the measure of greater importance than appeared from the Minister's second-reading notes. In his speech, the honorable gentleman made some interesting comments. I have made representations to him and to officers of his Department as a result of which a decision has been made to amend some of the items mentioned in the Bill. Consequently, my attitude to the Bill is quite different from what it otherwise may have been. From time to time, amendments become necessary in connexion with the administration of any large organization and we have a series of them in this measure. The first one I notice is only a simplification and we can deal with it in Committee. It relates to the transfer or sale of municipal waterworks to waterworks trusts. I agree with the Leader of the Opposition that this Bill should be discussed fully in Committee, but the main point I wish to mention, at this stage, is that clause 2 adds a new interpretation to what we knew as a lake, lagoon, swamp or marsh. Paragraph (*b*) of the clause worried me a little, but the Minister has agreed to submit an amendment which he will explain later. This provision could have serious implications in respect of paragraph (*c*) of proposed new subsection (1) of section 378 of the principal Act, as contained in clause 21.

One important omission from the Bill is a simpler method than the present one of assessing compensation for land compulsorily acquired. The Country party has for a long time been looking forward to an amendment of the Water Act in that regard. When the Water Supply Loan Application Bill was recently under discussion I referred to the question of compensation in respect of land to be used for channelling. The omission of this item from the Bill is serious. I do not intend to make a song and dance about it, but I trust that the Minister will confer with his colleagues with the

object of bringing before Parliament some satisfactory solution to a serious problem that is worsening every day. Many settlement claims are now before the State Rivers and Water Supply Commission and some cases are before the courts. In my electorate there is much agitation for the Commission to take a more realistic attitude on this question. Some amendment of the Act may be involved to simplify the procedure, and an appropriate provision is required for the purpose of obtaining land for the purpose I have mentioned. Apart from those aspects, I commend the Bill to the House, and will have something more to say in the Committee stage.

Mr. CAMPBELL TURNBULL (Brunswick West).—I support the Leader of the Opposition in his criticism of the Government on this Bill. There was a time when I was familiar with the Water Act, and because of that I can say that it is one of the biggest and most important statutes. The long title of the principal Act states, *inter alia*—

> An Act to consolidate the law relating to the conservation and supply of water and the law relating to certain rights in natural waters and the property in the beds and banks containing the same.

This Act is the principal statute dealing with water supply, which is really the backbone of primary production in this State. In the Bill there are probably at least 100 amendments to that very important Act. Section 4 of the principal Act relates to any interference with or abrogation of the common law rights of ownership of water, and in dealing with that section it is necessary to know what "water" means, and we must have an interpretation of the expression "lake, lagoon, swamp or marsh." I should have thought that, on that question alone, those interested—both legal practitioners and persons familiar with the question of water supply—would know that that in itself is a most important matter. It is a grave misstatement, as the Minister did say, that this is a simple Bill which merely makes amendments to certain of the financial matters under the Water Act. I shall now quote from Sir T. Erskine May's *Parliamentary Practice* in relation to the second reading of a Bill—

> The day having been appointed for the second reading, the Bill stands upon the notice paper amongst the other orders of the day and when the day arrives—

This is the day—

> is called on in its proper turn. The second reading is the most important stage through which the Bill is required to pass; for its whole principle is then at issue, and is affirmed or denied by a vote of the House.

The principle of this Bill is to amend many important functions of the water Commission, the constitution of the authorities, how the rates are imposed and collected, to deal with the question of the common law ownership of water and innumerable other questions.

I should have thought that in explaining the principle of a Bill like that the Minister would have taken the members of the House into his confidence and told us precisely what the existing law is and and how it is proposed to amend it. I do not mean that the honorable gentleman should have discussed every last letter of the amendments, but surely as one goes through this Bill one can see that many of the principal enactments in the Water Act have been altered, varied or substituted. Then one hears this flimsy statement from the Minister, as recorded in *Hansard*. One can quite understand the remarks of the honorable member for Rodney because he was at one time Minister of Water Supply, and I have no doubt that many of these amendments were advocated during his term as Minister. The Leader of the Opposition, who held the same portfolio in a former Administration, has complained, because he knows the importance of this legislation and he cannot analyse the Bill without being given a complete explanation of what is being done. We have as much right to know what is going on in the water Commission as the Minister and any other member of the Government. I feel that this is only another method of quickly getting through this Chamber legislation which public servants desire to have passed at this time of the year, and at this late stage of the session.

I rise in protest that we were not taken into the confidence of the public servants engaged in the water Commission.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

The sitting was suspended at 12.59 *p.m. until* 2.4 *p.m.*

Clause 2—

In section three of the principal Act for the interpretation of lake lagoon swamp or marsh there shall be substituted the following interpretation:—

In the expression "lake lagoon swamp or marsh" each term means—

(*a*) a natural collection of water into or through or out of which passes continuously or intermittently a current forming the whole or part of the flow of a river creek stream or watercourse; or

(*b*) a natural collection of water which has been declared by Order of the Governor in Council published in the *Government Gazette* to be a lake lagoon swamp or marsh within the meaning of this Act.

Mr. MIBUS (Minister of Water Supply).—Clause 2 sets out a new definition of the terms "lake, lagoon, swamp or marsh." The present definition is that they are a natural collection of water into and out of which passes a current. It is considered that there should be a new definition because of the existence of creeping lakes and even Lake Corangamite. Unfortunately, in the new provision we have dragged in, as it were, privately-owned swamps, and so on. I move—

That in paragraph (*b*) of the proposed new interpretation, the words "natural collection of water" be omitted with the view of inserting the following words:—"collection of water (other than water collected and contained in a dam or tank on private land or a natural depression on private land)".

The amendment will exclude from the definition areas of water on private property.

Mr. BROSE (Rodney).—Paragraph (*b*) of the proposed new definition caused me a good deal of concern because it would have meant that any natural collection of water could be declared by Order in Council. I am grateful to the Minister of Water Supply for making it clear in his amendment that it is not intended that such water on private property should come within the ambit of the definition. Of course, the present definition of "lake, lagoon, swamp or marsh" is somewhat contradictory. The amendment clears up the situation, and my party has no objection to it.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 3 (Notice to remove or alter privately-constructed works).

Mr. CAMPBELL TURNBULL (Brunswick West).—Under the proposed new provision, the State Rivers and Water Supply Commission will have power to give notice to a landowner to remove or alter privately-constructed works. No doubt, throughout the farming areas of the State, there are many privately-constructed works that are used for irrigation purposes. It is proposed that an offence shall be created for which the penalty shall be not more than £50 and for a second or subsequent offence not more than £250. This is one of the matters about which the Opposition has complained. The Leader of the Opposition, who represents a country area, is most anxious to know what particular mischief the new provisions are directed at. Perhaps the Minister could cite some instances of the type of constructions or obstacles erected by farmers that are interfering with the administration of the principal Act. No law should be introduced unless it is directed towards correcting some mischief that exists.

Mr. MIBUS (Minister of Water Supply).—At present the Commission has power to give permission for the erection of works, but has no power to prosecute any person who does so without permission. The works may interfere with the bank of a stream or channel, or may be the construction of a bridge without permission, and so on.

The clause was agreed to, as was clause 4.

Clause 5 (Report, statement and estimates by Commission).

Mr. CAMPBELL TURNBULL (Brunswick West).—What is the object of the new provision? What mischief is it directed to correct? Has an error been made, or has there been an omission from the legislation?

Mr. MIBUS (Minister of Water Supply).—The honorable member for Brunswick West talks a lot about mischief. The explanation is quite simple. The principal Act lays down that values of property must appear in the Commission's annual report on the net annual value basis. As there has been a complete change over to unimproved capital valuations, the provisions in the Act require amendment.

The clause was agreed to, as were clauses 6 to 9.

Clause 10 (Certain contracts or transactions not to disqualify commissioners of waterworks trusts).

Mr. CAMPBELL TURNBULL (Brunswick West).—This clause inserts three new paragraphs at the end of section 134 of the principal Act. The first proposed new paragraph reads—

> selling to the trust in the ordinary course of a retail business, and not pursuant to any written contract, any goods of a value not exceeding Fifty pounds in the aggregate in any year;

Apparently the intention is that waterworks trusts shall be enabled to purchase from commissioners goods up to a value of £50. I suppose the suggestion is that in remote areas the commissioner concerned might be the only businessman who sells the particular commodity. I do not know whence the amount of £50 was derived, but no doubt it follows the idea embodied in the amendment to the Local Government Act that honorable members discussed recently.

Mr. MIBUS.—And in the Sewerage Districts (Amendment) Bill passed recently by this House.

Mr. CAMPBELL TURNBULL.—The Statute Law Revision Committee recommended that the figure be £20, and I should like to know why its recommendation has not been adopted. The expression "Fifty pounds" should be deleted and the expression "Twenty pounds" inserted in lieu thereof.

Mr. MIBUS (Minister of Water Supply).—A complete explanation of this matter was given by the Minister for Local Government when he explained the Local Government (Disqualification) Bill, and I also gave the reasons for the Government's action recently when I introduced the Sewerage Districts (Amendment) Bill. The Government believes that the amount stated in the legislation should be £50 because of present-day money values. It takes the view that the sum of £20 is too small.

The clause was agreed to, as were clauses 11 and 12.

Clause 13 (Refusal to supply water if private channels inadequate).

Mr. CAMPBELL TURNBULL (Brunswick West).—This clause is in these terms—

> In sub-section (2) of section one hundred and ninety-nine of the principal Act for the words "provided for the service of such land is not maintained" there shall be substituted the words "or other private works provided for the service of the land is not of adequate capacity or is not constructed or maintained."

The Leader of the Opposition considers that this is an important matter. Apparently the State Rivers and Water Supply Commission has the right to refuse to supply water if it is of opinion that private channels are inadequate. Channels are expensive to construct, and, bearing in mind the financial position of individual farmers, the Commission may have an exaggerated idea of what constitutes adequate channels. My Leader has asked me to request the Minister to give more details.

Mr. MIBUS (Minister of Water Supply).—The honorable member for Brunswick West should know that water must be delivered over a whole irrigation area within a certain time in order that crops shall not suffer. Inadequate internal or private channels cause delays in the delivery of water, to the disadvantage of persons who have adequate channels.

The clause was agreed to.

Clause 14 (Treasurer may make advances on account of amounts which may be issued and applied from the Loan Fund).

Mr. CAMPBELL TURNBULL (Brunswick West).—This clause proposes that a new section shall be substituted for section 282 of the principal Act, and my Leader desires that an explanation be given in respect of it.

Mr. MIBUS (Minister of Water Supply).—Section 282 of the Water Act provides that loans or advances to any local authority from moneys legally available and authorized under a Water Supply Loan Application Act can only be made by Order in Council. When an authorization is made under an Act of Parliament, it is deemed to be unnecessary that an Order in Council be issued as well.

The clause was agreed to.

Clause 15 was verbally amended, and, as amended, adopted, as was clause 16.

Clause 17—

In section three hundred and twenty-four of the Principal Act after the words "grant licences for the temporary occupation of lands tenements or hereditaments for the time being vested in or belonging to such Authority" there shall be inserted the words "or for the temporary occupation or use of unused channels drains or other works of the Authority whether constructed on lands of the Authority or on lands over which it has easements or for the construction by private persons of works under over or on any channel or drain or any other works of the Authority."

Mr. MIBUS (Minister of Water Supply).—I move—

That the words "construction by private persons" be omitted with the view of inserting the words "construction and use by private persons, subject to such conditions and restrictions as are contained in the licence".

The proposed amendment places certain conditions and restrictions on private persons, and without them I believe there could be no effective control.

The amendment was agreed to, and the clause as amended, was adopted.

Clause 18 (Time within which Commission may recover land, &c., not limited).

Mr. CAMPBELL TURNBULL (Brunswick West).—Clause 18 proposes that after section 329 of the principal Act there shall be inserted a new section purporting to abrogate the limitations created by the Limitation of Actions Act 1958. The proposed new section reads—

329A. Nothing in the Limitation of Actions Act 1958 or in any other Act shall be read or construed as limiting the time within which the Commission may commence any action to recover any land or any easement right or privilege in over or affecting any land which at any time before or after the commencement of this Act may have been purchased taken or acquired by or vested in the Commission for the purposes of this Act."

I do not know why an authority such as the State Rivers and Water Supply Commission should be placed in a better position than an ordinary citizen. No one should know the law relating to this matter better than the Minister and officers of the Commission, and I should like to know why it is proposed that the Commission should be placed in a more advantageous position than myself, for example, or the Minister of Lands.

Mr. MIBUS (Minister of Water Supply).—The Crown Solicitor has advised that there is considerable doubt whether lands owned by the State Rivers and Water Supply Commission are in fact Crown lands.

Mr. CAMPBELL TURNBULL.—They have been held to be Crown lands.

Mr. MIBUS.—I am quoting the advice of the Crown Solicitor. Therefore, it has been deemed necessary that this fact should be clearly laid down in the legislation.

The clause was agreed to.

Clause 19, providing, *inter alia*—

(1) Before the last paragraph of subsection (1) of section three hundred and thirty-two of the principal Act there shall be inserted the following paragraphs:—

"For regulating the capacity construction and maintenance of private channels."

"Fixing the times and periods for the supply of water to lands in respect of which an irrigation charge is made and the maximum quantity of water which may be taken under water right at or during any time or period by the owners or occupiers of those lands."

Mr. MIBUS (Minister of Water Supply).—I move—

That after the word "channels" the following paragraph be inserted:—

"Establishing advisory boards in irrigation districts and irrigation areas and the constitution, functions and duties of such boards."

The inclusion of this paragraph is designed to give statutory recognition to advisory Boards, which perform sterling services in the various irrigation districts throughout the State. I pay a tribute to the honorable member for Rodney, who directed my attention to this matter.

Mr. BROSE (Rodney). — Advisory Boards have carried out excellent work for a number of years. The fixing of periods for the supply of water is important to irrigators, and members of these Boards meet early each season to discuss weather conditions and to decide when the watering season shall commence and how long it will last. Discussion has been held with the Minister of Water Supply regarding advisory Boards, and now for the first time the Government and the State Rivers and Water Supply Commission have agreed to include in the Water Act a provision giving statutory recognition to the Boards. Those concerned have worked in a voluntary capacity and done a tremendous amount of valuable work in the interests of irrigation systems and the water Commission. There has been excellent co-operation between the various parties. It is not practicable for a Minister to interview every individual irrigator who has a grievance, and such matters can be handled more expeditiously by advisory Boards. I am grateful to the Government for having decided to give statutory recognition to these bodies.

The amendment was agreed to.

Mr. MIBUS (Minister of Water Supply).—I move—

That the word "Fixing" be omitted with the view of inserting the words "Providing for the fixing, after consultation with the appropriate advisory board, of."

The object of the proposed amendment is to place an obligation on the water Commission to consult with the respective advisory Boards before certain matters can be done. This has relation particularly to the period of the supply of water in the various districts.

The amendment was agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

The Bill was reported to the House with amendments, and passed through its remaining stages.

GAME (LICENCES) BILL.

The debate (adjourned from October 11) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This is a Bill to amend the Game Act 1958, which was subsequently amended by the Game (Licences) Act No. 6473. The effect of the amendment was to grant a licence on the payment of a fee of £1 whereby a person was enabled to kill wild duck during the open season. During the debate on that Bill, the Chief Secretary gave an undertaking to the House that the fees which would be collected from the issue of such licences would be used to develop sanctuaries and to carry out investigations in respect of wild life. When explaining this Bill, the Chief Secretary said that, for the year 1959, the sum of £34,863 was obtained from the issue of game licences and that, for the current year, the revenue had fallen to £20,665. The honorable gentleman further stated—

Over a period of some years the Fisheries and Wildlife Department has been carrying out investigations into water fowl and in accordance with the undertaking given by the Government a considerable proportion of the Game Development Fund has already been expended in connexion with this work.

A little later in his second-reading speech, he said—

As a further step in the water fowl programme, the Government has set up a committee known as the State Wildlife Reserves Investigation Committee with a membership consisting of the Director of Fisheries and Wildlife and representatives of the Soil Conservation Authority, the State Rivers and Water Supply Commission, the Forests Commission and the Lands Department.

The Chief Secretary indicated that the purpose of forming this committee was to preserve wild life. We feel that the honorable gentleman has carried out his undertaking in that regard, although, apparently, the legislation has not worked as smoothly as anticipated.

This Bill is designed to remedy the situation so far as the loss of revenue from game licences is concerned. When explaining this Bill, the Chief Secretary further stated, and I quote from page 546 of *Hansard*—

> As has already been indicated, the fees obtained for the issue of licences for the 1960 duck season have fallen very considerably, and this will present a serious problem in financing the extensive game management programme which is envisaged by the Department.

To some extent, by means of subterfuge, persons holding game licences have been able to participate in duck shooting during two open seasons. That is apparent from the Chief Secretary's statement—

> Many shooters are deliberately evading their responsibility to obtain a licence and others have legitimately been able to shoot for two duck seasons during the currency of their 1959 licence.

I find that somewhat difficult to understand. The honorable gentleman proceeded—

> The Act provides that a game licence shall remain in force for a period of twelve months from the date of issue. The Game (Amendment) Act 1958 came into force in time for the 1959 duck-shooting season which opened on the 21st February, 1959. For the year 1960, the season opened on the 20th February, with the result that shooters who obtained licences on or after the 20th February, 1959, could legally shoot on two opening days with the one licence.

I find it difficult to understand why a licence, which is issued to cover a period of twelve months, should entitle the licensee to shoot on the 20th February of the year in which it was issued, and again on the 20th February of the following year. Usually, Acts of Parliament which deal with the issue of licences of this type prescribe that, when a licence is issued on, say, 20th February of one year, it will expire on the 19th February of the following year.

Mr. RYLAH.—I concede the honorable member for Brunswick West his point concerning the date of expiry of the licence. However, if the licence expired on the 19th February, shooters would still be authorized to shoot on that date.

Mr. CAMPBELL TURNBULL.—The duck season for the current year commenced on 20th February, and for 1961 it will commence on 18th February. Consequently, licences issued on 20th February of this year would permit the licence holders to shoot on the opening day of the 1961 season. I agree with the Chief Secretary that that is a mischief which should be remedied, and this Bill is designed to overcome the situation. However, there appears to be some " criss-crossing " in various Acts of Parliament so far as the renewal of licences is concerned. It is proposed by this measure to amend the principal Act so that, in future, all game licences shall be valid only until the 31st December in the year of issue. The Explosives Bill, which was recently passed by this House, contains a provision concerning the issue of licences to persons desirous of using explosives. It is strange that that legislation contains a provision similar to the one that is being revoked in the Game Act. Possibly, the administration of each Department justifies such action, but, generally speaking, we should strive for uniformity in legislation concerning the periods for which licences are issued.

The main provision in this Bill is contained in clause 5, which provides three new sections to follow section 41E of the principal Act. Section 41E provides—

> Every person who is found in possession or control of wild life and in possession of any gun instrument net or other means whatsoever of taking killing or destroying wild life shall be deemed to be found hunting taking or killing wild life in contravention of the provisions of this Act unless he proved the contrary to be a fact.

It appears to be the modern philosophy, especially amongst Governments of the type that now holds office in Victoria, to change the legislative provisions concerning onus of proof. I do not object to the existing law, because it provides that a person shall be guilty if he is found with a gun and some dead wild life in his possession. After all, in such

circumstances, although the evidence is purely circumstantial, it would be sufficient to assume that he was guilty. Even in cases of housebreaking or murder, it is not necessary for a witness to have actually seen the crime committed. In other words, circumstantial evidence is acceptable in certain cases. However, this Bill goes further than that, and, in doing so, it introduces a provision which is contrary to the principles of British justice. It is possible that an innocent person could be convicted under this proposal. Sub-section (1) of proposed new section 41F, as contained in clause 5 of the Bill, provides—

> Every person who is found in or upon or within a distance of a quarter of a mile from any lake lagoon swamp marsh river creek stream splash or other water and who has in his possession or under his control any wild duck or any portion or portions of a wild duck shall be deemed to have taken killed or hunted such wild duck in contravention of the provisions of this Act unless he proves the contrary to be the fact.

I contend that these misdemeanours should be proven in the ordinary way.

Mr. RYLAH.—Did you read the examples which were quoted in my second-reading speech? In those cases, the magistrate dismissed the cases.

Mr. CAMPBELL TURNBULL.—I would wholeheartedly disagree with the magistrate under those circumstances. Sub-section (2) of the proposed new section provides—

> Any person who is found in upon or within a distance of a quarter of a mile from any lake lagoon swamp marsh river creek stream splash or other water, who has in his possession or under his control any gun instrument net or other means whatsoever of taking killing or destroying wild ducks and who is in the company of any other person who has been hunting wild ducks (whether legally or illegally) shall be deemed to be found hunting or attempting to hunt wild ducks in contravention of the provisions of this Act unless he proves the contrary to be the fact.

The policy of continually changing the law concerning the onus of proof has been taken a little too far with this Bill.

Mr. G. O. REID.—Have you examined the unlawful possession section in the Police Offences Act?

Mr. CAMPBELL TURNBULL.—I was not a member of Parliament when that was enacted. I do not care if a dozen examples can be quoted. I am sure the Minister of Labour and Industry agrees with me that in principle this type of provision is a dangerous one in many instances.

Mr. G. O. REID.—It is often very necessary.

Mr. CAMPBELL TURNBULL.—I feel that the Minister has changed very much, as at one time he was one of the great admirers of the principle that a man was innocent until he was proved guilty. It seems to me that a provision of this nature will make police officers, inspectors and others who administer it a little bit lazy.

Mr. RYLAH.—Are you suggesting that inspectors of the Fisheries and Wildlife Department are lazy?

Mr. CAMPBELL TURNBULL.—No, but I suggest that they should be encouraged to prepare cases properly if they wish to prosecute offenders and not rely on favourable onus of proof provisions. One of the worst offenders in connexion with onus of proof is the Commonwealth Parliament. An examination of the Commonwealth legislation would reveal many examples. In some cases even an allegation in the information is sufficient.

Mr. G. O. REID.—Many of those provisions were introduced by Labour Governments.

Mr. CAMPBELL TURNBULL.—I hope that this will be the last occasion on which this type of provision is included in a Bill. One can easily imagine a young farmer or a farm labourer with a gun in his hand being accosted alongside a swamp. Under this provision he could be immediately incarcerated and informed against. Then the onus of proof would rest on him. This is an intolerable position, and the Opposition proposes to vote against it.

Mr. BROSE (Rodney).—I have listened with great interest to the honorable member for Brunswick West

and consider that he has made a capable speech. I was interested to learn that he was in disagreement with his eminent lawyer colleagues on the Government side of the House. It seems to me that sometimes they say things they do not believe. I have listened on many occasions to my legal friends in this House opposing the onus of proof principle. Often they have said that it is fundamentally wrong. Apparently the cause of the disagreement to-day is that we are trying to substantiate a Bill that is bad.

The original purpose of the legislation was to compel persons seeking to shoot wild duck to pay a licence fee. Nobody really wanted it, although I am aware that the Chief Secretary stated that some people were in favour of the proposal. However, they were so few in number that no notice should have been taken of them. I have lived close to the River Murray for many years in territory where wild duck breed. Along the Murray and beyond it to as far away as Alice Springs ducks breed in their millions, but I am aware that periodically we experience dry seasons in this small State of Victoria and ducks are temporarily scarce. However, it is putting forward a fictitious argument to say that we need to take steps to preserve them. It seems to me that we have here another glaring example of a head of a Government Department attempting to build up his Department. I do not suppose that is such a great crime, but it should not be done at the expense of duck shooters.

Doubtless many honorable members have seen pictures in the magazine *Walkabout* and other journals where the whole of the landscape is blackened with huge numbers of wild duck. Yet we are told they are scarce in Victoria. The Director of Fisheries and Wildlife has shown pictures of parts of America illustrating the extent to which it is necessary to go in that country to preserve birds for people interested in firing guns at them. Although the United States of America and Australia are comparable in size, it must be remembered that the population of the United States of America is 175,000,000 compared with our 10,000,000. If our population ever reaches the density of that in the United States of America maybe we shall have to take extreme steps to preserve game, but I do not think we should waste our time in present circumstances. The honorable member for Mulgrave said, when the Bill to fix a licence fee was introduced, that a sum of £100,000 would be collected in licence fees. He also stated that thousands of his friends would visit areas around Kerang and perhaps spend £10 each. The fact is that 100,000 licences have not been taken out.

Mr. WILTSHIRE.—I said that duck shooters would spend £100,000.

Mr. BROSE.—Last year 35,000 licences were issued and this year the number has dwindled to 20,000. It is self-evident that persons who formerly participated in duck shooting are not taking out licences. As licences are imposed under a bad law, I do not blame them for not doing so. Many of my friends used to do some shooting on the opening day of the duck season but now they consider that it is not worth it. My advice is that the next time a person goes out shooting he should not take a gun with him, otherwise he may find himself in all sorts of trouble. He has merely to be found with a gun in his hand near a swamp and the onus of proof will rest upon him. I have always thought a principle of British justice was that a man was innocent until he was proved guilty. I do not feel I should waste any more time on this measure, which I condemn out of hand.

Mr. WILTSHIRE (Mulgrave).—I cannot understand the attitude of the Country party to this Bill. The history of this matter is that a deputation of two members of the Country party, certain persons from the Gippsland district and myself waited upon the Chief Secretary, and asked for a licence system to be instituted. The Leader of the Country party suggested at that meeting that the fee should be £1. I am sure that my remarks can be substantiated by a reference to the minutes of the deputation. Despite that, Country

party members are now, to use a colloquialism, crying stinking fish. I do not know what has happened. Perhaps their arms are being twisted by people who have grazing interests in swampy areas of the State. Perhaps these people feel that if the swamps are drained the ducks will be killed off and more cheap grazing land will be available. Perhaps that is why the Country party is offering opposition to the Bill.

Legislation providing for a licence was introduced not to help people of my age or perhaps a little younger, but to preserve wild duck and other wild life throughout the State for posterity. There has been much talk of tourism in recent times, and wild life and water fowl in the swamps can provide attraction for tourists. We are all aware of what happened in the United States of America and we should not kid ourselves that it would not happen here. I have engaged in duck shooting for many years, and I have seen the number of birds available dwindle from year to year. At one time, one needed to go only a few miles into the country to shoot wild duck, but nowadays one must go 300 or 400 miles to the Riverina and beyond the Lachlan river to find them in plentiful quantities. The amendment we are now considering has become necessary because certain people have been thumbing their noses at the legislation. If a person is alongside a swamp or within a quarter of a mile of a swamp with a gun and a duck in his hand surely it can be assumed that he is engaged in duck shooting.

Mr. DIVERS.—Or if he has the leg of a duck in his possession.

Mr. WILTSHIRE.—I suppose that stipulation is in the proposal because some people pluck ducks they have shot whilst they are waiting for the next one to come along. During last duck season, people with waders on, wet to the armpits and with guns in their possession said that they were not out duck shooting and were able to get away with it because other people were carrying the ducks that had been shot. If legislation is enacted by Parliament, steps should be taken to see that it is not evaded, and that is the purpose of the present Bill. In the short time that the licence fee has been in operation the Fisheries and Wildlife Department has made a magnificent start in its endeavours to preserve wild duck and waterfowl.

I must correct the honorable member for Rodney who asserted that I said the State would collect £100,000 from licences. My statement was that £100,000 would be spent by shooters. I consider that duck shooters would spend at least treble the licence fee. I am sure that storekeepers in the electorate of the honorable member for Rodney are not happy about his opposition to this Bill. To me, the opposition that was expressed was most unexpected. The licence system has been in operation for two or three years, and we are just starting to reap some benefit from it. As the Government desires the scheme to operate more smoothly, it has introduced this amendment. Probably some people who have stock grazing on swamps are not very happy that ducks are breeding on them. In that short time all the money collected as licence-fees has been placed into a special fund and breeding areas have been established at Beaufort, the Winton swamp at Benalla, the Jack Smith swamp at Yarram, Dowd's morass and Coleman's swamp at Sale, and Lara. So we can see the sincerity of the Government and of the Department in doing something to preserve what I hope both I and my son will be able to enjoy.

I was surprised this year that so many duck shooters were alive to the fact that last year's licence was still current, due to the alteration of the date of the opening of the season. In the year before last, the season opened on the 26th February; last year, the opening date was the 20th February and, therefore, the licences now held are still current. Of the 30,000-odd shooters, probably 29,000 go out on the opening of the season and the other 1,000 shoot once or twice later on. The coming season will open on the 18th February next. If the Act is not altered, all the

licences issued last year on the 20th February will still be current. So many shooters are "wise" to last year's date that I shall not be surprised if many of them use their current licences.

I pay tribute to the duck shooters for their acceptance of this impost of a £1 licence fee for each year. Of the many licence holders whom I know, probably there is only one who would object to paying £1 annually and he would do so just on principle rather than in the light of the achievement which the £1 licence will bring about. I am surprised that there should be any opposition to this self-help scheme which the duck shooters themselves have asked to have charged against them. I trust that the Bill will not be amended and that it will have a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5, providing, *inter alia*—

After section forty-one E of the principal Act there shall be inserted the following new sections:—

"41F. (1) Every person who is found in or upon or within a distance of a quarter of a mile from any lake lagoon swamp marsh river creek stream splash or other water and who has in his possession or under his control any wild duck or any portion or portions of a wild duck shall be deemed to have taken killed or hunted such wild duck in contravention of the provisions of this Act unless he proves the contrary to be the fact.

(2) Any person who is found in upon or within a distance of a quarter of a mile from any lake lagoon swamp marsh river creek stream splash or other water, who has in his possession or under his control any gun instrument net or other means whatsoever of taking killing or destroying wild ducks and who is in the company of any other person who has been hunting wild ducks (whether legally or illegally) shall be deemed to be found hunting or attempting to hunt wild ducks in contravention of the provisions of this Act unless he proves the contrary to be the fact.

Mr. CAMPBELL TURNBULL (Brunswick West).—I move—

That proposed new section 41F be omitted.

I do so for the reasons that have been adequately explained by the honorable member for Rodney. The matter embraced in the new section has always been one for contention. No doubt, when the two Ministers now sitting at the table—the Chief Secretary and the Minister of Labour and Industry—were on the Opposition side of the House they said precisely the same as I am about to say. I commend them for their actions in the past in upholding this well known tradition. I am not moved if the Ministers concerned seem to be arming themselves with similar types of provisions in other Acts. The more they are able to produce, the more reason there will be why this kind of legislation should end.

For those members who would like to hear some better authority than myself and the honorable member for Camberwell, I shall read a short statement appearing in a work entitled *Essays on the Law of Evidence* by gentlemen well known in this State, Professor Zelman Cowen, and Mr. P. B. Carter. On page 242 of this book they deal with the question of quantum of proof. The discussion is in regard to onus of proof respecting civil cases and also in relation to criminal cases; and on page 244, they say—

The quanta of proof traditionally known to the law have been two and have been regarded as distinct. The higher standard (conveniently if inaccurately called the criminal standard) is defined as "proof beyond reasonable doubt." The lower standard (conveniently if inadequately called the civil standard) is defined as "proof upon the balance of probabilities."

The traditionally accepted position was succinctly reiterated in 1947 by Denning, *J.* (as he then was) in *Miller* v. *Minister of Pensions.*

That was a case apparently recorded in 1947 in 2 All England Reports, at page 372. For the record, I might add that that case was approved in the Court of Appeal in *Davis* v. *Davis*, 1950, at pages 125 and 128. These two writers continue—

Of the criminal standard the learned Judge said: "That degree is well settled. It need not reach certainty—

I am afraid that that was what the magistrate must have had in mind when deciding the case mentioned by the Attorney-General—

but must carry a high degree of probability. Proof beyond reasonable doubt does not mean proof beyond the shadow of a doubt.

> The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as to leave only a remote possibility in his favour, which can be dismissed with the sentence 'of course it is possible but not in the least probable' the case is proved beyond reasonable doubt, but nothing short of that will suffice."

That is the principle. We plead daily that we believe in democracy. One of the rules of British justice in democracy is "He who alleges must prove." Why should we take this matter of onus of proof from a farmer's boy who may be found wandering gun in hand as described by the honorable member for Rodney? We feel that that lad is as much entitled to protection by the standard of onus of proof as is a man who stands in the dock on a charge of murder. We do not believe that any decent living people, finding themselves in certain circumstances, should not have the right of protection on such a grand rule as the Ministers opposite on many occasions have espoused in this House.

Mr. RYLAH (Chief Secretary).—I oppose the amendment. I listened very carefully to the excellent political speech of the honorable member for Brunswick West and to the sound legal principles he enunciated, using the words of others.

Mr. CAMPBELL TURNBULL.—It is the custom in courts to quote authorities.

Mr. RYLAH.—I ask the Committee to examine this amendment carefully. In my second-reading explanatory speech, I cited a number of specific cases in which prosecutions had failed, where it was fairly obvious that the person concerned was guilty, because of a defect in proof.

Mr. CAMPBELL TURNBULL.—Why not instruct your magistrates better?

Mr. RYLAH.—It is not the practice of the Government to instruct magistrates, and it is the last thing we would do. The only reason for this provision is that it is the good old case in which people of honest purpose obtain licences and pay their fees while others do not take out licences, in which circumstances they go scot free. The easy course would have been to introduce a provision based on the Fisheries (Inland Angling) Act. I looked at that carefully. This is what section 7 states—

> If any person (not being the holder of an inland angling licence in force) having in his possession any fish as well as any rod, line or fishing tackle is found within half-a-mile of any inland waters, such person if over sixteen years of age shall be deemed to have taken such fish by angling in inland waters in contravention of the provisions of this Act unless he proves the contrary to be the fact.

That is about as drastic as one could wish. It was introduced in 1950 by the then Chief Secretary in the Country party Government, with Labour support.

Mr. BROSE.—It is different. It does some good in the fishing industry, but this provision will not achieve anything.

Mr. RYLAH.—That provision deals not with the fishing industry but with inland angling. I did not take that easy course. I examined the cases where prosecutions had failed, where people had evaded the existing provisions, and I had these provisions framed to meet those cases and those alone. The first states—

> Every person who is found in or upon or within a distance of a quarter of a mile from any lake, lagoon, swamp, marsh, river, creek, stream, splash or other water and who has in his possession or under his control any wild duck or any portion or portions of a wild duck shall be deemed to have taken, killed or hunted such wild duck in contravention of the provisions of this Act unless he proves the contrary to be the fact.

The second one relates to any person who is found within the same distance. who has in his possession or under his control a gun, instrument or net for taking wild duck, and who is in the company of any other person who has been hunting wild duck whether legally or not. That meets the specific case where a man is caught redhanded with the duck and he says, "I did not shoot it," and it cannot be proved that he did shoot it. It also meets the case of the man without a licence who has gone out shooting with another man, and when apprehended he says to the inspector, "You did not see me shoot. I was not shooting. I was out in the middle of that swamp because I like wading in

water up to my armpits." It has been pointed out to me that there is just a possibility that this provision goes further than was intended and might be used in the non-duck season. To meet that eventuality, I have circulated an amendment to provide that this and the previous provision shall apply only during the hunting season. It is limited to that and cannot in any way touch an innocent person. I submit that is a reasonable explanation. It is intended to meet specific cases, and there is no intention on the part of the Government to extend these provisions.

The Committee divided on the question that the words proposed by Mr. Campbell Turnbull to be omitted stand part of the clause (Mr. Christie in the chair)—

Ayes	31
Noes	20
Majority against the amendment ..	11

AYES.

Mr. Balfour	Mr. Reid (*Box Hill*)
Mr. Bloomfield	Mr. Rossiter
Mr. Bolte	Mr. Rylah
Mr. Borthwick	Mr. Scott
Mr. Darcy	Mr. Snider
Mr. Evans	Mr. Stokes
Mr. Fraser	Mr. Tanner
Mr. Garrisson	Mr. Taylor
Mr. Gillett	Mr. Turnbull (*Kara Kara*)
Mr. Holden	Mr. Wheeler
Mr. Kane	Mr. Wilcox.
Mr. Loxton	
Sir Thomas Maltby	*Tellers:*
Mr. Manson	Mr. Reid (*Dandenong*)
Mr. Meagher	Mr. Wiltshire.
Mr. Mibus	
Mr. Petty	
Mr. Rafferty	

NOES.

Mr. Barclay	Mr. Mutton
Mr. Brose	Mr. Ring
Mr. Cochrane	Mr. Schintler
Mr. Cook	Mr. Stoneham
Mr. Divers	Mr. Sutton
Mr. Doube	Mr. Turnbull (*Brunswick West*)
Mr. Fennessy	Mr. Wilkes.
Mr. Floyd	*Tellers:*
Sir Herbert Hyland	Mr. Crick
Mr. Lovegrove	Mr. Holland.
Mr. Moss	

PAIRS.

Mr. Dunstan	Mr. Ruthven
Mr. Gainey	Mr. Clarey
Mr. Macdonald	Mr. Towers
Mr. Porter	Mr. Galvin.

Mr. RYLAH (Chief Secretary).—I move—

That, in proposed new section 41F, the following sub-section be added, to follow sub-section (2):—

"(3) The provisions of this section and the last three preceeding sections shall have effect only in relation to events occuring during any period of the year other than the close season for wild ducks."

I have already explained the amendment.

Mr. CAMPBELL TURNBULL (Brunswick West).—The Opposition has no objection to the amendment.

The amendment was agreed to, and the clause, as amended, was adopted.

The Bill was reported to the House with an amendment, and passed through its remaining stages.

HEALTH (AMENDMENT) BILL.

Mr. BLOOMFIELD (Minister of Education).—I move—

That this Bill be now read a second time.

This Bill is to amend the Health Act in relation to three matters, namely, installation of septic tanks, prohibiting the addition of harmful colouring to medicines, and the submission of reports by meat inspectors.

A person who wishes to install a septic tank is required by the Health Act to submit plans and particulars of the installation to the local council and to obtain the consent of that body before starting the work. Payment of a fee of £1 for examination of the plans is required. In actual practice the council's officers not only examine the plan but in most cases inspect the site, pay one or more visits while the work of installation is being carried out, and make a final inspection on completion of the work. The value of the work done by these officers in many cases far exceeds the amount of the fee that may now be collected by the council for that work. Provision has therefore been made by this Bill for the council to charge a fee not exceeding £4, which it will prescribe by by-law, to cover the whole of the work in which the council's officers are involved in dealing with the installation of a septic tank system.

Another clause prohibits the mixing of drugs with any material so as to render the mixture injurious to health. The Proprietary Medicines Committee, which has the task of examining and reporting on every proprietary medicine proposed to be sold in Victoria, has expressed concern that there appears to be no provision in the Health Act to control the use of dyes and colouring material in medicinal preparations. The committee is of opinion that some of the matter used in medicines simply as colouring is potentially dangerous to health, and the Commission of Public Health has accordingly recommended that section 230 of the Act, which forbids the addition of any materials which render foods injurious or potentially dangerous to health, be extended to apply also to the addition of such materials to drugs and medicines.

The third matter dealt with in the Bill is the submission of reports by meat inspectors. Meat inspectors are the men employed by municipal councils at abattoirs in meat areas to inspect all animals brought to the abattoirs for slaughter, and all meat produced there. They are all qualified to the satisfaction of the Commission of Public Health. Section 315 of the Health Act requires inspectors to keep prescribed records relating to the animals and meat dealt with at the abattoirs and the reason for any condemnations and to report annually to the commission. The annual reports often contain information which would have been much more useful if it had been furnished several months earlier. It is therefore proposed that inspectors be required to submit regular monthly reports, and special reports when asked for by the commission, instead of the annual reports now required. By this means, the commission will be kept posted with up-to-date information on activities at the abattoirs, on the incidence of disease in animals sent for slaughter, of the number of carcasses condemned and the reasons for condemnation. I commend the Bill to the House.

On the motion of Mr. HOLLAND (Flemington), the debate was adjourned until Tuesday, December 6.

STATUTE LAW REVISION BILL.

Mr. G. O. REID (Minister of Labour and Industry).—I move—

That this Bill be now read a second time.

The purpose of this Bill is to correct errors of a minor nature which have been detected in the consolidated Acts and in Acts which have been passed since the consolidated Acts came into force on the 1st April of last year. The amendments proposed are contained in the two schedules to the Bill. The First Schedule contains amendments to be made in the consolidated Acts, which amendments will, by the operation of clause 3 of the Bill, have effect retrospectively from the 1st April, 1959. The amendments in the Second Schedule, with the exception of those relating to the Water Act 1958, will have effect from the passing of this Act. The amendments to the Water Act 1958 contained in the Second Schedule will, for the reasons I shall state in my later comments, be retrospective to the 1st July, 1959. A number of the items in the schedules correct obvious misspellings, wrong references, omissions and grammatical errors of which no more need be said. There are, however, many errors which are not so apparent and require elucidation. I propose only to refer to these latter errors in the order in which they appear in the schedules to the Bill and to comment briefly upon them.

The following are the Acts and amendments thereto which are dealt with in the First Schedule:—

Act No. 6229—Country Roads Act 1958: By the third part of this item the words "by-pass road" are introduced into sub-section (3) of section 114. Sub-sections (1) and (2) include references to "by-pass roads" in an exhaustive fashion and the omission of the words in sub-section (3) appears to be inadvertent. This same amendment was made in paragraph (*b*) of subsection (1) by Act No. 6505 (Statute Law Revision), but apparently subsection (3) was not noticed.

Act No. 6265—Goods Act 1958: Paragraph (*a*) of the first item corrects the numbering in the table in section 1

from a reference to "ss. 33–64" to the reference to "ss. 3–64." Paragraph (*b*) inserts in the table a line dropped from the reference to Part III.

Act No. 6274—Hospitals and Charities Act 1958: The word "School" was lost in the consolidation. The full title as per Act No. 5300, Second Schedule, item 102, reads "Yooralla Hospital School for Crippled Children."

Act No. 6283—Labour and Industry Act 1958: The error here has been inadvertent and could easily pass unnoticed. The section should relate, as per Act No. 5771, section 132, to the carrying of weights by hand not "by land" as appears in the consolidated Act, but it could still have application.

Act No. 6293—Licensing Act 1958: Paragraph (*a*) of the item relating to section 19 inserts a line dropped in printing.

Act No. 6300—Maintenance Act 1958: Paragraph (*a*) of sub-section (4) of section 5 of the Act as it stands refers to "powers conferred by paragraph (*a*) of sub-section (1) of section five of this Act." As consolidated the Act contains no paragraphing of sub-section (1). The Maintenance Act 1928 had four paragraphs, three of which were repealed by sub-paragraph (i) of paragraph (*c*) of section 4 of Act No. 4314. In the Maintenance (Consolidation) Act 1957 (No. 6116) there was therefore no need for paragraphing sub-section (1) of section 5, but the reference in sub-section (4) to the paragraph was not removed. This reference should of course be to the whole of sub-section (1) as it now stands.

Act No. 6347—Public Contracts Act 1958: The only items in the schedule are the two references to the Acts repealed by the consolidating Act. The titles of the two Acts have been transposed and appear in the wrong order opposite wrong numbers.

Act No. 6355—Railways Act 1958: Section 207 of the Railways Act 1958 reproduces section 2 of the Railways (Level Crossings) Act 1957 (No. 6118). Section 2 was the only really substantive provision in that Act and the reference in sub-section (6) to "this Act" was therefore proper. Sub-section (6) provides for the declaration as public highways of roads constructed by the Commissioners to divert traffic from closed level crossings. The reference to "road" in sub-section (6) of section 2 of Act No. 6118, was limited to these diverting roads. When transposed into section 207 of the consolidated Act the reference to "road," having regard to the continuance of the words "this Act," has the wider meaning of any road provided by the Commissioners for any purposes. This result should not have been produced by the consolidating Act. The Bill restores the situation by confining the reference to section 207.

The Second Schedule embraces the following Acts and amendments:—

Act No. 6219—Children's Welfare Act 1958: In the Social Welfare Act 1960 no amendment was made in the heading preceding section 21 to make it accord with the general changes made in the Children's Welfare Act 1958. This item corrects the omission by substituting for the word "Department" (Children's Welfare Department) the word "Branch" (Social Welfare Branch).

Act No. 6328—Nurses Act 1958: This paragraph as amended by section 3 of Act No. 6512 now reads—"(*b*) one shall be a registered midwife holding current annual practising certificates as such elected in the prescribed manner by registered midwives holding current annual practising certificates as such;". The amendment corrects the relation of the singular to the plural.

Act No. 6413—Water Act 1958: Act No. 6582 (Water Irrigation Act 1959) effected considerable amendment in the Water Act 1958 (No. 6413) and reconstituted "irrigation and water supply districts" into "irrigation districts." The amendments made by generally removing the words "and water supply" throughout the Act whenever the words "irrigation and water supply district" occurred have affected some sections of historical or declaratory purpose only. To preserve the continuity of the authorities concerned it is necessary to restore in some cases the words

repealed and, as Act No. 6582 had a retrospective effect, to restore them as from that time. Clause 4 of the Bill provides that the amendments in the schedule shall have effect as if the words to be restored had never been repealed.

Act No. 6547—Statute Law Revision Act 1959: There are two tables in the Fourth Schedule to the Companies Act 1958 each having a clause 71. This item provides for the amendment to be made in table A.

Act No. 6552—Stamps Act 1959: Sub-paragraph (ii) of paragraph (*a*) of sub-section (1) of section 4 of this Act purports to make two substitutions in paragraphs (*a*) and (*b*) of heading IV. of the Third Schedule to the Stamps Act 1958. It is accurate as to the substitution required in paragraph (*a*) of the heading, but wrong as to paragraph (*b*) in that the whole of the words to be substituted do not appear in paragraph (*b*) of the heading. By sub-paragraph (ii) of paragraph (*a*) of sub-section (1) of section 4 of Act No. 6552 the words to be substituted are "a stamp duty of one-quarter per centum of such amount or value"; the words "or value" do not appear in paragraph (*b*) of the heading. The item in the Bill corrects the amending Act to operate more precisely.

Act No. 6555—Melbourne and Metropolitan Tramways (Amendment) Act 1959: This item completes the reference to provisions repealed by Act No. 6555. There are no Divisions 9 and 10 otherwise than in Part III. of the Melbourne and Metropolitan Tramways Act 1958.

Act No. 6605—Mental Health Act 1959: The first item corrects a drafting error in section 19.

The Second Schedule considerably amends the Public Trustee Act 1958 and by paragraph (*d*) re-enacts in a rearranged and extended form Division 2 of Part II. In the confusion of rearrangement, repeal of the interpretation of "mental hospital" in section 3 of the Public Trustee Act 1958 was omitted as was also the inclusion within the new Division 2 as section 50A of what now stands as section 35 of the Public Trustee Act 1958. As the amending Act has not yet operated to effect the amendments in the Public Trustee Act 1958, it is appropriate to amend the amending Act at this stage.

Act No. 6651—Social Welfare Act 1960: The first item brings the heading over section 3 into line with the table in section 1. During the passage of the Bill, one section was entirely deleted, resulting in re-numbering of the clauses. This made inaccurate references in two sections to other sections. The items relating to sections 40 and 43 correct the references.

Act No. 6659—Licensing (Amendment) Act 1960: Paragraph (*a*) makes it clear that the prospective amendment contemplated by paragraph (*b*) of sub-section (3) of section 4 is to section 38 as re-enacted by section 7 of Act No. 6659. The operation of paragraph (*f*) of sub-section (3) of section 4 as it now appears would leave standing in brackets the words "whether of any licensed victualler". It is apparent that the whole of the bracketed words should be repealed.

I shall now explain the clauses. Clause 1 is the usual citation clause. Clause 2 effects the amendments set out in the schedules. As mentioned previously, clause 3 makes the amendments in Schedule One retrospective to the 1st April, 1959. Clause 4 deals specifically with the amendments to the Water Act 1958 in Schedule Two and makes them operate retrospectively to the 1st July, 1959, the day from which the amendments made by Act No. 6582 were expressed to operate. I commend the Bill to the House.

On the motion of Mr. CAMPBELL TURNBULL (Brunswick West), the debate was adjourned until Tuesday, December 6.

MARKETING OF PRIMARY PRODUCTS (MEMBERS) BILL.

Mr. K. H. TURNBULL (Minister of Lands).—I move—

That this Bill be now read a second time.

The purpose of this Bill is to clarify certain aspects of the position of members of marketing Boards established under the Marketing of Primary Products Act. Clause 2 provides that no member of a marketing Board shall be capable of being appointed as manager or other officer of the Board whilst he continues to be a member of the Board.

In 1946, the Onion Marketing Board appointed Mr. T. J. Carmody, then chairman of the Board, to a position on the Board's staff as supervisor at a salary of £7 per week. The validity of this appointment was queried by the Auditor-General. The Board's solicitor advised the Board that he could see no reason why such an appointment should not be made, and the Crown Solicitor in 1947 advised the Director of Agriculture that, in his opinion, there was no legal bar to the Board employing one of its own members. Subsequently in 1950 Mr. Carmody, still being chairman of the Board, was appointed by the Board as manager at an increased salary.

The Crown Solicitor, in an opinion dated 24th August, 1960, expressed a view contrary to that given by his predecessor in 1947. The Crown Solicitor holds the view that the positions of chairman or member of a marketing Board on the one hand, and of manager or other paid employee of a marketing Board on the other, are incompatible and cannot legally be held simultaneously by one person. It is therefore necessary to clarify the position, and clause 2 provides that, after the commencement of the Marketing of Primary Products (Members) Act 1960, no member of a marketing Board shall be capable of being appointed as manager, or as other paid employee, or of continuing in such capacity if previously appointed, whilst he continues as a member of the Board. Sub-clause (1) of clause 3 validates the appointment of members prior to the commencement of this Act and entitles a member so employed to any remuneration paid to him for such service.

Briefly, the position is that sub-clause (1) of clause 3 validates action taken by the Board to date, but clause 2 provides that no such appointment shall continue nor any appointment of a member of a Board be made after this Act comes into force. It is felt that the Onion Marketing Board acted in good faith and in conformity with legal opinion at the time. However, it is thought undesirable in principle that a man should occupy simultaneously on a marketing Board the positions of member of the Board and employee of the Board. After this measure comes into force no member of a marketing Board will be entitled to be appointed or continue as manager or employee of the Board.

Sub-clause (2) of clause 3 refers to an action taken by the Onion Marketing Board on the 10th November, 1958, when a trust deed was executed by the Perpetual Executors and Trustees Association of Australia Limited and the Onion Marketing Board, the effect of which was to provide for the then manager of the Board, Mr. Carmody, an allowance at the time of his retirement of £3,500 or, in the event of his death before retirement, payment of this sum to his widow or his personal representative.

In August, 1960, Mr. Carmody retired from the position of manager of the Board after ten years' service, and resigned as chairman of the Board, a position he had held for 25 years. The Auditor-General sought the opinion of the Crown Solicitor as to the power of the Board to pay this retiring allowance to Mr. Carmody as manager. The Crown Solicitor expressed the view that the offices of member of the Board and manager of the Board, both of which Mr. Carmody held at the one time, were incompatible and that the Board was not entitled to pay Mr. Carmody the retiring allowance. It is considered that here again the Board acted in good faith, and the effect of sub-clause (2) of clause 3 is to validate any arrangement entered into by the Board before

the first day of January, 1960, from which date no such arrangement made by the marketing Board will be valid.

I commend the Bill to the House, and am sure that honorable members will assist the Government to clarify this position and make it possible for the Board to honour a promise it made in good faith two or three years ago.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Tuesday, December 6.

STATE LIBRARY NATIONAL GALLERY NATIONAL MUSEUM AND INSTITUTE OF APPLIED SCIENCE BILL.

The message from the Council relating to the amendments in this Bill was taken into consideration.

Mr. RYLAH (Chief Secretary).—The amendments made by the Council in this Bill relate to clause 28, which deals with the disposal of unclaimed property. It provides that each body of trustees may exchange, sell, lease or dispose of any property which has been submitted to or left with such body of trustees or its duly authorized officer, or has remained in the possession or custody of such body for a period of not less than five years. The portions of clause 28 that have been amended by the Council are—

(1) Subject to the approval of the Governor in Council and to compliance with sub-section (2) of this section each body of trustees may exchange sell lease or dispose of any property which although not vested in it by or under this Act—

. . . . . .

(2) Before seeking the approval of the Governor in Council to any exchange sale lease or disposal pursuant to the provisions of the last preceding sub-section the body of trustees concerned shall give not less than six months notice of its intention to so deal with the property—

In sub-clause (1), after the word "may" the Council has inserted the word "retain" and, in sub-clause (2), after the word "any", the word "retention" has been inserted. It was suggested in another place that the powers of the trustees should be extended so as to enable them to retain the property in the circumstances provided for. Accordingly, I move—

That the amendments be agreed to.

Mr. SUTTON (Albert Park).—The amendments made by the Council in this Bill are small but desirable. Indeed, I believe they were suggested by a member of the Opposition party in another place, and our party here endorses them.

The motion was agreed to.

ADJOURNMENT.

EDUCATION DEPARTMENT: ASSEMBLY HALLS — RAILWAY DEPARTMENT: SUBURBAN TRAIN STOPPAGES: CANCELLATION OF EMPLOYEES' CHRISTMAS LEAVE—DRY CLEANING ESTABLISHMENTS: USE OF PLASTIC BAGS.

Mr. RYLAH (Chief Secretary).—I move—

That the House, at its rising, adjourn until Tuesday next at half-past Three o'clock.

The motion was agreed to.

Mr. RYLAH (Chief Secretary).—I move—

That the House do now adjourn.

Mr. RAFFERTY (Ormond).—I want to raise a matter of some public importance and I direct my remarks to the Minister of Education. In the *Age* of yesterday there is a rather extraordinary statement, in which I am particularly interested as a matter of principle. It reads:—

PARENTS ASKED TO SUBSIDIZE HALLS.

Parents have been asked to pay half the cost of building assembly halls at Ringwood, Norwood, Nunawading and Blackburn High Schools if the Government agrees to erect these halls.

The article conveys a very clear impression that the Government has asked parents to make money available to subsidize these halls. I draw the attention of the House to the next reference which appears in the same article—

As a result of this offer by the Minister of Education (Mr. Bloomfield) to the advisory councils of those schools, representatives of high and technical school

advisory councils from all over the metropolitan area met in Kelvin Hall last night to discuss the subject.

That statement intrigues me. I am president of the advisory council of a metropolitan school but our council was not invited. It may have been a restricted invitation, although the article does state that it related to schools from all over the metropolitan area.

The next point I raise is that someone named Wood made a statement that because of the request by the Government—I assume that the Minister of Education is referred to—about 60 schools, which were waiting for the "stage four" construction to be carried out, will forgo the developments that were to have taken place. The article proceeds—

> Now, it seemed, the Government was going back on its promise and on the Ramsay report to the Government, which showed that approval had been given.

I do not know what that reference means, but no doubt the Minister of Education will be able to explain it. If it refers to what I believe it does, it relates to the offer of self help from time to time made by this Government. I want to say that parents, through their school councils and citizens' associations, and through the Co-operation Act, have rendered some assistance towards the projects at the schools. As one who has had some considerable experience in this, I cite the example of the much maligned school at Coatesville where there was a sewerage problem. As a result of considerable co-operation by the school committee, and the advice and assistance of the Education Department and the Minister, following a deputation, a method of self help was explained to the committee. A co-operative society was formed under the Co-operation Act. The school has achieved its objective, and the committee now has in its co-operative society an instrument which is providing considerable funds that the committee will be able to use over a period of ten years. If this article refers to that sort of activity it is commendable, but my impression from the article is that members of the public have been asked by the Government to provide money for school assembly halls, which they should not have to do. I direct the attention of the Minister of Education to the statement.

Mr. WILCOX (Camberwell).—I direct the attention of the Minister who represents the Minister of Transport to a very important matter affecting the public, namely, the hold-up of trains that occurred yesterday. This dreadful hold-up must have caused confusion to many thousands of people. I shall not go into the merits of the matter or how it occurred, but I note that it is threatened that there will be another hold-up to-morrow. An unfortunate stage has been reached when travellers cannot rely on trains running when they should. People plan to go about their business and to do their work, but find they cannot get home because a stop-work meeting is being held and a decision is made not to run trains. As a regular traveller on the suburban system, I have strong feelings about this matter. Flinders-street station is bad enough at the evening peak without this additional confusion. If the House had not been sitting at the time it was yesterday probably I should have witnessed what must have been scenes of dreadful confusion. Even school children were involved.

So far as I can see, this situation has arisen from the irresponsible action of certain people in the unions involved. I do not include all railway unionists because there are hundreds of decent railwaymen who are members of unions and who would be horrified at this sort of thing happening. Leaving them aside and giving them full credit for their feelings in the matter, I believe there are irresponsible people in the unions whose only concern is to cause confusion in the transport system of this State. They have refused to accept the decision of the umpire when it has gone against them. No doubt it is all part of a world-wide movement. One only needs to know something of the tactics employed internationally to

realize how they fit into this picture. I do not speak with the idea of getting into holts with anybody on political issues, but simply to express the views of the many travellers on the suburban system, who have been obviously inconvenienced and for whom no regard is held by the irresponsible people to whom I referred. I ask the Minister who represents the Minister of Transport to ensure that all possible steps will be taken to consider train travellers, who have a full right to rely on trains being run to transport them in the course of their legitimate business.

Mr. LOVEGROVE (Fitzroy).—I desire to direct attention to the situation in the Victorian Railways to-day as related to a question I asked in the House a few weeks ago concerning the clearing of the wheat harvest in Victoria. The Minister of Forests, replying on behalf of the Minister of Transport, stated that the Government did not doubt that it would have no difficulty in clearing that harvest. However, within two weeks of that statement being made, it was disclosed that large numbers of railway employees who had booked for their holidays at Christmas and who had paid deposits, without any notice had had the whole of their leave cancelled. In most cases they forfeited the deposits they had paid on their bookings.

First, I desire to ask the Minister representing the Minister of Transport whether the railway employees whose Christmas leave was cancelled, subsequent to the assurance that he gave relating to the wheat harvest, will be compensated in respect of their holiday bookings. That was not caused by them but by the irresponsible misconduct of the railways by this Government. I also ask whether it is a fact that within the last week a large number of other railway employees have had their Christmas leave cancelled and are in the same position in regard to deposits on bookings as their colleagues to whom I referred earlier. Apparently they are not being compensated by the Department for the money they have lost and are being deprived of their holidays because of the irresponsible misconduct of the railways.

I ask also whether it is not a fact that when these men, over this one issue of the cancellation of Christmas leave and the failure of the Department to compensate them for moneys lost thereby, stopped part of the railway system yesterday, other men—the drivers of the trains—lost pay through no fault of their own. Finally, I ask whether the Government, knowing as it must, that yesterday's dispute in the railways and the projected stoppage to-morrow have nothing to do with the service grants dispute, will give immediate attention to the proper staffing of the railways system, which is the root cause of the troubles the Government is experiencing to-day.

Mr. FLOYD (Williamstown).—I wish to ask the Minister representing the Minister of Health whether the honorable gentleman is aware of the acute danger that exists as a result of the use by some dry-cleaning establishments of plastic bags, especially when they come into the hands of young children. I do not think this matter has been raised before. I understand that when the material of which these bags are made is of an ultra-thin character it is highly dangerous in that if children place the bags over their heads they can be suffocated. I do not ask whether the Government can find some way to stop children from doing this, but whether it will consider making regulations requiring the bags to be made of a thicker and much less dangerous material. I understand that the material is imported from Hong Kong, Japan and the United States of America. I ask the Minister concerned to examine the matter with a view to approaching the Commonwealth Government with a request that it ban the importation of this material.

Mr. BLOOMFIELD (Minister of Education).—Dealing first with the matter raised by the honorable member for Williamstown, I assure the honorable member that I shall bring his remarks to the notice of the Minister of Health without delay. I assure the honorable

member for Ormond and any other honorable member interested in this question of what we term "special grants" in the Education Department, that the tenor of the article referred to and of the statements reported in that article show a complete misunderstanding of the situation. The article was headed, "Parents Asked to Subsidize Halls," and continues in that vein. To deal adequately with what the honorable member said, I must give a fairly full description of the situation. No parents have been asked to subsidize halls or any other part of the school-building programme.

Next I should like to refer to how the meeting that was reported came about. The meeting and a decision which is reported in the press to-day, also opposing the present policy of the Education Department in relation to these matters, took place without any reference to myself or, as far as I know, anyone in the Department for an explanation of what was happening in relation to these matters. I point out to the honorable member for Ormond, who said that as president of a high school advisory council he was not invited to attend the meeting, that the High School Advisory Councils Association has nothing to do with the protest meeting which has been arranged by the State School Committees Association, which is presided over by the gentleman to whom the honorable member referred. I heard of this meeting in advance and discussed the matter with the president of the High School Advisory Councils Association, who informed me that his association was not in any way concerned in the meeting and would not be represented at it. We have not asked anybody for any contribution towards the provision of any facility which has been regarded, as have assembly halls, as a governmental responsibility.

Sir HERBERT HYLAND.—In plain language, they cannot get it unless they contribute—that is correct, is it not?

Mr. BLOOMFIELD.—No.

Sir HERBERT HYLAND.—That is the answer that I received in reply to a question I asked in the House.

Mr. BLOOMFIELD.—It is not. I shall explain the situation. For several years, even before the accession to office of the present Government, it has been realized —although I do not think it has always been realized sufficiently acutely—that class-rooms must come first and that there is a great demand for the most essential necessities of education throughout the entire State. It will strain the resources of this or any other Government to meet that demand. It is true that in a few isolated cases previous Governments provided assembly halls—to a total of about seven in the whole State. A former Minister of Education, the late Hon. A. E. Shepherd, in one instance—I think it was the last instance—regretted that authority for the construction of an assembly hall had been given. The work in question was at Traralgon, and it was Mr. Shepherd's intention to countermand the authority that had been given, but the contractor had commenced the work and it was then too late to stop it.

The Government has consistently maintained the policy that class-rooms must come first, but there has been no deviation from the realization that eventually all secondary schools should have assembly halls and other amenities that cannot now be provided. A number of communities in the State with a deep and generous affection for their schools have approached my predecessors, including the late Mr. Shepherd, and me and have said, in effect, "We should like our school to have something which the Government will eventually provide when it can do so but which we realize cannot be supplied at this stage because of the tremendous pressure for schoolrooms." In the case of the Melbourne High School, the late Mr. Shepherd agreed to make a contribution towards the cost of a gymnasium. I have similarly informed school councils which wish to provide assembly halls for their schools that I would be happy, on behalf of the Government, to meet half the cost if the other half could be raised locally. I have never sought this type of transaction, but this

attitude of the Government has been welcomed throughout the State. It has been welcomed by more than 100 school committees, to the extent of contributions by the Department of about £250,000.

Cabinet has made a decision in this matter, and it has been limited and regulated by the factor that if the Government decided to give £1 for £1 to schools throughout the State for the provision in advance of amenities which it would eventually be required to provide, it might be said that the wealthy areas were profiting at the expense of the poorer areas; it might be contended that the poorer areas were not getting the most essential requirements while richer areas were receiving contributions towards expensive assembly halls and other amenities that could be regarded as luxuries. Therefore, a limit has been set, and the limit in operation at the moment is approximately 1 per cent. of the loan funds available to the Government. The Department is committed on this score for some years ahead.

It is objected also that some communities will be providing their own assembly halls and other amenities while others will in the course of time have them provided free. That is unavoidable, but I consider that it will be an appreciable time before the Government has completely caught up with the class-room situation. Every school should be sewered, and this work will cost more than £1,000,000. Possibly the next requirement in order of priority is that every school should have its grounds in first-class order. So it will be some time before assembly halls can be generally provided.

In conclusion, I should like to say that the obligation of the Education Department in relation to the so-called fourth section has never been completely defined. There has never been a plan submitted by the Public Works Department in respect of an assembly hall, a gymnasium or a cafeteria which has been approved by me or by any other Minister, and exactly what the fourth section comprises is unknown. At present there are in the State nearly 160 high schools and about 60 technical schools. Tentative plans submitted by the Public Works Department many years ago for the fourth section involve an expenditure of about £100,000 at each school. It can be understood that if all those plans were to be carried out for about 220 schools, a sum of about £20,000,000 would be required. It seems fairly obvious that while the Department is keeping pace with the school population, an appreciable time must elapse before it can undertake the provision of all the facilities to which I have referred. I should think that those who go to the Minister of Education and say, "We are prepared to put up so much money if you will match it" are not making a bad bargain.

Mr. FRASER (Minister of Forests).—I shall be glad to comply with the request made by the honorable member for Camberwell. Indeed, I can say that the matter he has raised is now receiving the earnest consideration of the Minister of Transport. Further, I can assure the House that the Government will take all proper steps in its power to ensure that the community life of this State will continue to function and that train users—I refer to both passenger travel and the carriage of goods—will be inconvenienced as little as possible. I think that the honorable member for Fitzroy misinterpreted my reply to his earlier question.

Mr. LOVEGROVE.—It is in *Hansard.*

Mr. FRASER.—I suggest that the honorable member examine *Hansard* and refresh his memory. Concerning the other questions raised by the honorable member for Fitzroy with regard to working conditions and matters of pay, I assure him that any action taken by the Railways Commissioners is in keeping with the arbitration award governing the terms of employment of railwaymen. I suggest that the honorable member place on the Notice Paper any other questions that he desires answered.

The motion was agreed to.

The House adjourned at 4.24 *p.m. until Tuesday, December* 6.